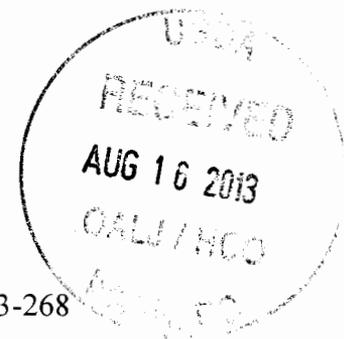


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) PACA Docket No. D-13-268  
)  
Del Monte Farms LLC, )  
)  
Respondent ) Decision Without Hearing  
by Reason of Consent

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.)(PACA), instituted by a Complaint filed on June 21, 2013, by the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period October 1, 2011, through July 27, 2012, Del Monte Farms LLC (Respondent) failed to make full payment promptly of the agreed purchase price for 168 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate and foreign commerce from 19 sellers, in the total amount of \$703,632.50.

The Complaint requested that the Administrative Law Judge find that Respondent has willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)), and order the facts and circumstances of these violations published.

Respondent and Complainant have now agreed to the entry of a Decision Without Hearing by Reason of Consent as to these allegations as set forth herein. Therefore, this Decision Without Hearing by Reason of Consent 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).

### Findings of Fact

1. Del Monte Farms LLC (Respondent) is a limited liability company organized and existing under the laws of the state of New Jersey. Respondent's business and mailing address was 344 Main Road, Vineland, New Jersey, 08360. Respondent is not currently operating.

2. Respondent can be served through its attorney, William J. Polistina, Esq., 508 New Jersey Avenue, Absecon, New Jersey, 08201.

3. At all times material herein, Respondent was licensed under the provisions of the PACA. License No. 2010 0572 was issued to Respondent on March 4, 2010. The license terminated on March 4, 2013, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.

4. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

5. Respondent, during the period October 1, 2011, through July 27, 2012, failed to make full payment promptly to 19 sellers of the agreed purchase prices, or balances thereof, for 168 lots of perishable agricultural commodities which Respondent purchased in the course of interstate and foreign commerce, in the total amount of \$703,632.50.

### Conclusions

Respondent admits the jurisdictional allegations in paragraph II of the Complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondent waives oral hearing and further procedure, and consents to the entry of the following order.

Order

Respondent has committed willful, flagrant and repeated violations of section 2(4) of the Act (7 U.S.C. 499b(4)), and the facts and circumstances of the violations shall be published.

This Order shall become final upon issuance.

Copies of this Order shall be served upon the parties.

For Respondent

For Complainant

[Redacted]

*Daniel Del Monte*  
Daniel Del Monte  
for Del Monte Farms LLC

[Redacted]

*Bruce W. Summers*  
Bruce W. Summers  
Associate Deputy Administrator  
Fruit and Vegetable Program  
Agricultural Marketing Service

[Redacted]

*William J. Polistina*  
William J. Polistina, Esq.  
Attorney for Respondent

[Redacted]

*Charles L. Kendall*  
Charles L. Kendall, Esq.  
Attorney for Complainant

Done at Washington, D.C.

this 16<sup>th</sup> of August, 2013

[Redacted]

Administrative Law Judge