

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

2004 FEB -5 P 4: 05

In re:) AMA WRPA Docket No. 03-0006
)
Tremont Produce, Inc.,)
and Terry Bagwell,)
)
Respondents) Decision and Order

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This proceeding was instituted under the Watermelon Research and Promotion Act, 7 U.S.C. § 4901 et seq. ("the Act"), by a complaint filed by the Administrator, Agricultural Marketing Service, United States Department of Agriculture, alleging that the respondents violated the Watermelon Research and Promotion Plan, 7 C.F.R. § 1210.301-1210.405 (the "Plan"), and the rules and regulations issued thereunder, 7 C.F.R. § 1210.500-1210.532 (the "Regulations"). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138)).

The respondents admit the jurisdictional allegations as set forth herein and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Tremont Produce, Inc. is a corporation whose address is 744 N. Dockweiler Road, Cordele, Georgia 31015.

2. Respondent Terry Bagwell is an individual whose address is 744 N. Dockweiler Road, Cordele, Georgia 31015.

3. At all times material herein, the respondents were handlers of watermelons as defined in the Act, 7 U.S.C. § 4902(4), and the Plan, 7 C.F.R. § 1210.308, and the actions of respondent Tremont Produce, Inc. were directed, managed, and controlled by respondent Terry Bagwell as president.

Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents agree to comply with each and every requirement of the Plan, and in particular, respondents agree to comply with the requirements with respect to paying assessments for watermelons handled.

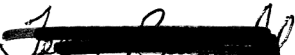
2. Respondents shall pay \$8,606.68 in assessments and penalties for watermelons handled in the 2001 through 2002 seasons by a certified check or money order made payable to the National Watermelon Promotion Board. Respondent hereby agrees to pay \$800.00 on or before February 1, 2004, and \$7,806.68 on or before August 31, 2004.


Complainant agrees that this decision and order represent the final resolution of the allegations contained in the complaint, and that it shall not seek any further remedy with respect to such allegations through any other provision of the Act.


The provisions of this order shall become effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.


Tremont Produce, Inc.,
Respondent by


Terry Bagwell
President


Terry Bagwell
Respondent


Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 5 day of February, 2004


Jill S. Clifton
Administrative Law Judge