UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: P.Q. Docket No. 07-0018

Aeropostal Airlines, Inc., Respondents

Consent Decision for Aeropostal Airlines, Inc.

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701-7772)(Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated under the Act (7 C.F.R. § 330.111 et seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes 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, and admits to the Findings of Fact set forth below.

Respondent 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;

(c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(d) 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.
Findings of Fact

1. Aeropostal Airlines, Inc., hereinafter referred to as the respondent, is an entity with a mailing address of 2601 N.W. 105 Avenue, Doral, Florida 33172.

2. On or about January 20, 2004, respondent failed to provide advanced notification of the arrival of an aircraft from a foreign country.

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 is assessed a civil penalty of six thousand, one hundred and twenty-five dollars ($6,125.00). The respondent shall send a certified check or money order for six thousand, one hundred and twenty-five dollars ($6,125.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, 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.O. Docket No. 07-0018.

This Order shall become effective when served on the respondent.

AEROPOSTAL AIRLINES, INC.
Respondent

DARLENE M. BOILINGER
Attorney for Complainant

RICARDO E. PINES
Attorney for Respondent

Issued this 24th day of MINN, 2008

at Washington, D.C.

Administrative Law Judge