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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	PACA Docket No. D-12-0235
)	
)	
Auster Acquisitions, LLC,)	
)	
)	
Respondent)	

Consent Decision and Order

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA). The Complaint filed herein, on February 15, 2012, alleged that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA by failing to make full payment promptly to twenty eight (28) sellers of the agreed purchase prices in the total amount of \$3,540,297.41 for 470 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of May 8, 2010, through January 21, 2011. The Complaint sought the issuance of an order finding that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA, and publication thereof.¹

The Complaint was served upon Respondent, Respondent agrees that the Secretary has jurisdiction in this matter, and the parties have now agreed to the entry of a Consent Decision and Order as set forth herein. Respondent neither admits nor denies the allegations listed in the

¹ Complainant sought publication of the facts and circumstances surrounding Respondent's PACA violations, rather than revocation of Respondent's PACA license, as Respondent's PACA license terminated on July 19, 2011, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

Complaint, and agrees, solely for the purposes of settling this proceeding, to the following Consent Decision and Order. Therefore, this Consent Decision and Order is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.)(Rules of Practice) applicable to this proceeding (7 C.F.R. §1.138).

Findings of Fact

1. Respondent is or was a corporation organized and existing under the laws of the state of Illinois. Its mailing address was 2404 South Wolcott Avenue, Units 32-33, Chicago, Illinois 60608-530000. This is the last known business address of Respondent.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. Pursuant to the licensing provisions of the PACA, license number 20080910 was issued to Respondent on May 29, 2008. This license terminated on July 19, 2011, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

3. During the period May 8, 2010 through January 21, 2011, Respondent purchased, received, and accepted, in interstate and foreign commerce, from twenty eight (28) sellers, 470 lots of perishable agricultural commodities, and failed to make full payment promptly of the agreed purchase prices, in the total amount of \$3,540,297.41.

Conclusions

Respondent's failure to make full payment promptly to 28 sellers of the agreed purchase prices of the perishable agricultural commodities described in Finding of Fact paragraph 3 above constitutes flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

A finding is issued that Respondent has engaged in flagrant and repeated violations of the PACA, and the facts and circumstances of the violation shall be published, in lieu of revocation.² Any employment sanctions attendant to this case will take effect upon issuance of this finding and order of publication.³

Respondent waives all further proceeding in this matter.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon parties.

[Redacted signature]

Charles W. Parrott
Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service

4/20/12
Date signed

[Redacted signature]

Christopher Young, Esq.
Attorney for Complainant

4/9/12
Date signed

Sign: [Redacted]
Print: Debbie Dillon
For Respondent

3/30/12
Date Signed

Done at Washington, D.C.

this 12th day of April, 2012

[Redacted signature]

Administrative Law Judge

² See *In re: Scamcorp, Inc., d/b/a Goodness Greeness*, 57 Agric. Dec. 527, 547 (1998).

³ The employment sanctions attendant to this case will be governed by a separate Understanding between the Parties and binding upon them, which will not be filed with the Hearing Clerk.