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THE UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	PACA Docket No. D- 11-0415
The Chuck Olsen Co., Inc.,	)	
	)	
Respondent	)	
	)	
	)	Consent Decision and Order

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §499a *et seq.*)(the Act or PACA), instituted by a Complaint filed on September 15, 2011, by the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service, United States Department of Agriculture (Complainant).

The Complaint in the disciplinary proceeding alleged that the Chuck Olsen Co., Inc. (Respondent) violated section 2(4) of the PACA (7 U.S.C. §499b(4)) by its failure or refusal to truly and correctly account and make full payment promptly in connection with transactions involving perishable agricultural commodities sold in interstate commerce. Specifically, the Complaint alleged that Respondent issued accountings to 8 growers between July 18, 2008 and December 31, 2008, that Respondent underreported to the growers the sales prices received in connection with 36 transactions, and that it overcharged the growers for cold storage expenses and assessment fees.

A copy of the disciplinary Complaint was served upon the Respondent, and Respondent filed an Answer on November 15, 2011, contesting the allegations. Complainant and Respondent now consent and agree, for the sole purpose of settling this matter, to the entry of a

Decision Without Hearing by Reason of Consent, without oral hearing or further procedure, pursuant to section 1.138 of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary governing this proceeding (7 C.F.R. §1.138).

For purposes of settling this matter, Respondent admits the jurisdictional allegations set forth in paragraph II of the disciplinary Complaint, and the parties agree to the entry of the following Decision and Order which may be issued without further procedure or hearing.

#### Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the State of California. Its business address is 30994 Rd 92, Visalia, California, 93291-8836.

2. At all times material herein, Respondent was licensed as a corporation under the provisions of PACA. PACA license number 2003-1451 was issued to Respondent on or about September 3, 2003, and has been renewed annually.


#### Conclusions


Respondent has admitted the jurisdictional facts and the parties have agreed to the entry of this Consent Decision and Order. Therefore, this Decision and Order shall be entered without further procedure or hearing pursuant to section 1.138 of the Rules of Practice (7 C.F.R § 1.138).


#### Order

A finding is made that Respondent violated section 2(4) of the PACA, and Respondent's PACA license shall be revoked. However, that finding and revocation shall be held in abeyance, so long as Respondent satisfies the terms of a separate Understanding, attendant to this Consent Decision and Order, entered into between the parties. This Order shall become final upon its issuance.

Should Respondent fail to satisfy the terms of the Understanding, upon Motion made by the Complainant, the finding and revocation stated above will be issued and take immediate effect without further process or procedure. Upon the issuance of the finding and revocation, employment sanctions of the responsibly connected individuals involved in the case will take effect immediately.

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

  
Christopher Young  
Attorney for Complainant

  
Patricia J. Rynn  
Attorney for Respondent

Done at Washington, D.C.

This 14 day of SEPT, 2012

  
Jill S. Clifton  
Administrative Law Judge