

Denying Petition to Reconsider.<sup>7</sup> The date of entry of the Order in this Order Denying Petition to Reconsider is June 2, 2006.

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**In re: HUNTS POINT TOMATO CO., INC.**  
**PACA Docket No. D-03-0014.**  
**Stay Order.**  
**Filed June 2, 2006.**

**PACA – Perishable agricultural commodities – Stay order.**

Andrew Y. Stanton, for Complainant.  
Paul T. Gentile, New York, NY, for Respondent.  
Initial decision issued by Marc R. Hillson, Chief Administrative Law Judge.  
*Order issued by William G. Jenson, Judicial Officer.*

On November 2, 2005, I issued a Decision and Order concluding Hunts Point Tomato Co., Inc. [hereinafter Respondent], violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s), and ordering publication of the facts and circumstances of Respondent's violations.<sup>1</sup> On December 13, 2005, Respondent filed a "Petition to Reconsider," which I denied.<sup>2</sup>

On March 8, 2006, Respondent filed a petition for review of *In re Hunts Point Tomato Co., Inc.*, 64 Agric. Dec. 1914 (2005), and *In re Hunts Point Tomato Co., Inc.*, 65 Agric. Dec. \_\_\_\_ (Jan. 9, 2006) (Order Denying Pet. to Reconsider), with the United States Court of Appeals for the Second Circuit. On May 31, 2006, Eric M. Forman, Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed a "Motion for a Stay Order" requesting a stay of the Orders in *In re Hunts Point Tomato Co., Inc.*, 64 Agric. Dec. 1914 (2005), and *In re Hunts Point Tomato Co., Inc.*, 65 Agric. Dec. \_\_\_\_ (Jan. 9, 2006) (Order Denying Pet. to Reconsider), pending the outcome of proceedings for judicial review. On June 1, 2006, Respondent informed the Office of the Judicial Officer, by telephone, that it has no objection to Complainant's Motion for a Stay Order.

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<sup>7</sup>See 28 U.S.C. § 2344.

<sup>1</sup>*In re Hunts Point Tomato Co., Inc.*, 64 Agric. Dec. 1914, 1919-20, 1934 (2005).

<sup>2</sup>*In re Hunts Point Tomato Co., Inc.*, 65 Agric. Dec. \_\_\_\_ (Jan. 9, 2006) (Order Denying Pet. to Reconsider).

730 PERISHABLE AGRICULTURAL COMMODITIES ACT

In accordance with 5 U.S.C. § 705, Complainant's Motion for a Stay Order is granted.

For the foregoing reasons, the following Order should be issued.

**ORDER**

The Orders in *In re Hunts Point Tomato Co., Inc.*, 64 Agric. Dec. 1914 (2005), and *In re Hunts Point Tomato Co., Inc.*, 65 Agric. Dec. \_\_\_\_ (Jan. 9, 2006) (Order Denying Pet. to Reconsider), are stayed pending the outcome of proceedings for judicial review. This Stay Order shall remain effective until lifted by the Judicial Officer or vacated by a court of competent jurisdiction.

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**In re: PERFECTLY FRESH FARMS, INC.; PERFECTLY FRESH CONSOLIDATION, INC.; PERFECTLY FRESH SPECIALTIES, INC.**

**AND JAIME O.ROVELO; JEFFREY LON DUNCAN; AND THOMAS BENNETT.**

**PACA Docket No. D-05-0001.**

**PACA Docket No. D-05-0002.**

**PACA Docket No. D-05-0003.**

**PACA APP Docket No. 05-0010.**

**PACA APP Docket No. 05-0011.**

**PACA APP Docket No. 05-0012.**

**PACA APP Docket No. 05-0013.**

**PACA APP Docket No. 05-0014.**

**PACA APP Docket No. 05-0015.**

**Ruling.**

**Filed June 4, 2006.**

**PACA -- Responsibly Connected.**

Christopher Young-Morales for Complainant

Jaime Rovelo, Douglas B. Kerr, Christopher F. Bryan for Respondent(s).

*Ruling by Administrative Law Judge Peter M. Davenport.*

**ORDER**

These three disciplinary proceedings were brought by the Associate Deputy Administrator, Fruit and Vegetable Programs,