

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

2004 SEP 11 10 2 56
RECEIVED

In re:) AMA WRPA Docket No. 04-0001
)
Circle C Watermelons,)
and Paul Collins,)
)
Respondents) Decision and Order

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 Circle C Watermelons is a corporation whose address is 874 Highway 33 South, Gregory, Arkansas 72059-0063.

2. Respondent Paul Collins is an individual whose address is 874 Highway 33 South, Gregory, Arkansas 72059-0063.

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 Circle C Watermelons were directed, managed, and controlled by respondent Paul Collins 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. On February 8, 2005, and thereafter, respondents shall produce, give access to, and make available for inspection and audit, and for copying or other reproduction, by William McGinn, and/or other National Watermelon Promotion Board or Department of Agriculture employees, all documents and writings that evidence,

record, refer to or pertain to the purchase, sale, non-sale transfer, or other disposition of watermelons by Circle C Watermelons or Paul Collins.

3. Respondents shall pay \$1,000.00 in assessments for watermelons handled in the 2002 and 2003 seasons by a certified check or money order made payable to the National Watermelon Promotion Board.

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.

Circle O Watermelons,
Respondent by



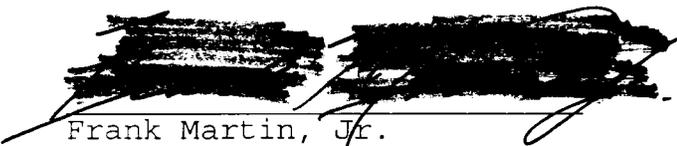
Paul Collins
President



Paul Collins
Respondent



Ralph Myers, III
Attorney for Respondents



Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 19th day of September, 2004



Administrative Law Judge