

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) PACA Docket No. D-06-0013
)
Alderiso Bros., Inc.,)
)
)
Respondent) Decision Without Hearing by Reason
) of Consent

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.; hereinafter referred to as the "Act"), instituted by a complaint filed by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleges that during the period October 2003, through June 2005, Respondent Alderiso Bros., Inc. (hereinafter "Respondent") committed willful, flagrant, and repeated violations of section 2(4) of the Act by failing to make full payment promptly to 16 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$367,580.25 for 233 shipments of perishable agricultural commodities, which it purchased, received and accepted in interstate commerce. A copy of the Complaint was served upon Respondent. The Respondent and Complainant have now agreed to the entry of a Decision Without a Hearing by Reason of Consent as set forth herein. Therefore, pursuant to Section 1.138 of the Rules of Practices (7 C.F.R § 1.138), the following Decision and Order is issued without further procedure or hearing.

Finding of Fact

1. Respondent operated as a corporation organized and existing under the laws of the State of New Jersey. Its business address was 1-B Euclid Ave., Newark, New Jersey 07105.

2. At all times material to the Complaint, Respondent was licensed under the provisions of the PACA. License number 1966-2656 was issued to Respondent on May 16, 1966. The license terminated on May 16, 2005, when Respondent failed to pay the required annual renewal fee as required by Section 4(a) of the PACA (7 U.S.C. § 499d(a)).

3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. During the period October 2003 through June 2005, Respondent failed to make full payment promptly to sixteen (16) sellers of the agreed purchase prices, or balances thereof, in the total amount of \$367,580.25 for 233 shipments of perishable agricultural commodities purchased, received and accepted in interstate commerce.

Conclusions

Respondent admits all allegations contained in the Complaint. Respondent has committed willful, flagrant, and repeated violations of Section 2(4) of the PACA (7 U.S.C. § 499b), by failing to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 4 above, for which the Order below is issued.

Order

The Respondent is found to have committed willful, flagrant, and repeated violations of Section 2 of the Act (7 U.S.C. § 499b). The facts and circumstances of these violations shall be published pursuant to section 8(a) of the Act (7 U.S.C. § 499h(a)).

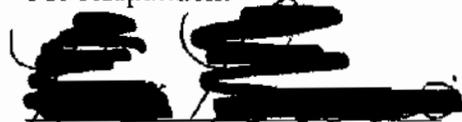
This order shall become effective upon its issuance. Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this ^{11th} ~~2nd~~ of May, 2006


Administrative Law Judge

For Respondent


for Alderiso Bros., Inc.

For Complainant


Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service


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Office of the General Counsel
United States Department of Agriculture
Attorney for Complainant