

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Perfectly Fresh Farms, Inc.;	)	PACA Docket No. D-05-0001
Perfectly Fresh Consolidation,	)	PACA Docket No. D-05-0002
Inc.; and	)	
Perfectly Fresh Specialties, Inc.,	)	PACA Docket No. D-05-0003
	)	
Respondents	)	
	)	
	)	
Jaime O. Rovelo;	)	PACA-APP Docket No. 05-0010
Jeffrey Lon Duncan; and	)	PACA-APP Docket No. 05-0011
Thomas Bennett,	)	PACA-APP Docket No. 05-0012
	)	PACA-APP Docket No. 05-0013
Petitioners	)	PACA-APP Docket No. 05-0014
	)	PACA-APP Docket No. 05-0015

**Stay Order as to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.;  
Perfectly Fresh Specialities, Inc.; and Jeffrey Lon Duncan**

On June 12, 2009, I issued a decision and order: (1) concluding that Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; and Perfectly Fresh Specialties, Inc., violated the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA]; (2) ordering the publication of the facts and circumstances of Perfectly Fresh Farms, Inc.’s; Perfectly Fresh Consolidation, Inc.’s; and Perfectly Fresh Specialties, Inc.’s violations of the PACA; (3) concluding Petitioner

Thomas Bennet was responsibly connected with Perfectly Fresh Farms, Inc., when Perfectly Fresh Farms, Inc., violated the PACA; (4) concluding Petitioner Jeffrey Lon Duncan was responsibly connected with Perfectly Fresh Consolidation, Inc., when Perfectly Fresh Consolidation, Inc., violated the PACA; and (5) subjecting Petitioner Thomas Bennett and Petitioner Jeffrey Lon Duncan 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)).<sup>1</sup>

On July 16, 2009, Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialities, Inc.; and Jeffrey Lon Duncan filed a request for a stay of the Order in *In re Perfectly Fresh Farms, Inc.* (Decision as to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; Jeffrey Lon Duncan; and Thomas Bennett), \_\_\_ Agric. Dec. \_\_\_ (June 12, 2009), pending the outcome of proceedings for judicial review. Neither the Agricultural Marketing Service nor the Chief of the PACA Branch filed a response to the request for a stay.

In accordance with 5 U.S.C. § 705, Perfectly Fresh Farms, Inc.'s; Perfectly Fresh Consolidation, Inc.'s; Perfectly Fresh Specialties, Inc.'s; and Jeffrey Lon Duncan's request for a stay is granted.

For the foregoing reasons, the following order is issued.

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<sup>1</sup>*In re Perfectly Fresh Farms, Inc.* (Decision as to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; Jeffrey Lon Duncan; and Thomas Bennett), \_\_\_ Agric. Dec. \_\_\_ (June 12, 2009).

**ORDER**

The Order in *In re Perfectly Fresh Farms, Inc.* (Decision as to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; Jeffrey Lon Duncan; and Thomas Bennett), \_\_\_ Agric. Dec. \_\_\_ (June 12, 2009), as it relates to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; and Jeffrey Lon Duncan, is stayed pending the outcome of proceedings for judicial review. This Stay Order as to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; and Jeffrey Lon Duncan shall remain effective until lifted by the Judicial Officer or vacated by a court of competent jurisdiction.

Done at Washington, DC

September 2, 2009

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William G. Jenson  
Judicial Officer