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UNITED STATES DEPARTMENT OF AGRICULTURE

APR 9 16

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P.Q. Docket No. 08-0116
)	A.Q. Docket No. 08-0116
TNT USA, Inc.,)	
d/b/a TNT International Express)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) and under the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (Acts), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Acts and regulations promulgated thereunder. The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, admits to the Findings of Fact set forth below, and waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. The respondent also stipulates and agrees that the United States Department of Agriculture is the "prevailing party" in this proceeding and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. §§ 504 et seq.) for fees and other expenses incurred by the respondent in connection with this proceeding

and waives any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

Findings of Fact

1. TNT USA, Inc., which does business as TNT International Express, hereinafter referred to as the respondent, was at all times material herein a business, incorporated in the State of Delaware, and maintaining its corporate headquarters at 3 Huntington Quadrangle, Suite 201 South, Melville, NY, 11747.
2. Respondent maintains a secondary address of 2250 NW 84th Avenue, Suite 103, Miami, FL, 33122-1528.
3. On April 14, 2004, the respondent imported into the United States a shipment from Paraguay .
4. On July 17, 2004, the respondent imported into the United States a shipment from Costa Rica.
5. On July 24, 2004, the respondent imported into the United States a shipment from Peru.
6. On March 21, 2005, the respondent imported into the United States a shipment from China.
7. On April 19, 2005, the respondent imported into the United States a shipment from Chile.
8. On June 2, 2005, the respondent imported into the United States a shipment from Costa Rica.
9. On June 2, 2005, the respondent the respondent imported into the United States a shipment from Guatemala.

10. On June 11, 2005, the respondent imported into the United States a shipment from Argentina.
11. On June 14, 2005, the respondent imported into the United States a shipment from Japan.
12. On June 23, 2005, the respondent imported into the United States a shipment from Vietnam.
13. On July 28, 2005, the respondent imported into the United States a shipment from Guatemala.
14. On August 12, 2005, the respondent imported into the United States a shipment from Cameroon.
15. On August 25, 2005, the respondent imported into the United States a shipment from India.
16. On September 6, 2005, the respondent imported into the United States a shipment from Costa Rica.
17. On August 23, 2006, the respondent imported into the United States a shipment from Haiti.
18. On October 3, 2006, the respondent the respondent imported into the United States a shipment from Colombia.
19. On October 6, 2006, the respondent imported into the United States a shipment from Mexico.
20. On December 9, 2006, the respondent imported a shipment into the United States.
21. On January 17, 2007, the respondent imported into the United States a shipment from China.
22. On February 1, 2007, the respondent imported into the United States a shipment from Kenya.

23. On February 6, 2007, the respondent imported into the United States a shipment from Kenya.
24. On February 16, 2007, the respondent imported into the United States a shipment from the United Kingdom.
25. On February 23, 2007, the respondent imported a shipment into the United States.
26. On March 15, 2007, the respondent imported into the United States a shipment from Mexico.
27. On April 4, 2007, the respondent imported into the United States a shipment from Mexico.
28. On April 5, 2007, the respondent imported into the United States a shipment from Mexico.
29. On October 30, 2007, the respondent imported a shipment into the United States.
30. On the dates listed above, and on other dates, the respondent imported shipments from various countries into the United States at various ports of entry.

Conclusions

The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

The respondent, TNT USA, Inc., is assessed a civil penalty of twenty-five thousand dollars (\$25,000.00) for the violations alleged in the complaint, as well as for violations of the Acts of the same nature not alleged in the complaint that occurred between April 1, 2004 and January 5, 2009. The respondent shall send a certified check or money order for twenty-five thousand dollars (\$25,000.00), payable to the Treasurer of the United States, to United States

Department of Agriculture, APHIS, Field Servicing Office, Accounting Section, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding, P.Q./A.Q. 08-0116.

This Order shall become effective when served on the respondent.




Maureen Cori, Director for Customs Compliance and Regulatory Affairs for TNT USA, Inc.
Respondent



Krishna Ramaraju
Attorney for Complainant

Issued this 12th day of February, 2009
at Washington, D.C.


Administrative Law Judge