

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Jeff Pfaff,) PACA Docket No. 20-J-0027
)
Petitioner.)

REC'D - USDA/OALJ/OHG
2020 JAN 14 AM 11:14

ORDER DISMISSING PETITION FOR REVIEW

Appearing:

Petitioner Jeff Pfaff, appearing pro se.

Shelton S. Smallwood, Esq., with the Office of General Counsel, United States Department of Agriculture, Washington, D.C., for Respondent, the Director of the PACA Division, Agricultural Marketing Service ("AMS").

This is a "responsibly connected" proceeding under the Perishable Agricultural Commodities Act, 1930, as amended, (7 U.S.C. §§ 499a *et seq.*) ("PACA"), which is conducted pursuant to the Rules of Practice Governing Formal Adjudicator Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 *et seq.*) ("Rules of Practice"). This case was initiated on December 26, 2019 when Petitioner Jeff Pfaff filed a Petition for Review of Respondent's, the Director of the PACA Division, Agricultural Marketing Service ("AMS"), final determination that Mr. Pfaff was "responsibly connected" to Farm Fresh Packers, LLC. Specifically, Respondent issued the final determination on December 9, 2019 that Mr. Pfaff was "responsibly connected" as the term is defined in section 1(b)(9) of the PACA (7 U.S.C. § 499a(b)(9)) to Farm Fresh Packers, LLC during the period of time when Farm Fresh Packers, LLC violation section 2 of the PACA (7 U.S.C. § 499b).

On January 10, 2020, the parties filed a Joint Motion to Withdraw Petitioner for Review stating at 2:

Based on the available evidence, the Director concludes that Respondent withdraws its final determination that Mr. Pfaff was responsibly connected to Farm Fresh when the company committed violations of the PACA. As a result,

Respondent and Petitioner now agree, for the purpose of terminating this matter, that Petitioner hereby withdraws his Petitioner for Review of the Director's determination that he was responsibly connected to Farm Fresh when the company committed violations of the PACA.

For good cause shown, the Joint Motion to Withdraw the Petition for Review is GRANTED. The instant matter is hereby DISMISSED.

Copies of this Order shall be served upon the parties by the Hearing Clerk.

Done this 14th day of January 2020, at Washington, D.C.



Channing D. Strother
Chief Administrative Law Judge

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