

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	PACA Docket No. 05-0019
	)	
Hale-Halsell Company,	)	
	)	
Respondent	)	Decision Without Hearing
	)	By Reason of Default

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.), [hereinafter referred to as the “Act”], instituted by a complaint filed on August 16, 2005, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The complaint alleges that during the period of August 6, 2003, through February 12, 2004, Respondent Hale-Halsell Company, [hereinafter the “Respondent”], failed to make full payment promptly to fourteen (14) sellers of the agreed purchase prices in the total amount of \$412,968.87 for 113 lots of perishable agricultural commodities that it purchased, received and accepted in interstate commerce.

A copy of the complaint filed on August 16, 2005, was sent to the Respondent at 9111 E. Pine Street, Tulsa, Oklahoma 74115, and its mailing address of P.O. Box 52898, Tulsa, Oklahoma 74158-2898, by certified mail. The complaint was received by the Respondent, and signed for, at both addresses on August 23, 2005. No answer to the complaint has been received. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a default decision, the following Decision and Order shall be issued without further investigation or hearing 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. § 1.139).

#### Findings of Fact

1. The Respondent is a corporation organized and existing under the laws of the State of Oklahoma. Respondent's business address is 9111 E. Pine Street, Tulsa, Oklahoma 74115. Respondent's mailing address is P.O. Box 52898, Tulsa, Oklahoma 74158-2898.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 19990802 was issued to Respondent on March 31, 1999. This license terminated on March 31, 2005 when Respondent failed to pay the required annual fee as required by section 4(a) of the Act (7 USC § 499d(a)).

3. As more fully set forth in paragraph III of the complaint, during the period August 6, 2003, through February 12, 2004, the Respondent purchased, received and accepted in interstate commerce, from fourteen (14) sellers, 113 lots of fruits and vegetables, all being perishable agricultural commodities, but failed to make full payment promptly of the agreed purchase prices in the total amount of \$412,968.87.

#### Conclusions

The Respondent's failure to make full payment promptly with respect to the 113 transactions described in Finding of Fact No. 3 above, constitutes willful, repeated and flagrant violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)).

Order

A finding is made that the Respondent has committed willful, flagrant and repeated violations of Section 2 of the Act (7 U.S.C. § 499b(4)), and the facts and circumstances of the violations shall be published.

This Order shall take effect on the eleventh day after this Decision becomes final.

Pursuant to the Rules of Practice, this Decision will become final without further proceedings thirty-five days after service hereof unless appealed to the Secretary by a party to the proceeding within thirty days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this \_\_\_\_\_ day of \_\_\_\_\_ 2006

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PMD  
Administrative Law Judge 1/30/2006