



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-13-0291
)
T & R Produce Wholesale)
& Trucking, Inc.,)
) Decision Without Hearing
Respondent) by Reason of Consent

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 July 9, 2013, by the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period June 12, 2010, through December 15, 2011, T & R Produce Wholesale & Trucking, Inc. (Respondent) failed to make full payment promptly of the agreed purchase price for 29 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate and foreign commerce from four (4) sellers, in the total amount of \$264,109.94.

The Complaint requested that the Administrative Law Judge find that Respondent has willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)), and order the facts and circumstances of these violations published.

Respondent and Complainant have now agreed to the entry of a Decision Without Hearing by Reason of Consent as to these allegations 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 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. T & R Produce Wholesale & Trucking, Inc. (Respondent) is a corporation existing under the laws of the state of Florida. Respondent's last known business and mailing address was 1300 French Avenue, Suite 8C, Sanford, Florida 32771-3337.

2. As Respondent is not currently operating, the home address of its president/100% shareholder has been provided to the Hearing Clerk for purposes of service under separate cover, to protect personally identifiable information.

3. At all times material herein, Respondent was licensed under the provisions of the PACA. License No. 2002 0911 was issued to Respondent on May 17, 2002. This license terminated on May 17, 2012, pursuant to section 4(a) of the PACA (7 U.S.C. §499(a)), when Respondent failed to pay the required annual renewal fee.

4. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

5. Respondent, during the period June 12, 2010, through December 15, 2011, failed to make full payment promptly to four (4) sellers of the agreed purchase prices, or balances thereof, for 29 lots of perishable agricultural commodities which Respondent purchased in the course of interstate and foreign commerce, in the total amount of \$264,109.94.

Conclusions

Respondent admits the jurisdictional allegations in paragraph II of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, and neither admits or denies the remaining allegations of the Complaint. Respondent waives oral hearing and further procedure, and consents to the entry of the following order.

Order

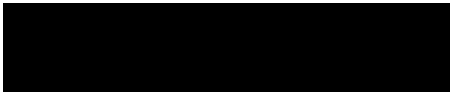
Respondent has committed willful, flagrant and repeated violations of section 2(4) of the Act (7 U.S.C. 499b(4)), and the facts and circumstances of the violations shall be published.

This Order shall become final upon issuance.

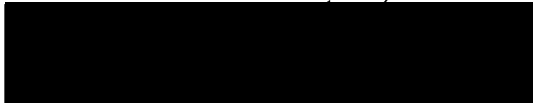
Copies of this Order shall be served upon the parties.

For Respondent

For Complainant



Joem T. Rim, President
for Respondent



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



Clare Keijer, Esq.
Attorney for Respondent



Charles L. Kendall, Esq.
Attorney for Complainant

Done at Washington, D.C.

this 21st of August, 2013



Administrative Law Judge