

**UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE**

PACA APP Docket No. 15-0095

In re:

Mark Towery,

Petitioner.

**DISMISSAL DUE TO WITHDRAWAL OF DIRECTOR'S  
DETERMINATION AND PETITION FOR REVIEW**

On August 17, 2016, the “Stipulated Withdrawal of Petition for Review and Director’s Determination as to Petitioner Mark Towery” was jointly filed by Petitioner and Respondent. That filing withdrew: (1) the Director of Perishable Agricultural Commodities Act (“PACA”) Division of the Specialty Crops Program, Agricultural Marketing Service, USDA’s determination that Mark Towery was responsibly connected with Veg Liquidation, Inc., formerly known as Allens, Inc., during the period that the firm violated PACA; and (2) Mr. Towery’s Docket No. 15-0095 petition for review of that Director’s determination. Consistent with the requests in that joint filing, the August 18, 2016 order herein cancelled the hearing as to Petitioner Towery—but not as to the petitioners in Docket Nos. 15-0083, 15-0084, and 15-0085<sup>1</sup>—and amended the caption of the matters consolidated for purposes of hearing to remove reference to Mr. Towery and Docket No. 15-0095.

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<sup>1</sup> The current statuses of the three cases referenced above at one time consolidated for hearing with the herein Docket No. 15-0095 are as follows. The petitions for review in *Roderick L. Allen*, Docket No. 15-0083 and *Joshua C. Allen*, Docket No. 15-0084 were withdrawn on December 9, 2016 and the hearing as to them previously cancelled. I am issuing this same date an order

In this present order I formally dismiss Docket No. 15-0095 due to the August 17, 2016 withdrawal.

So ordered.

Issued this 20th day of December, 2016, in Washington, D.C.



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Channing D. Strother  
Administrative Law Judge

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dismissing those two cases. A December 13-14, 2016 hearing was held in *Nicholas E. Allen*, Docket No. 15-0085 and it otherwise continues as an active case. Thus, of the four cases once consolidated for hearing, only *Nicholas E. Allen*, Docket No. 15-0085 remains.