

On October 19, 2011, Complainant filed a motion for a decision by reason of default, which was served upon the Respondent by the Hearing Clerk by certified mail. No response has been filed.

Discussion

Respondent has failed to timely file an Answer or otherwise respond to Complainant's pleadings in this matter within the time set forth by 7 C.F.R. § 1.136. Accordingly, pursuant to 7 C.F.R. § 1.136 (c), default is appropriate.

Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the State of California, and its business address is the home address¹ of its principals, Julio A. Ledezma and Marta O. Uffelmann Ledezma.
2. At all times material herein, Respondent was licensed under the Act under license No. 2009 0601, which was issued to Respondent on April 1, 2009.
3. Respondent's license was terminated on April 1, 2011, pursuant to 7 U.S.C. § 499d(a) when Respondent failed to pay the required annual renewal fee.
4. As set forth in the Complaint and Notice, during the period from March 24, 2010 through September 29, 2010, on or about the dates and in the transactions set forth in Appendix A attached hereto, Respondent failed to make full payment promptly of the agreed purchase price for 12 lots of mangoes, a perishable agricultural commodity, which Respondent purchased, received and accepted in interstate and foreign commerce from three (3) sellers, in the total amount of \$235,890.14.

¹ In order to protect the privacy of the principals, I have not included their address in this Decision, but it is on file with the Hearing Clerk.

5. Respondent filed an application for a license under the Act on August 10, 2011.

Conclusions of Law

Respondent's failure to make full payment promptly to three (3) sellers in the total amount of \$235,890.14 for 12 lots of perishable agricultural commodities, as described in Appendix A attached hereto, constitutes willful, repeated and flagrant violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)).

ORDER

Respondent, through its agents and employees, directly or through any corporate or other device, has committed willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. 499b) and the facts and circumstances of the violations shall be published.

Respondent is unfit to be licensed under the Act, in that Respondent has engaged in practice of a character prohibited by the Act, and its application for license is refused.

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

Pursuant to the Rules of Practice, this Decision shall become final and effective without further proceedings 35 days after the date of service upon Respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within thirty (30) days after service, pursuant to the Rules, 7 C.F.R. §§1.139 and 1.145.

Copies of this Decision and Order together with Appendix A shall be served upon the parties by the Hearing Clerk.

So ORDERED this 8th day of December, 2011 at Washington, D.C.

Janice K. Bullard
Administrative Law Judge