

**In re: LYONS DISTRIBUTORS, INC.  
PACA Docket No. D-00-0020.  
Decision Without Hearing by Reason of Default.  
Filed February 22, 2001.**

Ruben D. Rudolph, Jr., for Complainant.  
Respondent, Pro se.  
*Decision issued by Dorothea A. Baker, Administrative Law Judge.*

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*) (hereinafter referred to as the "Act"), instituted by a Complaint filed on August 1, 2000, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleges that during the period October 1997 through May 1999, Respondent Lyons Distributors, Inc., (hereinafter "Respondent") failed to make full payment promptly to 14 sellers, of the agreed purchase prices, or balances thereof, in the total amount of \$1,335,444.33 for 98 lots of perishable agricultural commodities which it received, accepted and sold in interstate and foreign commerce.

A copy of the Complaint was served upon Respondent on August 1, 2000, which Respondent has not answered. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further investigation or hearing pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

**Finding of Fact**

1. Respondent is a corporation organized and existing under the laws of the state of Connecticut. Its business address was 184 Atlantic Street, Stamford, Connecticut 06901. Its mailing address is P.O. Box 671, Stamford, Connecticut 06904-0671.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 731359 was issued to Respondent on May 8, 1973. This license terminated on May 8, 1999, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.

3. As more fully set forth in paragraph III of the Complaint, during the period October 1997 through May 1999, Respondent purchased, received, and accepted in interstate and foreign commerce, from 14 sellers, 98 lots of fruits and vegetables, all being perishable agricultural commodities, but failed to make full payment promptly of the agreed purchase prices, in the total amount of \$1,335,444.33.

**Conclusions**

Respondent's failure to make full payment promptly with respect to the 98 transactions set forth in Finding of Fact No. 3 above, constitutes willful, repeated and flagrant violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

**Order**

A finding is made that Respondent has committed willful, flagrant and repeated violations of Section 2 of the Act (7 U.S.C. 499b), and the facts and circumstances set forth above, shall be published.

This order shall take effect on the 11th day after this Decision becomes final.

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. 1.139 and 1.145).

Copies hereof shall be served upon parties.

[This Decision and Order became effective May 20, 2001. - Editor]

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