

Review,” I stayed *In re Donald R. Beucke*, 65 Agric. Dec. 1372 (2006), pending the outcome of proceedings for judicial review.² On April 23, 2009, the Chief, PACA Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Respondent], filed “Respondent’s Motion to Lift Stay Order.” On May 18, 2009, Petitioner Beucke filed a response in opposition to the motion to lift stay. On May 19, 2009, the Hearing Clerk transmitted the record to me for a ruling on Respondent’s Motion to Lift Stay Order.

Proceedings for judicial review are concluded. Petitioner Beucke has raised no meritorious basis for my denying Respondent’s Motion to Lift Stay Order. Therefore, the November 28, 2006, Stay Order as to Donald R. Beucke is lifted and the order issued in *In re Donald R. Beucke*, 65 Agric. Dec. 1372 (2006), as it relates to Donald R. Beucke, is effective, as follows.

ORDER

I affirm Respondent’s August 17, 2004, determination that Petitioner Beucke was responsibly connected with Bayside Produce, Inc., when Bayside Produce, Inc., violated section 2(4) of the PACA (7 U.S.C. § 499b(4)). Accordingly, Petitioner Beucke is subject to the licensing restrictions under section 4(b) of the PACA and the employment

²*In re Donald R. Beucke* (Stay Order as to Donald R. Beucke), 66 Agric. Dec. 932 (2006).

restrictions under section 8(b) of the PACA (7 U.S.C. §§ 499d(b), 499h(b)), effective 60 days after service of this Order on Petitioner Beucke.

Done at Washington, DC

May 19, 2009

William G. Jenson
Judicial Officer