

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) PACA Docket No. D-14-0051
)
)
Big Bear Storage and Packing, Inc.,)
)
)
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 December 16, 2013, 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 31 sellers of the agreed purchase prices in the total amount of \$1,244,369.08 for 169 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of December 2011 through June 2013. 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 revocation of Respondent's PACA license pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)).

The Complaint was served upon Respondent, Respondent agrees that the Secretary has jurisdiction in this matter, and 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 is or was a corporation organized and existing under the laws of the state of Florida. Respondent's business and mailing address is 709 NW 12th Terrace, Pompano Beach, Florida 33069.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. Pursuant to the licensing provisions of the PACA, license number 20071269 was issued to Respondent on September 6, 2007. This license is subject to renewal on September 6, 2014.

3. During the period December 2011 through June 2013, Respondent purchased, received, and accepted, in interstate and foreign commerce, from 31 sellers, 169 lots of perishable agricultural commodities, and failed to make full payment promptly of the agreed purchase prices, in the total amount of \$1,244,369.08.

Conclusions

Respondent's failure to make full payment promptly to 31 sellers of the agreed purchase prices of the perishable agricultural commodities described in Finding of Fact paragraph 3 above constitutes willful, flagrant, and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)). Based on this conclusion, Steven Weiss acknowledges that he was responsibly connected to Respondent at the time it committed 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 Respondent's PACA license shall be revoked pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)). Employment sanctions against Steven Weiss, pursuant

to section 8(b) of the PACA (7 U.S.C. § 499h(b)) shall take effect immediately upon issuance of this Consent Decision and Order.

Respondent waives all further proceedings in this matter.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon parties.

[Redacted signature]

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

2/27/14
Date signed

[Redacted signature]

Christopher Young, Esq.
Attorney for Complainant

2-14-14
Date signed

[Redacted signature]

Robert E. Goldman, Esq.
Attorney for Respondent,
and for Steven Weiss

2-18-14
Date Signed

Done at Washington, D.C.

this 27th day of May, 2014

[Redacted signature]

Administrative Law Judge