

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Gary Page Wholesale Flowers, dba)
G. Page Wholesale Flowers, dba) P.Q. Docket No. 09-0104
Gary Page & Company Ltd.)
)
Respondent) CONSENT DECISION
)

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) 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 thereunder (7 C.F.R. §§ 319.37 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. Gary Page Wholesale Flowers, dba G. Page Wholesale Flowers, dba Gary Page & Company Ltd. hereinafter referred to as Respondent, has a mailing address of 120 West 28th Street, New York, NY 10001.

2. On or about October 27, 2005, the Respondent imported fruit (1 box of kumquats from Uruguay and 1 box of limequats from Israel) into the United States via the Netherlands, Airway Bill No. 074-7469-5191.

3. On or about June 13, 2006, the Respondent imported from the Netherlands 12 *Echeveria* sp. plants with soil, Airway Bill No. 074-7650-5063.

4. On or about July 8, 2006, the Respondent imported into the United States 3 boxes of *Capsicum* sp. plants with fruit attached from the Netherlands.

5. On or about July 18, 2006, July 31, 2007, and August 1, 2007, the Respondent imported into the United States from the Netherlands *Setaria italica*, a species of *Poaceae*.

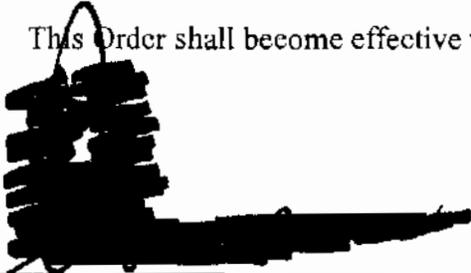
Conclusions

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, Gary Page Wholesale Flowers, dba G. Page Wholesale Flowers, dba Gary Page & Company Ltd., is assessed a civil penalty of ten thousand dollars (\$10,000.00). The Respondent shall send a certified check or money order for ten thousand dollars (\$10,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, U.S. Bank, P.O. Box 979043, St. Louis, Missouri 63197-9000, 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.

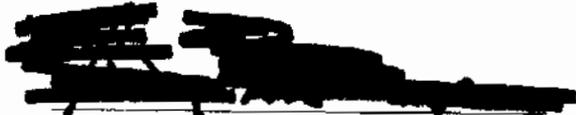


GARY PAGE WHOLESALE FLOWERS, dba
G. PAGE WHOLESALE FLOWERS, dba
GARY PAGE & COMPANY LTD.
Respondent



Lauren C. Axley
Attorney for Complainant

Issued this 23rd day of September, 2009
at Washington, D.C.



Administrative Law Judge