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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:)	PACA Docket No. D-07-0204
)	
Millennia Marketing, Inc.,)	
d/b/a MMI Foods)	
and Millennia Foods,)	
)	
Respondent)	Decision By Reason of Consent

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended, (7 U.S.C. §499a et seq.; hereinafter "PACA"), and the Regulations issued thereunder (7 C.F.R. Part 46; hereinafter "Regulations"). The proceeding was initiated by a Complaint filed against Millennia Marketing, Inc., d/b/a MMI Foods and Millennia Foods (hereinafter "Respondent) on September 26, 2007, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, pursuant to the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R §1.130 et seq., hereinafter "Rules of Practice"). On October 9, 2007, Respondent filed an Answer denying the allegations listed in the Complaint.

The parties have now agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. Therefore, this Decision Without Hearing by Reason of Consent 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.; hereinafter "Rules of Practice") applicable to this proceeding (7 C.F.R. §1.138).

Findings of Fact

- (1) Millennium Marketing, Inc., d/b/a MMI Foods and Millennium Foods (hereinafter "Respondent), is a Maryland corporation whose business address is 7460 Conowingo Ave., Unit 111, Jessup, MD 20794, and whose mailing address is 1104 Grist Court, Fallston, MD 21047.
- (2) At all times material herein, Respondent was licensed under the provisions of the PACA. License number 20010988 was issued to Respondent on March 17, 2001. This license is currently active.
- (3) At all times material herein, Brian Sudano, an individual, was subject to employment restrictions under Section 8(b) of the PACA (7 U.S.C. §499h(b)). Brian Sudano's employment restrictions began on July 6, 2005.
- (4) On August 16, 2006, Respondent contacted the PACA Branch of the Agricultural Marketing Service (hereinafter "PACA Branch") and requested to employ Brian Sudano. On August 22, 2006, Respondent was informed that Brian Sudano was subject to employment restrictions under Section 8(b) of the PACA. On that date, Respondent was also informed that it would be necessary to post a bond in order to lawfully employ Brian Sudano.
- (5) On November 30, 2006, Respondent was informed that pursuant to the Act, unlawful employment of or affiliation with Brian Sudano could result in suspension or revocation of Respondent's PACA license.
- (6) An investigation conducted by the PACA Branch between March 20, 2007 and April 11, 2007 determined that Respondent employed Brian Sudano from at least December 1, 2006 to the time of the investigation.

Conclusions

1. Respondent has unlawfully employed Brian Sudano since at least December 1, 2006, after being given notice by the PACA Branch on November 30, 2006, that pursuant to the employment restrictions of Section 8(b) of the PACA, Respondent was not permitted to employ Brian Sudano without approval of the Secretary and the posting of a surety bond.

2. Respondent failed to maintain corporate records as required by Section 46.14(b) of the Regulations, in that Respondent failed to maintain and preserve records that fully and correctly disclosed the true ownership and management of the corporation.

Order

Respondent willfully violated Section 8(b) of the PACA (7 U.S.C. §499h(b)) when it unlawfully employed Brian Sudano, as described above.

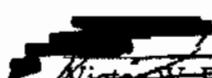
Respondent violated Section 46.14(b) of the Regulations of the PACA by failing to maintain corporate records.

Based on Respondent's violations, Respondent's PACA license is revoked. However, that revocation shall be held in abeyance in accordance with the terms of the Understanding Regarding the Consent Decision (hereinafter "Understanding") entered into between Complainant and Respondent. If the Respondent fails to satisfy the terms of the Understanding, the revocation of Respondent's PACA license will automatically take effect without further procedure, upon application of Complainant to the Administrative Law Judge. Respondent explicitly waives all further proceedings in this disciplinary proceeding under the Perishable Agricultural Commodities Act, including any right to proceeding or hearing upon a determination by Complainant that Respondent has failed to comply with the terms of the Understanding. The Administrative Law Judge will retain jurisdiction over this case pending final motions by Complainant.

This order shall become final upon issuance. Copies of this order shall be served upon the parties.

Done at Washington, D.C.

this 21st day of March, 2008



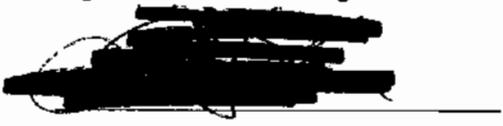
Victor W. Palmer
Administrative Law Judge



Robert C. Keeney
Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service

3-18-08

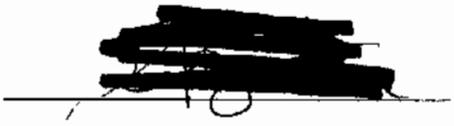
Date signed



Christopher Young-Morales, Esq.
Attorney for Complainant

3/10/08

Date Signed



For Millennium Marketing, Inc.
d/b/a MMI Foods and Millennium Foods
Respondent

3/14/08

Date Signed