

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Stokes-Shaheen Produce, Inc.,

Respondent

PACA Docket No. D-07-0149

Decision Without Hearing by Reason  
of ConsentPreliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §499a-§499t) ("PACA"), instituted by a complaint filed by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleged that during the period, November 9, 2004, through June 16, 2006, Respondent Stokes-Shaheen Produce, Inc., ("Respondent") failed to make full payment promptly to 15 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$645,851.64 for perishable agricultural commodities which it purchased, received and accepted in interstate and foreign commerce. A copy of the complaint was served upon Respondent. Respondent and Complainant 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 ("Rules of Practice") (7 C.F.R. § 1.138).

### Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the State of Georgia. Its business address was 477 Hawthorne Street, Macon, Georgia 31208. Its mailing address was P.O. Box 4302, Macon, Georgia 31208. Respondent's current mailing address, through counsel, is c/o Danny L. Akin, Akin, Webster & Matson, P.C., 544 Mulberry Street, Suite 400, Macon, Georgia 31201.

2. At all times material to this Decision, Respondent was licensed under the provisions of the PACA. License number 19801582 was issued to Respondent on September 18, 1980. This license was suspended on June 9, 2006, for failure to pay a reparation award pursuant to Section 7(d) of the PACA (7 U.S.C. §499g(d)), and terminated on September 18, 2006, pursuant to Section 4(a) of the PACA (7 U.S.C. §499d(a)), when Respondent failed to pay the required annual renewal fee.

3. Respondent, during the period November 9, 2004, through June 11, 2006, committed wilful, flagrant, and repeated violations of Section 2(4) of the PACA by failing to make full payment promptly to 15 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$645,851.64 for 169 lots of perishable agricultural commodities that it purchased, received, and accepted in interstate and foreign commerce.

### Conclusion

Respondent's failure to make full payment promptly to 15 sellers in the total amount of 645,851.64 for 169 lots of perishable agricultural commodities, constitutes wilful, flagrant, and repeated violations of Section 2(4) of the PACA.

Order

Respondent is found to have engaged in repeated and 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)).

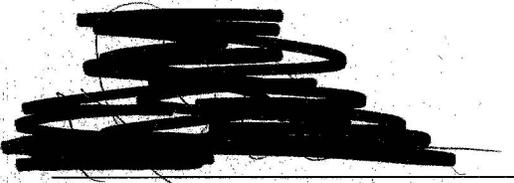
This Order shall become final upon issuance. Copies of this order shall be served upon the parties.

Done at Washington, D.C.  
this 27 day of June, 2007



Administrative Law Judge  
Jill S. Clifton

For Respondent

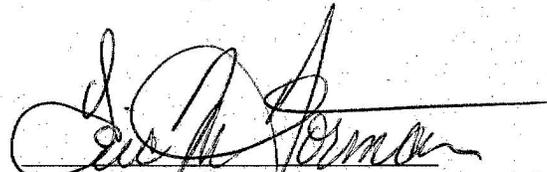


Lawanda Fucker, President  
Stokes-Shaheen Produce, Inc.

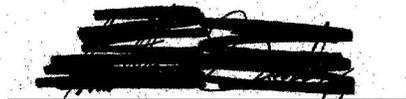


Danny L. Akin  
Attorney for Respondent

For Complainant



Associate Deputy Administrator  
Fruit and Vegetable Programs  
Agricultural Marketing Service



Jonathan Gordy  
Attorney for Complainant