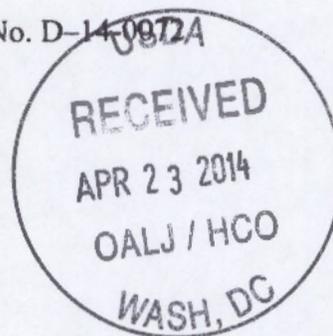


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
)
De Bruyn Produce Co.,)
)
)
Respondent)

PACA Docket No. D-14-0872A



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 February 12, 2014, 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 13 sellers of the agreed purchase prices in the total amount of \$710,958.25 for 84 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of April 2010 through December 2012. 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 publication thereof.¹

The Complaint was served upon Respondent, Respondent agrees that the Secretary has jurisdiction in this matter, and waives all further proceedings in this matter. 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

¹ Complainant sought publication of the facts and circumstances surrounding Respondent's PACA violations, rather than revocation of Respondent's PACA license, as Respondent's PACA

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 Michigan. Its mailing address was 26 N FM 491, La Villa, Texas 78562. This is the last known business address of Respondent.

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 19177155 was issued to Respondent on July 17, 1958. This license terminated on July 17, 2013, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

3. The Secretary has jurisdiction to issue an order in this proceeding.

4. During the period April 2010 through December 2012, Respondent purchased, received, and accepted, in interstate and foreign commerce, from 13 sellers, 84 lots of perishable agricultural commodities, and failed to make full payment promptly of the agreed purchase prices, in the total amount of \$710,958.25.

Conclusions

Respondent's failure to make full payment promptly to 13 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)).

license terminated on July 17, 2013, when Respondent failed to pay the required annual fee.

Order

A finding is issued that Respondent has engaged in willful, flagrant, and repeated violations of the PACA, and the facts and circumstances of the violation shall be published.

Any employment sanctions attendant to this Order will take effect upon issuance of this Consent Decision and Order.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon the parties.

[Redacted Signature]

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

4/23/14

Date signed

[Redacted Signature]

Christopher Young, Esq.
Attorney for Complainant

4/16/14

Date signed

Sign: [Redacted Signature]
Print: Margaret DeBruyn
For Respondent

4/14/14

Date Signed

Done at Washington, D.C.

this 23rd day of April, 2014

[Redacted Signature]

Administrative Law Judge