UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: PACA Docket No. D-01-0033
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, 2001, by the Associate Deputy Administrator, Perishable Agricultural Commodities Branch of the Fruit and Vegetable Programs of the Agricultural Marketing Service.

The Complaint alleged that Respondent Washington Star, Inc., committed willful, repeated and flagrant violations of Section 2(c) of the PACA (7 U.S.C. § 499h(c)) by failing to make full payment promptly in the total amount of $3,622,442.97 to 4 sellers for 141 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate and foreign commerce during the period October 2000 through January 2003. The Complaint requested that the Administrative Law Judge find that Respondent has willfully, repeatedly and flagrantly violated Section 2(c) of the PACA (7 U.S.C. § 499h(c)) 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 11/11/04 WED 14:21 (TX/EX NO 8876) 002
Various Statutes (7 C.F.R. § 1.130 or sec, 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 North-west 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. § 4954(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. § 495b(4)).

Order

Respondent is hereby found to have committed willful, repeated or flagrant violations of
Section 2(4) of the PACTA (7 U.S.C. § 499a(4)). The facts and circumstances of these violations shall be published pursuant to Section 8(a) of the PACTA (7 U.S.C. § 499a(4)).

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 party.

Done at Washington, D.C.,
the 1st day of November, 2004

Administrative Law Judge

For Respondent

John R. Martin
President
Washington, D.C.

For Complainant

Eric M. Forman
Associate Deputy Administrator
Pendelton Agricultural Commodities Branch
Pest and Vegetable Programs
Agricultural Marketing Service

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