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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) PACA Docket No. D-06-0014
)
Map Produce, LLC,)
)
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 on July 13, 2006, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleged that, from January 2004 through November 2005 in connection with perishable agricultural commodities it received, accepted, and sold on behalf of growers in interstate and foreign commerce, Respondent willfully violated Sections 2(4) and 9 of the PACA (7 U.S.C. §§ 499b(4) and 499i) by failing to truly and correctly account to growers, making false and misleading statements for a fraudulent purpose, failing to fulfill duties as a growers' agent, failing to maintain complete and accurate records, and failing to have in its files either a written contract or written statement describing the terms and conditions under which it would handle growers' produce. A copy of the Complaint was served upon the Respondent. The Respondent filed an Answer denying all allegations in the Complaint.

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 Practice (7 C.F.R § 1.138), the following Decision and Order is issued without further procedure or hearing.

Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the state of Arizona. Its business and mailing address is 1331 West Fairway Drive, Nogales, Arizona 85621.
2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 1999-0555 was issued to Respondent on February 18, 1999. This license is next subject to renewal on February 18, 2007.
3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

Conclusions

Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the remaining allegations of the Complaint. Respondent waives all further procedure in this matter and the parties agree to the entry of the following order.


Order

The Respondent is found to have committed willful, flagrant, and repeated violations of Sections 2(4) and 9 of the Act (7 U.S.C. §§ 499b and 499i), and its PACA license, number 1999-0555 issued February 18, 1999, is revoked.

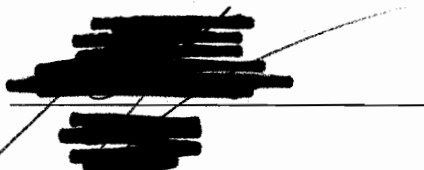
This order shall become effective 14 days after its issuance. Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 17th day of November, 2006



Administrative Law Judge


For Respondent



for Map Produce, LLC

For Complainant


Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service


Gary F. Ball
Attorney for Complainant