

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-064

In re: Quality Produce Suppliers, 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 January 23, 2013, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period July of 2011 through December of 2011, Quality Produce Suppliers, Inc. (Respondent) failed to make full payment promptly of the agreed purchase price for 117 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate and foreign commerce from 16 sellers, in the total amount of \$617,811.77.

A copy of the Complaint served upon Respondent by certified mail on January 30, 2013. Respondent thereafter requested and was granted an extension of time in which to file an Answer to the Complaint but failed to do so. On September 20, 2013, Complainant filed a Motion for decision without hearing by reason of default. 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. Quality Produce Suppliers, Inc. (Respondent) is a corporation incorporated and existed under the laws of Illinois with a mailing address in Chicago, Illinois.
2. As Respondent is not currently operating, the corporation was served at the address of its counsel.
3. At all times material herein, Respondent was licensed under and operating subject to the provisions of the PACA. License number 2006 0835 was issued to Respondent on May 9, 2006. This license terminated on May 9, 2012, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.
4. Respondent, during the period July of 2011 through December of 2011, Quality Produce Suppliers, Inc. (Respondent) failed to make full payment promptly of the agreed purchase price for 117 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate and foreign commerce from 16 sellers, in the total amount of \$617,811.77.

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. The facts and circumstances of the violations shall be published.
2. This Order shall take effect on the day 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 of this Default Decision and Order shall be served upon the parties.

November 22, 2013

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge