



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 14-0079

In re: Del Campo Fresh, Inc.

Respondent

Default Decision and Order

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*) (the Act or PACA), instituted by a Complaint filed on March 11, 2014 by Bruce W. Summers, the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA). The Complaint alleges that Respondent, during the period April 2011 through February 2012, failed to make full payment promptly to three (3) sellers of the agreed purchase prices in the total amount of \$747,529.00 for 34 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in interstate and foreign commerce in willful violation of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

The Complaint and a copy of the Rules of Practice were sent to Respondent via certified mail on March 12, 2014 and delivered to Respondent on March 17, 2014. As Respondent failed to file an answer to the Complaint within the twenty (20) day time period prescribed by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136), the following Findings of Fact, Conclusions of Law, and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Del Campo Fresh, Inc. is a corporation organized and existing under the laws of the state of Florida with a last-known business address in Felda, Florida. Respondent is no longer operating, and the Complaint was served at the company's last known business address and on its owner of record.
2. At all times material herein, Respondent was licensed under the provisions of the PACA or operated subject to those provisions. License No. 19990579 was issued to Respondent on February 24, 1999. The license terminated on February 24, 2012, when Respondent failed to pay the required annual renewal fee.
3. Respondent, during the period April 2011 through February 2012, failed to make full payment promptly to three (3) sellers of the agreed purchase prices in the total amount of \$747,529.00 for 34 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

1. The facts and circumstances of Respondent's violations shall be published.
2. This Order shall take effect on the date that this Decision becomes final.
3. Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings thirty-five (35) days after service hereof unless

appealed to the Secretary by a party to the proceeding within thirty (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 Decision and Order shall be served upon the parties by the Hearing Clerk.

August 14, 2014

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge