

REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

**70 NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408**

1 FROM (Agency or establishment)
United States Department of Agriculture (USDA)

2 MAJOR SUBDIVISION
Agricultural Marketing Service (AMS)

3. MINOR SUBDIVISION
Executive Resources Office (ERO)/Information Mgmt Branch

4. NAME OF PERSON WITH WHOM TO CONFER **5. TELEPHONE**
Julie C. Small, AMS Records Management (202) 720-4462
Larry R. Gray, AMS Records Officer (202) 690-3763

LEAVE BLANK (NARA use only)

JOB NUMBER
11-136-96-1

DATE RECEIVED
11-03-95

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE **ARCHIVIST OF THE UNITED STATES**
8-20-96 *John W. Paul*

6. AGENCY CERTIFICATION

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached ___ page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

| | | |
|-------------------------|---|---|
| DATE 10/30/95 | SIGNATURE OF AGENCY REPRESENTATIVE <i>Larry R. Gray</i> | TITLE Larry R. Gray AMS Records Management Officer |
|-------------------------|---|---|

| 7. ITEM NO | 8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION | 9. GRS OR SUPERSEDED JOB CITATION | 10 ACTION TAKEN (NARA USE ONLY) |
|------------|--|-----------------------------------|---------------------------------|
| | <p align="center">United States Department of Agriculture Agricultural Marketing Service</p> <p>This schedule covers the following major organization units in the Agricultural Marketing Service (AMS):</p> <p>Fruit & Vegetable Division (Items 1-⁵8) Science Division (Items 7-8)</p> <p>DELETE: NC1 136-83-2, Item 42d NC1 136-80-1, Items 5, 7, 10 NC1 136-79-1, Items 112, 115, 116</p> | | |

AUG 28 1996 Copy to: NNT, Agency
 NCF

| Item # | DESCRIPTION AND FILING INSTRUCTIONS | DISPOSITION | |
|--------|---|----------------------------|-------------------------------------|
| | | RECORD OFFICE | SUPERSEDED AUTHORITY |
| 1 | <p>DISCIPLINARY CASES.</p> <p><u>Informal Disciplinary Cases</u> including informal cases involving warning letters</p> <p>CUTOFF/RETIRE Cut off files at end of the FY in which case is closed or warning is issued. Retire to FRC after cutoff.</p> | 5 years | NC1 136-80-1 Items 3f(1) & 3f(2) |
| 2 | <p>DISCIPLINARY CASES.</p> <p><u>Formal Administrative Actions.</u></p> <p>CUTOFF/RETIRE Cut off files at end of the FY in which case is closed. Retire to FRC after cutoff.</p> | 5 years | NC1 136-80-1 Items 3c(1) & 3c(2) |
| 3 | <p>DISCIPLINARY CASES.</p> <p><u>Evidence.</u></p> | 3 months after case closes | Proposed |
| 4 | <p>RESPONSIBLY CONNECTED CASES.</p> <p>CUTOFF/RETIRE: Cut off files at the end of the FY in which case is closed Retire to FRC 1 year after cutoff</p> | 5 years | Proposed |
| 5 | <p>PACA COPY OF BANKRUPTCY FILES.</p> <p>CUTOFF/RETIRE. Cut off files at the end of the FY in which bankruptcy is discharged or closed by court.</p> | 3 years | NC1 136-80-1 Items 6a-c |



APPRAISAL REVIEW: RECOMMENDED ACTION
ON

REQUEST FOR RECORDS DISPOSITION AUTHORITY (SF-115)
SPECIAL RECORDS DISPOSITION STUDY
WNRC RECORDS DISPOSITION PROJECT REPORTS

Job No. or Title: N1-136-96-1

Instructions:

1. Each reviewer must fill in data below, using one line.
2. Check appropriate "recommendation" box.
3. Attach written comments if either "concur if modified" or "do not concur" box is checked. Comments are optional otherwise.
4. Heads (or designees) of reviewing units must complete this form.

| | | RECOMMENDATION | | | RECOMMENDED BY |
|--|-----------------|----------------|--------------------|---------------|---------------------------------|
| Unit Symbol | Date (mm-dd-yy) | Concur | Concur if Modified | Do Not Concur | Signature (do not use initials) |
| NNTA-CP | 5-21-96 | | ✓ | | Lisha Penn |
| NNTA-S | 5/21/96 | | ✓ | | Richard S. Wood |
| NNTA | 5-21-96 | ✓ | | | Ronald E. ... |
| NNT | 5-21-96 | | ✓ | | Geraldine ... |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| . ACTION TAKEN BY NN-W, NSC, NSR, or NIR | | | | | |
| NN-E | 6-4-96 | ✓ | | | Clare C. ... |



APPRAISAL REVIEW: RECOMMENDED ACTION
ON

REQUEST FOR RECORDS DISPOSITION AUTHORITY (SF-115)
SPECIAL RECORDS DISPOSITION STUDY
WNRC RECORDS DISPOSITION PROJECT REPORTS

Job No. or Title: N1-136-96-1

Instructions:

1. Each reviewer must fill in data below, using one line.
2. Check appropriate "recommendation" box.
3. Attach written comments if either "concur if modified" or "do not concur" box is checked. Comments are optional otherwise.
4. Heads (or designees) of reviewing units must complete this form.

| | | RECOMMENDATION | | | RECOMMENDED BY |
|---------------------------------------|-----------------|----------------|--------------------|---------------|---------------------------------|
| Unit Symbol | Date (mm-dd-yy) | Concur | Concur if Modified | Do Not Concur | Signature (do not use initials) |
| NWR | 5-13-96 | ✓ | | | <i>L. M. de Regalada</i> |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| ACTION TAKEN BY NWR, NSC, NSR, or NIR | | | | | |
| | | | | | |

National Archives at College Park



8601 Adelphi Road
College Park, Maryland 20740-6001

Date : May 21, 1996
Reply to
Attn of : NNTA-S
Subject : Appraisal Comments on Job N1-136-96-1
To : NNT through NNTA

Attached are Lisha Penn's comments on this job. She has talked with the appraisal archivist about the recommended changes and NI is willing to make the changes. I also agree with the appraisal and recommend approval of the schedule if Ms. Penn's recommended changes are incorporated into the language.

Richard E Wood

RICHARD E. WOOD
Assistant Chief
Archival Projects Branch
Textual Projects Division

*I agree that none of the items in
this job warrant permanent retention.
Ronald E. Shaver, NNTA, 5-21-96*

Per a telephone conversation with Lisha Penn I agreed to raise her questions with the agency. They explained that this was their standard structure and format for their schedules, and they preferred to leave it as is.

I concurred with the agency. MK 6/10/96

National Archives and Records Administration

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

Date **May 21, 1996**
Reply to
Attn of **Lisha Penn, NNTA-CP**
Subject **Appraisal Review of N1-136-96-1**
to
NNTA
NNT

The Agricultural Marketing Service requests disposition authority for the records of its Fruit and Vegetable Division. The SF 115 covers five case files, of which only one is a new item.

While the appraisal memo indicates that the records are disposable, it is not readily apparent when comparing it to the SF 115. Disposition statements should be clearly and concisely stated on all SF 115s for those who read them. I discussed this concern with the appraisal archivist. I recommended that the "description and filing instructions" of the SF 115 be modified to state the actual disposition after the blocking/FRC information is given, as is done on most agency records schedules.

For example, item 3 "Disciplinary Cases" the disposition should read as follows under the description and filing instructions: Temporary. Dispose of records in agency space, three months after the case closes. This should be done likewise with the other four items that are listed.

I agree that the records lack long-term value to warrant permanent retention by the National Archives. I will concur with the disposition request, if the SF 115 is modified as recommended above.

A handwritten signature in cursive script that reads "Lisha Penn".

LISHA PENN

**Archival Projects Branch
Textual Projects Division**

National Archives at College Park



8601 Adelphi Road College Park, Maryland 20740-6001

Date May 9, 1996
Reply to
Attn of Margaret Kukis

Subject Appraisal of records covered by Job No N1-136-96-1

To Director, NIR

The Agricultural Marketing Service (AMS) submits Job No N1-136-96-1 to cover records created by its Fruit and Vegetable Division regarding enforcement of the Perishable Agricultural Commodities Act (PACA) of 1930 and the Produce Agency Act of 1927

For **Items 1 and 2, Informal Disciplinary Cases, and Formal Administrative Actions**, AMS requests a reduction in the retention periods from ten years to five years. Item 1, Informal Disciplinary Cases, involves cases where allegations of a producer's violations of PACA have been investigated, but found to not warrant formal action. This decision brings the case to an informal closing. If AMS decides to litigate the case, the agency files Formal Administrative Actions (Item 2). After an investigation, a final order is issued by the Secretary of Agriculture. The effective date of the order closes the formal action. Both types of disciplinary case files typically include the allegation, all allegation-related correspondence, and all due process documentation. AMS requests a reduction from ten to five years retention for both of these items since they have rarely needed the documentation beyond two years and because PACA does not require them to keep the records for any specific time period. Also, if another allegation occurs against the same producer, regardless of the time period, another investigation begins and a new case file is compiled.

Item 3, Disciplinary Cases, Evidence, is a new item containing evidence gathered during the investigation of Disciplinary Cases (Items 1 and 2). The Evidence files contain copies of corporate records related to the investigation, such as invoices, accounts payable ledgers, accounts receivable ledgers, and payroll documentation. Once a case is formally closed after the Secretary of Agriculture issues an order, all appeals at this point have been exhausted and the evidence is no longer required. Since the evidence is voluminous and is not needed beyond the closing of a case, AMS requests approval to destroy the Evidence files three months after a case is closed.

The Agricultural Marketing Service also requests disposition authority for **Item 4, Responsibly Connected Cases**. Any officer or director of a firm regulated under PACA who has more than 10% interest in the firm is considered "responsibly connected." If the firm violates PACA and is under sanction, responsibly connected individuals have the right to challenge the sanction. These case files contain all related correspondence, the challenge issued, AMS's determination, due

process documentation, and any other support documentation AMS requests a five-year retention period for these records after a case is closed, they see no potential need for the records beyond five years

Item 5, PACA Copy of Bankruptcy Files, covers files created when a producer licensed under PACA is sanctioned for having declared bankruptcy This item is a consolidation of three items from a previous schedule files created during “regular” bankruptcy proceedings (five-year retention), files created when a firm filed for bankruptcy under Chapters 10-13 (ten-year retention), and all other office copies (three-year retention) AMS would like to consolidate the bankruptcy case files into one item with one disposition since the Fruit and Vegetable Division has found that there is no need to maintain the files separately AMS requests a three-year disposition for these records The agency considers three years to be more than adequate since bankrupt producers are barred from the industry for two years and during the third year following their ban they must reapply for a license and post a bond Once this three-year period is up, the records are no longer needed by the agency or any other associated parties

I recommend approval of this schedule as submitted The records are clearly temporary, and the suggested retention periods should satisfy all legal requirements

A handwritten signature in cursive script that reads "Margaret Kukis".

MARGARET KUKIS
Records Appraisal
and Disposition Division