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Docket #: 10-0049

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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	PACA Docket No. D-10-0049
)	
Craig R. Anderson,)	
)	
)	
)	
Respondent)	Decision Without Hearing by Reason of Consent

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended, (7 U.S.C. § 499a *et seq.*; hereinafter PACA), and the Regulations issued thereunder (7 C.F.R. Part 46; hereinafter Regulations). The proceeding was initiated by a Complaint filed against Craig R. Anderson (hereinafter Respondent) on December 2, 2009, by the Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, pursuant to the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R §1.130 *et seq.*, hereinafter Rules of Practice).

The parties have now agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. Therefore, this Decision Without Hearing by Reason of Consent is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

Findings of Fact

1. Respondent is an individual. Respondent's mailing address is a home address, and will not be stated in this decision to protect Respondent's privacy, but will be provided to

the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this decision.

2. On April 1, 2008, Golden Gourmet Mushrooms, Inc. consented by Decision and Order to a finding of willful, repeated, and flagrant violations of Sections 2(4) and 2(5) of the PACA. The Consent Decision and Order became final and effective on May 1, 2008.
3. Respondent's employment restrictions under Section 8(b) of the PACA began as of May 1, 2008.
4. On April 21, 2008, the PACA Branch of the Agricultural Marketing Service notified Respondent that he was responsibly connected to Golden Gourmet Mushrooms, Inc. The letter further notified Respondent that he was under employment and licensing restrictions in accordance with the PACA, that he could not be employed by or affiliated with another PACA licensee, in any capacity, until May 1, 2009, and after that period, he could only be employed or affiliated with another PACA licensee with the approval of the Secretary of Agriculture and the posting of a suitable surety bond. The letter further informed Respondent that he was ineligible to be licensed under the PACA until May 1, 2010.
5. The Kinoko Company, (Kinoko), was a California corporation whose business address was 4039 Calle Platino, Suite E, Oceanside, California 92058. At all times material herein to this Decision, Respondent was licensed under the provisions of the PACA. License number 20080752 was issued to Respondent on April 15, 2008. This license is currently active.

Conclusions

Respondent failed to comply with the PACA employment sanction, which began on May 1, 2008, by being employed by or unlawfully affiliated with Kinoko, a PACA licensee, during the period in which employment restrictions were in effect under Section 8(b) of the PACA. The failure of Respondent to comply with employment restrictions under the PACA warrants the extension of an additional year of employment sanctions pursuant to Section 8(b) of the Act.


Order

Respondent willfully violated Section 8(b) of the PACA (7 U.S.C. §499h(b)) when he was unlawfully affiliated with Kinoko, as described above. Based on Respondent's violations, Respondent's period of employment restrictions has been extended for an additional year. The details of this consent decision and order shall be published.

This order shall become effective upon issuance. Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 2nd of February, 2011


Administrative Law Judge for

Victor Palmer
US Administrative Law
Judge

For Respondent:



Craig R. Anderson
Respondent

*signed by Dylan Anderson
on behalf of*

Craig Anderson

P.O.A. attached

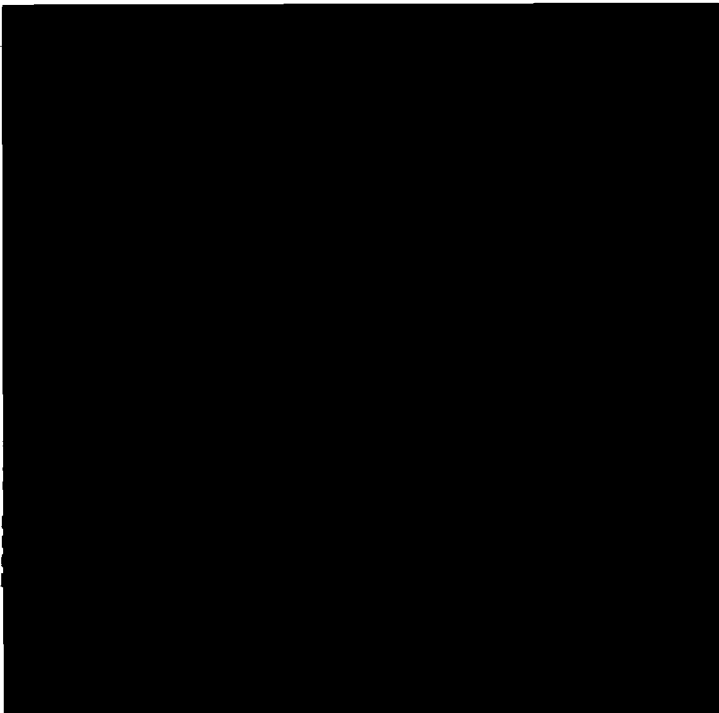
For Complainant:



Robert C. Keeney
Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service



Ciarra A. Toomey
Attorney for Complainant



**GRANT OF
GENERAL POWER OF ATTORNEY**

CRAIG ROBERT ANDERSON, (hereinafter "Grantor") an individual residing at 218 22nd Street, Del Mar, California 92014 being of sound mind, hereby grants a GENERAL POWER OF ATTORNEY to **DYLAN ANDERSON**, ("Grantee") which power is given to Grantee to authorize him to act in every legal capacity in all matters which require Grantor's signature or approval, including, but not limited to, the negotiation and execution of legal instruments, negotiable securities, payment of bills, receipt and deposit of funds to any account to which Grantee deems appropriate, and any other matter requiring Grantor's legal capacity, to act in his name. This Grant of General Power of Attorney shall remain in full force and effect from the date of execution hereof until rescinded in writing by Grantor.

DATED this 19th day of February, 2010.

GRANTOR: 


CRAIG ROBERT ANDERSON

COUNTY OF SAN DIEGO :
STATE OF CALIFORNIA :
Tammi L. Pederson

SS. : 
NOTARY PUBLIC



CRAIG ROBERT ANDERSON, appeared before me this 19th day of February, 2010, and being first duly sworn, executed the foregoing Grant of General Power of Attorney to Dylan Anderson, and stated that the same was true and accurate to the best of his knowledge and belief.