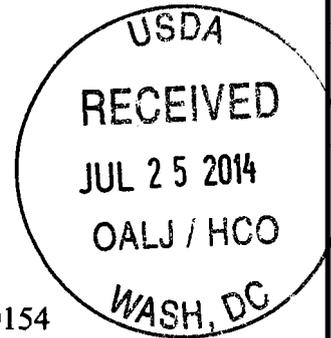


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) PACA Docket No. D-14-0154
)
)
Progreso Produce Limited 1, L.P.,)
)
)
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 July 10, 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 eight (8) sellers of the agreed purchase prices in the total amount of \$3,904,232.39 for 760 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of March 2013 through September 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 publication of the facts and circumstances of Respondent's violations 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 (7 C.F.R. §1.138) 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.

Findings of Fact

1. Respondent is or was a corporation organized and existing under the laws of the state of Texas. Respondent's business and mailing address was 113 Falls Court, #700, Boerne, Texas, 78006.
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 20060354 was issued to Respondent on January 20, 2006. This license terminated on January 20, 2014, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.
3. During the period March 2013 through September 2013, Respondent purchased, received, and accepted, in interstate and foreign commerce, from eight (8) sellers, 760 lots of perishable agricultural commodities, and failed to make full payment promptly of the agreed purchase prices, in the total amount of \$3,904,232.39.

Conclusions

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

Order

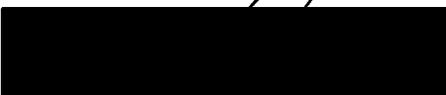
A finding is issued that Respondent has engaged in willful, flagrant, and repeated violations of the PACA, and the facts and circumstances of Respondent's PACA violations shall

be published¹ pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)).

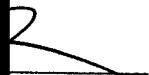
Respondent waives all further proceedings in this matter.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon parties.



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

7/24/14
Date signed



[Redacted], Esq.
Complainant

7-10-14
Date signed


Mark C. H. Manden, Esq.
Attorney for Respondent

7-15-14
Date Signed

Done at Washington, D.C.

this 25th day of July, 2014


/Administrative Law Judge

¹ In lieu of revocation, since Respondent's PACA license terminated on January 20, 2014.