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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) PACA Docket No. D-12-0593  
)  
Sam Rodio Produce LLC, )  
)  
Respondent )  
) Decision Without Hearing  
) by Reason of Consent

Preliminary Statement

This administrative proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*)(PACA) was initiated on August 23, 2012 when the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service filed a Notice to Show Cause why Respondent Sam Rodio Produce LLC should not be denied a license pursuant to section 4(d) of the PACA (7 U.S.C. § 499d(d)).

The Notice to Show Cause requested that the Administrative Law Judge find that Respondent Sam Rodio Produce LLC is unfit to be licensed under the PACA, in that Respondent and its sole principal and 100% shareholder, Samuel J. Rodio, have engaged in practices of a character prohibited by the PACA, specifically, prohibited employment or affiliation.

Respondent and Complainant have now agreed to the entry of a Decision Without Hearing by Reason of Consent 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 (7 C.F.R. § 1.138) 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. Respondent is a limited liability company organized and registered under the laws of the State of New Jersey as of July 16, 2012. Its business and mailing address is 191 Weymouth Road, Hammonton, New Jersey 08037.
2. Respondent is not currently licensed under the PACA, but is subject to the licensing requirements of the PACA.
3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

#### Conclusions

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

#### Order

To resolve the Notice to Show Cause proceedings in this case, the parties stipulate and agree to the following:

1. From the date of issuance of this Order through April 20, 2014, Respondent will not employ or engage in any affiliation with any PACA violator, including, but not limited to, Peter J. Macrie, Jr., with or without compensation. Specifically, Respondent will not employ or engage in any affiliation with Peter J. Macrie, Jr. under any circumstances before April 20, 2013, and will not employ or engage in any affiliation with Peter J. Macrie, Jr. between April 20, 2013 and April 20, 2014, without such bond as may be approved by the Secretary of Agriculture. However, Respondent may continue to engage in arms-length transactions involving non-PACA regulated services with any non-PACA regulated companies with which Peter J. Macrie, Jr. is associated, including companies that process or transport produce, and rent property.

2. Respondent shall use its name, Sam Rodio Produce LLC, and only its name, when conducting business activities subject to the PACA, including, but not limited to, purchases and sales of produce, bank transactions, issuance of invoices for produce, leases, and advertising. Respondent will not use the name or likeness of any PACA violator.

3. The PACA Division may conduct periodic review(s) to monitor compliance with this Consent Decision and with the PACA without any additional notice. Respondent agrees to provide employees of the PACA Division or of the Agricultural Marketing Service (AMS) of the United States Department of Agriculture free and complete access to its premises, books, and records at all times during the hours in which Respondent is open for business.

4. The Notice to Show Cause filed on August 23, 2012 provided notice to Respondent of the employment restrictions in place for persons responsibly connected with Paul J. Macrie, Inc., when Paul J. Macrie, Inc., violated the PACA, including Peter J. Macrie, Jr. If a PACA review reveals that a violation of the above terms is occurring, or has occurred since September 22, 2012, Complainant may immediately initiate an enforcement action regarding prohibited employment or affiliation, without any requirement for 30-day notification, which may result in the suspension or revocation of Respondent's PACA license.

5. Upon issuance of this Consent Decision and Order, Complainant will issue a PACA license to Sam Rodio Produce LLC.

This Order shall become final upon issuance.

Copies of this Order shall be served upon the parties.


For Respondent

  
Samuel J. Rodio  
for Sam Rodio Produce LLC

  
Stephen P. McCarron, Esq.  
Attorney for Respondent

For Complainant

  
Bruce W. Summers  
Associate Deputy Administrator  
Fruit and Vegetable Programs  
Agricultural Marketing Service

  
Charles L. Kendall, Esq.  
Attorney for Complainant

Done at Washington, D.C.

this 9<sup>th</sup> of January, 2012

  
Administrative Law Judge