

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-11-0383
)
Ven-Co Produce, Inc.)
)
) Decision Without Hearing
) by Reason of Consent
Respondent)

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*)(Act), instituted by a Complaint filed on September 6, 2011, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period January 9, 2009 through June 3, 2010, Respondent Ven-Co Produce, Inc. (hereinafter "Respondent") failed to make full payment promptly of the agreed purchase price for 210 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate and foreign commerce from 26 sellers, in the total amount of \$1,559,892.79.

The Complaint requested that the Administrative Law Judge find that Respondent has willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (& U.S.C. § 499b(4)), and order the facts and circumstances of these violations published.

Respondent and Complainant have now agreed to the entry of a Decision Without Hearing by Reason of Consent as to these allegations 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 Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) (Rules of Practice).

Findings of Fact

1. Ven-Co Produce, Inc. (Respondent), is a corporation organized and existing under the laws of the State of New York. Respondent's business and mailing address was 429-433, Row D, New York City Terminal Market, Bronx, New York 10474-7404. As Ven-Co is not currently operating, the home address of its principals was provided to the Hearing Clerk for purposes of service under separate cover, to protect personally identifiable information.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 1982 1683 was issued to Respondent on August 9, 1982. This license was suspended on November 19, 2010, for failure to pay a reparation award pursuant to section 7(d) of the PACA (7 U.S.C. §499g(d)). The license terminated on August 9, 2011, 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. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. During the period January 9, 2009 through June 3, 2010, on or about the dates set forth in the Complaint, Respondent failed to make full payment promptly to 26 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$1,559,892.79 for 210 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate commerce and foreign commerce.

Conclusions

Respondent admits the jurisdictional allegations in paragraph II of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations of the Complaint. Respondent waives oral hearing and further procedure, and consents to the entry of the following order.

Order

Respondent has committed willful, flagrant and repeated violations of section 2(4) of the Act (7 U.S.C. 499b).

Respondent's license is revoked pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)). This Order shall become final upon issuance.

Copies of this Order shall be served upon the parties.

For Respondent



Robert J. Verum
for Ven-Co Produce, Inc.

For Complainant



Charles W. Parrott
Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service



Charles L. Kendall
Attorney for Complainant

Done at Washington, D.C.

this 15th of February, 2012



Administrative Law Judge