

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0489

In re: Let Us Produce, Inc.,
Respondent

Default Decision and Order

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*)(PACA), instituted by a Complaint filed on June 19, 2012, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period August 11, 2009, through May 27, 2010, Respondent Let Us Produce, Inc. (Respondent) failed to make full payment promptly of the agreed purchase price for 182 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate commerce from 20 sellers, in the total amount of \$1,176,258.70.

A copy of the Complaint was mailed to the address of Respondent's president and 100% shareholder by certified mail, and was delivered on June 22, 2012. Respondent has not answered the Complaint. The time for filing an Answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 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. Let Us Produce, Inc. (Respondent), is a corporation organized and existing under the laws of the State of Virginia, with a principal place of business address in Norfolk, Virginia.
2. At all times material to the Complaint herein, Respondent was licensed under the PACA. License number 1998 1461 was issued to Respondent on June 19, 1998. This license terminated on June 19, 2010, 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. During the period August 11, 2009, through May 27, 2010, Respondent failed to make full payment promptly of the agreed purchase prices, or balances thereof, for 182 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce from 20 sellers, in the total amount of \$1,176,258.70.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully, repeatedly and flagrantly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

1. Respondent committed willful, flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. 499b), and the facts and circumstances of the violations shall be published.
2. This Order shall take effect on the 11th day after this Decision becomes final.
3. Pursuant to the Rules of Practice, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the

proceeding within 30 days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. 1.139 and 1.145).

Copies hereof shall be served upon the parties.

October 25, 2012

Peter M. Davenport
Chief Administrative Law Judge