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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	PACA Docket No. D-12-0424
)	
Bacchus Fresh International, Inc.,)	
)	
Respondent)	
)	Consent Decision and Order

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA). The Complaint filed herein, on May 9, 2012, alleged that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA by failing to make full payment promptly to 23 sellers of the agreed purchase prices in the total amount of \$720,902.66 for 104 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of April, 2009, through February, 2011. The Complaint sought the issuance of an order finding that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA, and publication thereof. Complainant sought publication of the facts and circumstances surrounding Respondent's PACA violations, rather than revocation of Respondent's PACA license, as Respondent's PACA license terminated on July 31, 2011, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

The Complaint was served upon Respondent, Respondent agrees that the Secretary has jurisdiction in this matter, and the parties have now agreed to the entry of a Consent Decision and Order as set forth herein. Therefore, this Consent Decision and Order 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) applicable to this proceeding (7 C.F.R. §1.138).

Findings of Fact

1. Respondent is or was a corporation organized and existing under the laws of the state of Illinois. Its mailing address was 1920 S. Highland Avenue, Suite 125, Lombard, Illinois 60148-4992. This is the last known business address of Respondent.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. Pursuant to the licensing provisions of the PACA, license number 20011370 was issued to Respondent on July 31, 2001. This license was suspended on April 15, 2011, 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 July 31, 2011, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

3. During the period April 2009 through February 2011, Respondent purchased, received, and accepted, in interstate and foreign commerce, from 23 sellers, 104 lots of perishable agricultural commodities, and failed to make full payment promptly of the agreed purchase prices, in the total amount of \$720,902.66.

Conclusions

Respondent's failure to make full payment promptly to 23 sellers of the agreed purchase prices of the perishable agricultural commodities described in Finding of Fact paragraph 3 above constitutes willful, flagrant, and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

A finding is issued that Respondent has engaged in willful, flagrant, and repeated violations of the PACA, and the facts and circumstances of the violation shall be published, in lieu of revocation.

Respondent waives all further proceeding in this matter.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon parties.

[Redacted signature]

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

7/14/12
Date signed

[Redacted signature]

Christopher Young, Esq.
Attorney for Complainant

7-12-12
Date signed

[Redacted signature]

Larry Meuers, Esq.
Attorney for Respondent

7/30/12
Date Signed

Done at Washington, D.C.

this 15th day of August, 2012

[Redacted signature]

PETER M. DAVENPORT
Administrative Law Judge