

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

09-0072
FEB 22 2009
10:33 AM

In re:)
) P.Q. Docket No. 09-0072
Amerijet International, Inc.,) A.Q. Docket No. 09-0072
)
Respondent)
)
)
) CONSENT DECISION

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) and the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) 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 (7 C.F.R. §§ 319.56 et seq. and 330.111 et seq. and 9 C.F.R. §§ 94.5 et seq.). 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.

Findings of Fact

1. On or about December 29, 2004, the Respondent imported a shipment manifested as "crafts" from the Dominican Republic, AWB # 810-6452-2220, and federal officials placed the shipment on hold for agricultural inspection at the Miami International Airport.

2. On or about January 22, 2005, the Respondent imported a shipment manifested as "spice" and other items from Haiti, AWB # 810-0533-2456, and federal officials placed the shipment on hold for agricultural inspection at the Miami International Airport.

3. On or about February 15, 2005, the Respondent imported regulated garbage from flight number 8114/8115, tail number N199AJ, that landed in Miami, en route from Venezuela.

4. On or about February 18, 2005, the Respondent imported a shipment of live roosters from Miami that had transited through Barbados, AWB # 810-3386-7341, and federal officials placed the shipment on hold for agricultural inspection at LMM International Airport, San Juan, Puerto Rico.

5. On or about September 9, 2005, the Respondent's flight M6-854, tail number N199AJ, arrived in Miami from Port of Spain, Trinidad.

6. On or about September 22, 2005, the Respondent delivered 30 boxes of cluster beans from the Dominican Republic, AWB # 810-6121-0166, to the consignee in Florida.

7. On or about May 11, 2007, the Respondent delivered a shipment of bilimbi fruit from Grenada, AWB # 810-6356-8411, to the consignee in Florida.

Conclusions

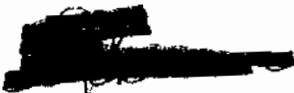
The Respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

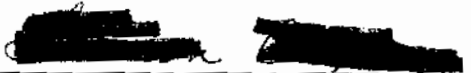
The Respondent, Amerijet International, Inc., is assessed a civil penalty of seven thousand dollars (\$7,000.00). The Respondent shall send a certified check or money order for seven thousand dollars (\$7,000.00), payable to the Treasurer of the United

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.

This Order shall become effective when served on the Respondent.



Laurence Glasser, Risk Manager
Amerijet International, Inc.
Respondent



Lauren C. Axley
Attorney for Complainant

Issued this 3th day of May, 2009
at Washington, D.C.



Administrative Law Judge