

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	PACA Docket No. D-02-0024
Coosemans Specialties, Inc.,)	
)	
Respondent)	
	and	
In re:)	PACA Docket No. APP-03-0002
Eddy C. Creces,)	
)	
Petitioner)	
	and	
In re:)	PACA Docket No. APP-03-0003
Daniel F. Coosemans,)	
)	Order Modifying January 18, 2008,
Petitioner)	Order Lifting Stay Order

On January 18, 2008, I issued an Order Lifting Stay Order: (1) finding Coosemans Specialties, Inc. [hereinafter Respondent], violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA]; (2) revoking Respondent's PACA license effective 60 days after service of the Order Lifting Stay Order on Respondent; (3) concluding Eddy C. Creces and Daniel F. Coosemans [hereinafter Petitioners] were responsibly connected with Respondent; and

(4) subjecting Petitioners to licensing and employment restrictions under the PACA effective 60 days after service of the Order Lifting Stay Order on Petitioners.¹

On January 30, 2008, Respondent and Petitioners filed a motion to advance the effective date of the Respondent's license revocation and Petitioners' licensing and employment restrictions to December 31, 2007, based upon their self-imposed implementation of the revocation of Respondent's PACA license and the restrictions on Petitioners. On February 11, 2008, the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter the Agricultural Marketing Service], and the Chief, PACA Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter the Chief], filed a response opposing Respondent's and Petitioners' January 30, 2008, motion.

By its terms, the Stay Order issued in the instant proceeding is effective until lifted by the Judicial Officer or vacated by a court of competent jurisdiction.² The Stay Order cannot be lifted by the action of the parties. Therefore, I reject Respondent's and Petitioners' request to modify the January 18, 2008, Order Lifting Stay Order to advance the effective date of the Order issued in *In re Coosemans Specialities, Inc.*, 65 Agric.

¹*In re Coosemans Specialities, Inc.* (Order Lifting Stay Order), ___ Agric. Dec. ___ (Jan. 18, 2008).

²*In re Coosemans Specialities, Inc.* (Stay Order), ___ Agric. Dec. ___, slip op. at 3 (Sept. 20, 2006).

Dec. 539 (2006), to December 31, 2007. The Agricultural Marketing Service and the Chief state they have no objection to an advancement of the effective date to the date of the issuance of the instant Order; therefore, I modify the January 18, 2008, Order Lifting Stay Order and make the Order issued in *In re Coosemans Specialties, Inc.*, 65 Agric. Dec. 539 (2006), effective immediately, as follows:

ORDER

1. Coosemans Specialties, Inc., has committed willful, flagrant, and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)). Coosemans Specialties, Inc.'s PACA license is revoked, effective February 12, 2008.

2. I affirm the Chief's January 6, 2003, determination that Eddy C. Creces was responsibly connected with Coosemans Specialties, Inc., when Coosemans Specialties, Inc., willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)). Accordingly, Eddy C. Creces is subject to the licensing restrictions under section 4(b) of the PACA and the employment restrictions under section 8(b) of the PACA (7 U.S.C. §§ 499d(b), 499h(b)), effective February 12, 2008.

3. I affirm the Chief's January 6, 2003, determination that Daniel F. Coosemans was responsibly connected with Coosemans Specialties, Inc., when Coosemans Specialties, Inc., willfully, flagrantly, and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)). Accordingly, Daniel F. Coosemans is subject to the

licensing restrictions under section 4(b) of the PACA and the employment restrictions under section 8(b) of the PACA (7 U.S.C. §§ 499d(b), 499h(b)), effective February 12, 2008.

Done at Washington, DC

February 12, 2008

William G. Jenson
Judicial Officer