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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. 07-0165
Dandyllion Farms, 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, Dandyllion Farms, Inc.

The complaint alleged that Respondent failed to make full payment promptly to 11 sellers of the agreed purchase prices in the total amount of \$315,373.52 for 27 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce during the period December 20, 2004, through April 25, 2006. The complaint alleged further that these failures to make full payment promptly constitute willful, flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

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. Dandy Lion Farms, Inc. (hereinafter "Respondent"), is a corporation organized and existing under the laws of the State of Connecticut. Respondent ceased business operations in April, 2005. Respondent's last known business address is 1301 Oakpoint Ave, Bronx, New York 10474. Respondent's current mailing address is c/o Richard L. Lyons II, P.O. Box 1049, Stamford, Connecticut 06904-1049.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 20040750 was issued to Respondent on May 3, 2004. This license terminated on May 3, 2007, 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. The Secretary of Agriculture has jurisdiction over Respondent and the subject matter involved herein.

4. Respondent failed to make full payment promptly to 11 sellers of the agreed purchase prices in the total amount of \$315,373.52 for 27 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce during the period December 20, 2004, through April 25, 2006.

Conclusions

Respondent has committed willful, flagrant and repeated violations of section 2(4) of PACA (7 U.S.C. § 499b(4)) by failing to make full payment promptly with respect to the transactions set forth in Finding of Fact 4 above, for which the Order below is issued.

Order

Respondent, Dandyliion Farms, Inc., is found to have committed willful, repeated and flagrant violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)). The facts and circumstances of the violations shall be published pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)). Pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138), this Decision will become final upon issuance.

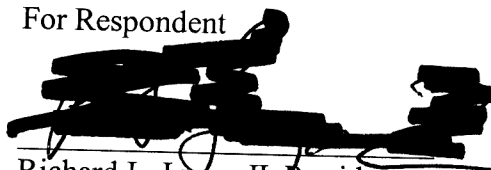
Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 15th of October, 2007

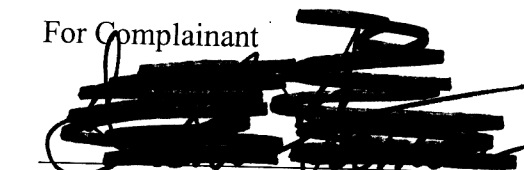

Administrative Law Judge

For Respondent

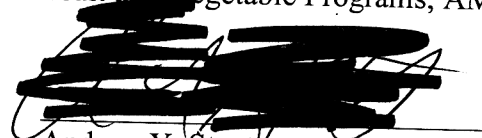


Richard L. Lyons II, President
Dandyliion Farms, Inc.
Respondent

For Complainant



Associate Deputy Administrator
Fruit and Vegetable Programs, AMS



Andrew Y. Stanton
Attorney for Complainant