

Agricultural Marketing Service, USDA

§ 47.2

(d) *Investigative authority.* Investigation of a complaint of this Section shall be deemed to be an investigation under Section 6(b) of the Perishable Agricultural Commodities Act (7 U.S.C. 499f(b)).

(e) *Collection of fees.* (1) Any person bringing a complaint, alleging a violation of section 1309 of the Food, Agriculture, Conservation, and Trade Act of 1990 shall reimburse the Secretary of Agriculture for any and all costs associated with the enforcement of that section.

(2) A non-refundable \$250.00 fee for the preliminary investigation shall accompany the written complaint.

(3) An estimate of fees and charges to conduct the further investigation calculated in accordance with paragraph (c)(2) of this section will be provided the complaining person.

(i) Payment of the fees and charges shall be collected in advance by the Secretary prior to continuation of investigation of a complaint.

(ii) Payment of fees and charges may be made by cash, check, or money order payable to the Agricultural Marketing Service.

(iii) In the event that the estimated fees and charges prove to be inadequate, the complaining person will be informed of the deficiency. Any complaining person that does not reimburse the Secretary full payment for fees and charges associated with a completed investigation shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States to collect any monetary or other damages connected with the investigation.

(iv) The complaining person will be reimbursed by the Secretary for any overpayment of fees and charges, except for the \$250.00 preliminary investigation fee which is nonrefundable.

[56 FR 51826, Oct. 16, 1991]

PART 47—RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

GENERAL PROVISIONS

- Sec.
47.1 Meaning of words.
47.2 Definitions.

- 47.3 Institution of proceedings.
47.4 Filing; service; extensions of time; and computation of time.
47.5 Scope and applicability of rules of practice.

RULES APPLICABLE TO REPARATION PROCEEDINGS

- 47.6 Formal complaints.
47.7 Report of investigation.
47.8 The answer.
47.9 The reply.
47.10 Docketing of proceeding.
47.11 Examiners.
47.12 Intervention.
47.13 Motions and requests.
47.14 Prehearing conferences.
47.15 Oral hearing before the examiner.
47.16 Depositions.
47.17 Subpoenas.
47.18 Fees and mileage.
47.19 Post-hearing procedure before the examiner.
47.20 Shortened procedure.
47.21 Transmittal of record.
47.22 Argument before Secretary.
47.23 Issuance of order.
47.24 Rehearing, reargument, reconsideration of orders, and reopening of hearings.
47.25 Filing; extensions of time; effective date of filing; computations of time; reopening after default; official notice.

RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

- 47.46 Rule applicable to all proceedings.

RULES APPLICABLE TO THE DETERMINATION AS TO WHETHER A PERSON IS RESPONSIBLY CONNECTED WITH A LICENSEE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

- 47.47 Additional definitions.
47.48 Scope and applicability.
47.49 Determinations.

AUTHORITY: 7 U.S.C. 499o; 7 CFR 2.17(a)(8)(xiii), 2.50(a)(8)(xiii).

SOURCE: 10 FR 2209, Feb. 27, 1945, unless otherwise noted.

GENERAL PROVISIONS

§47.1 Meaning of words.

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§47.2 Definitions.

As used in the regulations in this part, the terms as defined in section 1 of the Act shall apply with equal force and effect. Unless otherwise defined,