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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	PACA Docket No. D-12-0496
)	
Manuel R. Piñon,)	
)	Decision Without Hearing
Respondent)	by Reason of Consent

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.)(PACA), instituted by a Complaint filed on June 21, 2012, by the Associate Deputy Administrator, Fruit and Vegetable Program, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that Respondent willfully violated section 8(b)(3) of the PACA (7 U.S.C. § 499h(b)(3)) by failing to comply with his PACA employment sanction during the period in which Respondent was subject to employment restrictions. The employment restrictions began on December 18, 2009, and the Complaint alleged that Respondent was employed by one PACA licensee from on or about July 30, 2010 through on or about December 22, 2010, and by another PACA licensee from on or about March 7, 2011 through December 18, 2011, when Respondent's employment restrictions ended.

The Complaint requested that pursuant to section 8(b)(3) of the PACA (7 U.S.C. §499h(b)(3)) the Administrative Law Judge find that Respondent has been unlawfully employed and extend the period of employment restrictions for an additional year, and publish such finding.

Respondent and Complainant have now agreed to the entry of a Decision Without Hearing by Reason of Consent as to these allegations 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 (7 C.F.R. § 1.130 et seq.) (Rules of Practice).

Findings of Fact

1. Manuel R. Piñon (Respondent) is an individual. Respondent's mailing address is a home address, and will be provided to the Hearing Clerk for purposes of service under separate cover, to protect personally identifiable information.

2. On December 18, 2009, the PACA Division suspended the PACA license of MRP, Inc., due to an unpaid reparation award, pursuant to 7 U.S.C. § 499h(b)(3). The PACA Division also informed Manuel R. Piñon that as sole principal and 100 percent shareholder of the company, he was considered by the PACA Division to be responsibly connected to MRP, Inc., and he was therefore subject to employment sanctions under section 8(b)(3) of the PACA (7 U.S.C. § 499h(b)(3)). Respondent did not contest this determination; therefore, it became the PACA Division's final determination. Respondent's employment restrictions began on December 18, 2009.

3. Nature Fresh Shippers, Inc., is a corporation incorporated and existing under the laws of California. At all times material herein, Nature Fresh Shippers, Inc., was licensed under the provisions of the PACA. License number 2010-1368 was issued to Nature Fresh Shippers, Inc., on September 29, 2010, and is next subject to renewal on September 29, 2012.

4. Ivan Big Tree, LLC is a limited liability company organized and existing under the laws of Texas. At all times material herein, Ivan Big Tree, LLC was licensed under the provisions of the PACA. License number 2011-1234 was issued to Ivan Big Tree, LLC on July 28, 2011, and is next subject to renewal on July 28, 2012.

5. Respondent failed to comply with the PACA employment sanction, which began on December 18, 2009, by being employed by Nature Fresh Shippers, Inc., from on or about July 30, 2010, through on or about December 22, 2010.

6. Respondent failed to comply with the PACA employment sanction, which began on December 18, 2009, by being employed by Ivan Big Tree, LLC from on or about March 7, 2011 through December 18, 2011, when Respondent's employment restrictions ended.

Conclusions

Respondent admits the jurisdictional allegations in paragraph II of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations of the Complaint. Respondent waives oral hearing and further procedure, and consents to the entry of the following Order.

Order

Respondent has willfully violated section 8(b)(3) of the PACA (7 U.S.C. § 499h(b)(3)).

Respondent's employment sanction is extended for a period of one year pursuant to section 8(b) of the PACA (7 U.S.C. § 499h(b)).

This Order shall become final upon issuance.

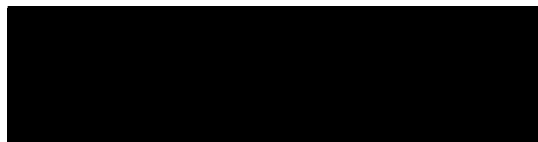
Copies of this Order shall be served upon the parties.

For Respondent

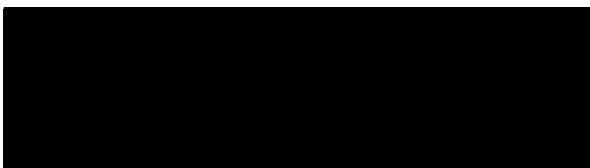


Manuel R. Pimon

For Complainant



Charles W. Parrott
Deputy Administrator
Fruit and Vegetable Program
Agricultural Marketing Service



Darren Clark
Representative for Respondent



Charles L. Kendall, Esq.
Attorney for Complainant

Done at Washington, D.C.

this 7th of November 2012



Administrative Law Judge