

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,)	
)	
Petitioner)	Order Lifting Stay Order

On April 20, 2006, I issued a Decision and Order: (1) concluding 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; (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.¹

¹*In re Coosemans Specialties, Inc.*, 65 Agric. Dec. 539 (2006).

Respondent and Petitioners filed a petition for review of *In re Coosemans Specialities, Inc.*, 65 Agric. Dec. 539 (2006), with the United States Court of Appeals for the District of Columbia Circuit. 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 Motion for Stay requesting a stay of the order in *In re Coosemans Specialities, Inc.*, 65 Agric. Dec. 539 (2006), pending the outcome of proceedings for judicial review. Respondent and Petitioners informed the Office of the Judicial Officer, by telephone, that they had no objection to the Motion for Stay, and on September 20, 2006, I issued a Stay Order.²

On April 6, 2007, the United States Court of Appeals for the District of Columbia Circuit denied Respondent's and Petitioners' petitions for review.³ On November 13, 2007, the Supreme Court of the United States denied Respondent's and Petitioners' petition for writ of certiorari.⁴ On December 21, 2007, the Agricultural Marketing Service and the Chief filed a motion to lift the September 20, 2006, Stay Order, and on

²*In re Coosemans Specialities, Inc.* (Stay Order), __ Agric. Dec. ____ (Sept. 20, 2006).

³*Coosemans Specialities, Inc. v. Department of Agric.*, 482 F.3d 560 (D.C. Cir. 2007).

⁴*Coosemans Specialities, Inc. v. Department of Agric.*, 128 S. Ct. 628 (Nov. 13, 2007).

January 15, 2008, Respondent and Petitioners filed a response stating they had no objection to the Motion to Lift Stay Order.

Proceedings for judicial review are concluded. Therefore, the September 20, 2006, Stay Order is lifted, and the Order issued in *In re Coosemans Specialties, Inc.*, 65 Agric. Dec. 539 (2006), is effective 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 60 days after service of this Order on Coosemans Specialties, Inc.

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 60 days after service of this Order on Eddy C. Creces.

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 60 days after service of this Order on Daniel F. Coosemans.

Done at Washington, DC

January 18, 2008

William G. Jenson
Judicial Officer