UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) PACA Docket No. D- )

Krass-Joseph, Inc., ) Decision Without Hearing by Reason

Respondent ) 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"), instituted by a complaint filed by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, against Respondent, Krass-Joseph, Inc.

The complaint alleged that, during January 2004 and November 2004, Respondent made, for a fraudulent purpose, false and misleading statements in connection with transactions involving perishable agricultural commodities that Respondent purchased, accepted, and resold in interstate commerce, in that Respondent's employee altered three Department of Agriculture inspection certificates and issued two false memoranda regarding the alleged dumping of perishable agricultural commodities, which constitute willful, flagrant and repeated violation of section 2(4) of the PACA (7 U.S.C. § 499b(4)). The complaint further alleged that the acts of Respondent's employee were within the scope of his employment by Respondent and are considered to be the acts of Respondent, pursuant to section 16 of the PACA (7 U.S.C. § 499p).

Complainant and Respondent have 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 (hereinafter, “Rules of Practice”) (7 C.F.R. § 1.138).

Findings of Fact

1. Krass-Joseph, Inc. (hereinafter “Respondent”) is a corporation organized and
existing under the laws of the State of New Jersey. Respondent’s business address is 401
Hackensack Avenue, Hackensack, New Jersey 07601.

2. At all times material herein, Respondent was licensed under the provisions of the
PACA. License number 19840347 was issued to Respondent on December 5, 1983. The license
is still in effect and its anniversary date is December 5, 2007.

Conclusions

Respondent admits the jurisdictional allegations of the complaint, neither admits nor
denies the remaining allegations of the complaint, and agrees to the following order.

Order

Respondent is found to have committed willful, flagrant and repeated violations of
section 2(4) of the PACA, for which a civil penalty is issued in the amount of $100,000.00.
Pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138), this Decision will become final upon issuance.

Copies hereof shall be served upon the parties.

Done at Washington, D.C.
this 5 of June, 2007

Administrative Law Judge
Jill S. Clifton

For Respondent
Krass-Joseph, Inc.,
Respondent

Paul T. Gentile
Attorney for Respondent

For Complainant
Associate Deputy Administrator
Fruit and Vegetable Programs, AMS

Andrew Y. Stanton
Attorney for Complainant