

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-01-0032
)
KOAM Produce, Inc.,)
)
Respondent) **Stay Order**

On June 2, 2006, I issued a Decision and Order concluding KOAM Produce, 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.¹ On July 17, 2006, Respondent filed a "Petition to Reconsider," which I denied.²

On October 19, 2006, Respondent filed a petition for review of *In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (June 2, 2006), and *In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (Aug. 21, 2006) (Order Denying Pet. to Reconsider), with the United States Court of Appeals for the Second Circuit. On November 14, 2006, James R. Frazier, Acting Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter

¹*In re KOAM Produce, Inc.*, ___ Agric. Dec. ___, slip op. at 39 (June 2, 2006).

²*In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (Aug. 21, 2006) (Order Denying Pet. to Reconsider).

Complainant], filed a “Motion for a Stay Order as to Respondent Koam Produce, Inc.” [hereinafter Motion for Stay Order], requesting a stay of the orders in *In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (June 2, 2006), and *In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (Aug. 21, 2006) (Order Denying Pet. to Reconsider), pending the outcome of proceedings for judicial review. On November 14, 2006, Respondent informed the Office of the Judicial Officer, by telephone, that it has no objection to Complainant’s Motion for Stay Order.

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

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

ORDER

The orders in *In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (June 2, 2006), and *In re KOAM Produce, Inc.*, ___ Agric. Dec. ___ (Aug. 21, 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.

Done at Washington, DC

November 14, 2006

William G. Jenson
Judicial Officer