

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)
and
)
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

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

On June 12, 2009, I issued a Decision and Order: (1) concluding 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 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 Thomas Bennet was responsibly connected with Perfectly Fresh Farms, Inc., when Perfectly Fresh Farms, Inc., violated the PACA; (4) concluding Jeffrey Lon Duncan was responsibly connected with Perfectly Fresh Consolidation, Inc., when Perfectly Fresh Consolidation, Inc., violated the PACA; and (5) subjecting Thomas Bennett and Jeffrey Lon Duncan to the licensing and employment restrictions set forth in 7 U.S.C. §§ 499d(b) and 499h(b).¹

On July 16, 2009, Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; and Jeffrey Lon Duncan requested a stay of the Order in the June 12, 2009, Decision and Order, pending the outcome of proceedings for judicial review, which I granted on September 2, 2009.² On February 12, 2013, the Agricultural Marketing Service, United States Department of Agriculture [hereinafter AMS], filed a Request to Lift Stay Order of Judicial Officer stating proceedings for judicial review of the June 12, 2009, Decision and Order are concluded. No response to the Request to Lift Stay Order of Judicial

¹*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), 68 Agric. Dec. 507 (2009).

²*In re Perfectly Fresh Farms, Inc.* (Stay Order as to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; and Jeffrey Lon Duncan), 68 Agric. Dec. 1311 (2009).

Officer was filed, and on March 25, 2013, the Hearing Clerk transmitted the record to the Office of the Judicial Officer for a ruling on the Request to Lift Stay Order of Judicial Officer.

As no opposition to AMS' Request to Lift Stay Order of Judicial Officer has been filed and proceedings for judicial review of the June 12, 2009, Decision and Order are concluded, the September 2, 2009, Stay Order is lifted and the Order in the June 12, 2009, Decision and Order as it relates to Perfectly Fresh Farms, Inc.; Perfectly Fresh Consolidation, Inc.; Perfectly Fresh Specialties, Inc.; and Jeffrey Lon Duncan, is effective, as follows:

ORDER

1. Perfectly Fresh Consolidation, Inc., has committed willful, flagrant, and repeated violations of 7 U.S.C. § 499b(4). The facts and circumstances of Perfectly Fresh Consolidation, Inc.'s violations of the PACA shall be published. The publication of the facts and circumstances of Perfectly Fresh Consolidation, Inc.'s violations of the PACA shall be effective 60 days after service of this Order on Perfectly Fresh Consolidation, Inc.

2. Perfectly Fresh Farms, Inc., has committed willful, flagrant, and repeated violations of 7 U.S.C. § 499b(4). The facts and circumstances of Perfectly Fresh Farms, Inc.'s violations of the PACA shall be published. The publication of the facts and circumstances of Perfectly Fresh Farms, Inc.'s violations of the PACA shall be effective 60 days after service of this Order on Perfectly Fresh Farms, Inc.

3. Perfectly Fresh Specialties, Inc., has committed willful, flagrant, and repeated violations of 7 U.S.C. § 499b(4). The facts and circumstances of Perfectly Fresh Specialties, Inc.'s violations of the PACA shall be published. The publication of the facts and circumstances of Perfectly Fresh Specialties, Inc.'s violations of the PACA shall be effective 60 days after service of this Order on Perfectly Fresh Specialties, Inc.

4. Jeffrey Lon Duncan was responsibly connected with Perfectly Fresh Consolidation, Inc., when Perfectly Fresh Consolidation, Inc., willfully, flagrantly, and repeatedly violated 7 U.S.C. § 499b(4). Accordingly, Jeffrey Lon Duncan is subject to the licensing and employment restrictions set forth in 7 U.S.C. §§ 499d(b) and 499h(b), effective 60 days after service of this Order on Mr. Duncan.

Done at Washington, DC

March 26, 2013

William G. Jenson
Judicial Officer