

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0055

In re: Worldwide Produce & Groceries, 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 October 25, 2012, by the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period April 2, 2010, through June 5, 2011, Respondent Worldwide Produce & Groceries, Inc. (Respondent) failed to make full payment promptly of the agreed purchase price for 91 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate commerce from 11 sellers, in the total amount of \$274,441.00.

A copy of the Complaint was mailed to the address of Respondent's President/Director by certified mail, and was delivered on November 9, 2012. Respondent failed to answer the Complaint and the time for filing an Answer having expired, Complainant has moved for the issuance of a Default Order. Accordingly, 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. Worldwide Produce & Groceries, Inc. (Respondent) is a corporation incorporated and existing under the laws of Florida, with a former business address in Doral, Florida. Respondent is no longer in operation.
2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 2006 1265 was issued to Respondent on September 9, 2006. This license is subject to renewal on September 8, 2013.
3. During the period April 2, 2010, through June 5, 2011, on or about the dates and in the transactions set forth in Appendix A of the Complaint, Respondent failed to make full payment promptly of the agreed purchase prices, or balances thereof, for 91 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce from 11 sellers, in the total amount of \$274,441.00.

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's license shall be revoked pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)).
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).

March 21, 2013

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge