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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) PACA Docket No. D- 07-0120  
)  
Kross-Joseph, 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"), instituted by a complaint filed by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, against Respondent, Kross-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

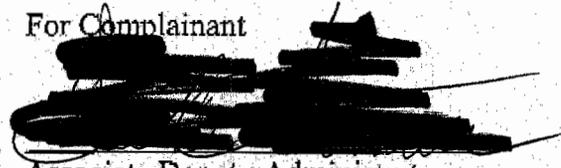


Krass-Joseph, Inc.,  
Respondent



Paul T. Gentile  
Attorney for Respondent

For Complainant



Associate Deputy Administrator  
Fruit and Vegetable Programs, AMS



Andrew Y. Stanton  
Attorney for Complainant