

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-03-0033
)
Washington Star, Inc.,)
)
Respondent)

DECISION WITHOUT HEARING 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" or "Act"), instituted by a Complaint filed on September 23, 2003, by the Associate Deputy Administrator, Perishable Agricultural Commodities Branch of Fruit and Vegetable Programs of the Agricultural Marketing Service.

The Complainant alleged that Respondent Washington Star, Inc., committed willful, repeated and flagrant violations of Section 2(4) of the PACA (7 U.S.C. § 499b(4)) by failing to make full payment promptly in the total amount of \$2,627,442.07 to 4 sellers for 181 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate and foreign commerce during the period October 2002 through January 2003. The Complaint requested that the Administrative Law Judge find that Respondent has willfully, repeatedly and flagrantly violated Section 2(4) of the PACA (7 U.S.C. § 499b(4)) and order the PACA license of Respondent be revoked.

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. Washington Star, Inc., (hereinafter "Respondent") is a corporation organized and existing under the laws of the State of Florida. At the time the Complaint was filed, Respondent's business address was 850 N.W. 42nd Avenue, Miami, Florida 33126 and Respondent had another office at 5100 California Avenue, Suite 228, Bakersfield, California 93309. Respondent's current business address is 9675 Northwest 12th Street, Miami, Florida 33172.

2. At all times material herein, Respondent was licensed under the PACA. PACA license number 20010984 was issued to Respondent on May 8, 2001. That license terminated on May 8, 2004, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)) when Respondent failed to pay the required annual fee.

3. During the period October 2002 through January 2003, Respondent failed to make full payment promptly to 4 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$2,627,442.07 for 181 lots of perishable agricultural commodities which it purchased, received and accepted in interstate and foreign commerce.

Conclusion

Respondent's failure to make full payment promptly to 4 sellers of the agreed purchase prices, or balances thereof, for the perishable agricultural commodities described in Finding of Fact 3 above constitutes willful, repeated or flagrant violations of Section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

Respondent is hereby found to have committed willful, repeated or flagrant violations of

Section 2(4) of the PACA (7 U.S.C. § 499b(4)). The facts and circumstances of these violations shall be published pursuant to Section 8(a) of the PACA (7 U.S.C. § 499h(a)).

This Decision and Order will become final and effective upon its issuance, pursuant to Section 1.138 of the Rules of Practice (7 C.F.R. § 1.138).


Copies of this Order shall be served upon the parties.

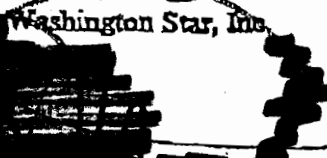
Done at Washington, D.C.

this 15th day of November, 2004



Administrative Law Judge


For Respondent



Juan M. Martinez / *Sergio Garcia*
President
Washington Star, Inc.


Randall Nordlund
Attorney for Respondent

For Complainant


Eric M. Farman
Associate Deputy Administrator
Perishable Agricultural Commodities Branch
Fruit and Vegetable Programs
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