

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	PACA Docket No. D-03-0031
)	
Seven Seas Trading Co., Inc.,)	
d/b/a Valley View Farms)	Decision Without Hearing
)	by Reason of Default
Respondent		

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.; hereinafter referred to as the “Act” or “PACA”), instituted by a complaint filed on September 5, 2003, by the Associate Deputy Administrator, Perishable Agricultural Commodities Branch, Fruit and Vegetable Programs of the Agricultural Marketing Service, United States Department of Agriculture.

The complaint alleges that during the period November 1999 through February 2002, Respondent Seven Seas Trading Co., Inc., d/b/a Valley View Farms (hereinafter “Respondent”) failed to make full payment promptly to 27 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$1,227,758.83 for 176 lots of perishable agricultural commodities that it purchased, received, and accepted in interstate and foreign commerce.

A copy of the complaint was sent to Respondent’s last known principal place of business on December 18, 2003 by certified mail, and received on December 23, 2003. This complaint has not been answered. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a decision without hearing based upon Respondent’s default, the following Decision and Order shall be issued without further investigation or hearing pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the state of New York. Respondent's last known business address is 119 Chrystie Street, New York, New York, 10002.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 760471 was issued to Respondent on October 1, 1975. This license terminated on March 19, 2003, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499(a)), when Respondent failed to pay the required annual renewal fee.

3. During the period November 1999 through February 2002, Respondent purchased, received and accepted in interstate and foreign commerce 176 lots of perishable agricultural commodities from 27 sellers, but failed to make full payment promptly of the agreed purchase prices, or balances thereof, in the total amount of \$1,227,758.83.

Conclusions

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 3 above, constitutes willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

A finding is made that Respondent has committed willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), and the facts and circumstances of the violations set forth above shall be published.

This order shall take effect on the 11th day after this Decision becomes final.

Pursuant to the Rules of Practice, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of

Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 29th day of October, 2004

Marc R. Hillson
Administrative Law Judge