

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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|-------------------|---|-----------------------------|
| In re: |) | PACA-APP Docket No. 04-0009 |
| |) | |
| Donald R. Beucke, |) | |
| |) | |
| Petitioner |) | Stay Order |

On September 28, 2006, I issued a Decision and Order: (1) concluding Donald R. Beucke [hereinafter Petitioner] was responsibly connected with Garden Fresh Produce, Inc., when Garden Fresh Produce, Inc., violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA]; and (2) subjecting Petitioner 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)).¹

On November 3, 2006, Petitioner filed “Petitioner Donald Beucke’s Expedited Motion To Stay Imposition of Licensing and Employment Restrictions Pending Judicial Review” and “Order Staying Imposition of Licensing and Employment Restrictions Pending Judicial Review” stating Petitioner intends to seek judicial review of *In re Donald R. Beucke*, __ Agric. Dec. ____ (Sept. 28, 2006), and requesting a stay of the order

¹*In re Donald R. Beucke*, __ Agric. Dec. ____ (Sept. 28, 2006).

in *In re Donald R. Beucke*, __ Agric. Dec. ____ (Sept. 28, 2006), pending the outcome of proceedings for judicial review.

In accordance with 5 U.S.C. § 705, Petitioner's motion for stay is granted.

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

ORDER

The order in *In re Donald R. Beucke*, __ Agric. Dec. ____ (Sept. 28, 2006), is 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.

Done at Washington, DC

November 6, 2006

William G. Jenson
Judicial Officer