

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	PACA Docket No. D-18-0014
	)	
	)	
Grendom Corporation,	)	
	)	
	)	
Respondent	)	

**Consent Decision and Order**

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA). The Complaint filed herein, on February 15, 2018, alleged that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA by failing to make full payment promptly to seven (7) sellers of the agreed purchase prices in the total amount of \$160,712.54 for 20 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of October 2014 through June 2016. The Complaint sought the issuance of an order finding that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA, and publication thereof.

The Complaint was served upon Respondent, and Respondent agrees that the Secretary has jurisdiction in this matter and waives all further proceedings in this matter. Respondent further waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under

the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties have now agreed to the entry of a Consent Decision and Order as set forth herein. Therefore, this Consent Decision and Order 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) applicable to this proceeding (7 C.F.R. §1.138).

#### Findings of Fact

1. Respondent was a corporation organized and existing under the laws of the state of Florida. Respondent's mailing address is or was 9737 NW 41<sup>st</sup>, Suite 145, Doral, Florida 33178.
2. At all times material herein, Respondent was licensed and/or operating subject to the provisions of the PACA. License number 20101235 was issued to Respondent on September 10, 2010. The license terminated on September 10, 2016, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.
3. The Secretary has jurisdiction to issue an order in this proceeding.
4. Respondent, during the period October 2014 through June 2016, on or about the dates and in the transactions set forth in Appendix A to the Complaint and incorporated by reference, failed to make full payment promptly to 7 (seven) sellers for 20 lots of perishable agricultural commodities which Respondent purchased, received, and accepted in interstate and foreign commerce, in the total amount of \$160,712.54.
5. On January 26, 2017, Respondent's 100 percent owner filed a Voluntary

Petition pursuant to Chapter 7 of the Bankruptcy Code (11 U.S.C. § 701 et seq.) in the United States Bankruptcy Court, Southern District of Florida. This petition was designated Case No. 17-10941. Respondent's owner admits in bankruptcy Schedule F that Respondent is a co-debtor (along with Respondent's owner) owing the seven creditors/sellers listed in Appendix A to the Complaint undisputed unsecured produce debt in the amount of \$ 155,037.57.

#### Conclusions

Respondent's failure to make full payment promptly to seven sellers of the agreed purchase prices of the perishable agricultural commodities described in Finding of Fact paragraph 4, above, constitutes willful, flagrant, and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

A finding is issued that Respondent has engaged in willful, flagrant, and repeated violations of the PACA, and the facts and circumstances of the violation shall be published.<sup>1</sup> Any employment sanctions attendant to this Order will take effect upon issuance of this Consent Decision and Order.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon the parties.

[Redacted Signature]

Christopher Young, Esq.  
Attorney for Complainant

7/5/2018  
Date signed

Sign: [Redacted Signature]

Print: ARLO J. REGOLI JR.  
For Respondent

6/28/2018  
Date Signed

Done at Washington, D.C.

this 13<sup>th</sup> day of July, 2018

[Redacted Signature]

*Acting Chief* Administrative Law Judge  
*Channing D. Strother*

[1] Complainant sought publication of the facts and circumstances regarding Respondent's PACA violations, rather than revocation of Respondent's PACA license, as Respondent's PACA license terminated on September 10, 2016, when Respondent failed to pay the required annual fee.