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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
 )  
 ) A.Q./P.Q Docket No. 10-0085  
 Swissport Cargo Services, Inc., )  
 )  
 Respondent )  
 )  
 )  
 ) CONSENT DECISION  
 )

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.), and Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (together “the Acts”) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondent violated the Acts. The Complainant and the Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision. In addition, and in view of the provisions of this Consent Decision, Complainant undertakes not to bring any further proceeding against the Respondent before the Secretary of the United States Department of Agriculture under the Acts based on any act or omission of the Respondent involving an agricultural hold that occurred prior to August 31, 2010. The Complainant and the Respondent 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. Swissport Cargo Services, Inc., hereinafter referred to as the Respondent, is a California corporation with a principal address of 45025 Aviation Dr., Suite 350, Dulles, VA 20166.

2. On or about October 9, 2006, the Respondent moved, from the Atlanta International Airport (ATL) port of entry (POE), a shipment from Singapore manifested as Ezetimibe, Simvastatin, Airway Bill (AWB) # 297-8726-3632.

3. On or about November 29, 2006, the Respondent moved, from the ATL POE, a shipment from Singapore manifested as Ezetimibe/Simvastatin, AWB # 297-8780-0300.

4. On or about June 18, 2007, the Respondent moved, from ATL POE, a shipment from Thailand manifested as fresh orchid cut flowers, AWB # 297-4405-3774.

5. On or about June 24, 2007, the Respondent moved, from Los Angeles International Airport (LAX) POE, a shipment from Britain manifested as personal effects, AWB # 016-3305-1616.
6. On or about June 25, 2007, the Respondent moved, from LAX POE, a shipment from Britain manifested as personal effects, AWB # 016-0341-2732.
7. On or about June 27, 2007, the Respondent moved, from Chicago O'Hare Airport (O'Hare) POE, a shipment from Italy manifested as *Danae racemosa* fresh cut flowers and foliage, AWB # 016-0116-5625.
8. On or about August 18, 2007, the Respondent moved, from LAX POE, a shipment from Australia manifested as Eucalyptus tree cuttings, AWB # 016-4171-7384.
9. On or about August 25, 2007, the Respondent moved, from LAX POE, a shipment from Guatemala manifested as assorted candies, AWB # 016-7199-2255.
10. On or about September 1, 2007, the Respondent moved, from LAX POE, a shipment from the Netherlands manifested as agriculture equipment, AWB # 074-1770-0362.
11. On or about November 27, 2007, the Respondent moved from San Francisco International Airport (SFO) POE, a shipment from Thailand manifested as fresh orchid cut flowers, AWB # 016-7714-4690.
12. On or about December 7, 2007, the Respondent moved from LAX POE, a shipment from China manifested as flower foliages, AWB # 618-5382-9016.
13. On or about December 10, 2007, the Respondent moved from SFO POE, a shipment from Australia manifested as antlers and cape, AWB # 016-4182-5372.
14. On or about December 19, 2007, the Respondent moved from LAX POE, a shipment from Japan manifested as consumables, AWB # 016-3848-4316.

15. On or about January 31, 2008, the Respondent moved from LAX POE, a shipment from Hong Kong manifested as ceramic garden, AWB # 618-5383-9726.
16. On or about February 20, 2008, the Respondent moved from LAX POE, a shipment from Australia manifested as live mice, AWB # 016-4178-4293.
17. On or about February 23, 2008, the Respondent moved from LAX POE, a shipment from Australia manifested as used household goods and personal effects (nonhazardous), AWB # 016-4189-5545.
18. On or about March 12, 2008, the Respondent moved from LAX POE, a shipment from Guatemala manifested as fresh basil and chives, AWB # 016-5055-4416.
19. On or about March 26, 2008, the Respondent moved from LAX POE, a shipment from Austria manifested as pharmaceuticals, AWB # 724-6111-2435.
20. On or about March 28, 2008, the Respondent moved from LAX POE, a shipment from Israel manifested as liquid vegetable extract, AWB # 724-5890-2546.
21. On or about November 30, 2008, the Respondent moved from LAX POE, a shipment from Mexico manifested as fresh Persian limes, AWB # 933-9510-1672.
22. On or about February 6, 2009, the Respondent moved from LAX POE, a shipment from Mexico manifested as organic aloe vera, AWB # 160-3044-0631.

#### 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.

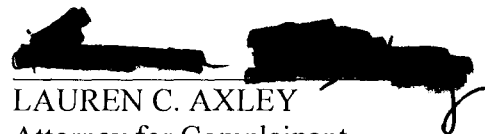
#### Order

The Respondent, Swissport Cargo Services, Inc., is assessed a civil penalty of fifty-four thousand and three hundred and ten dollars (\$54,310.00). The Respondent shall send a certified

check or money order for fifty-four thousand and three hundred and ten dollars (\$54,310.00), 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.

  
THOMAS EDGE  
Vice President Cargo Operations Americas  
Swissport Cargo Services, Inc.

  
LAUREN C. AXLEY  
Attorney for Complainant

Issued this 16<sup>th</sup> day of September, 2010

at Washington, D.C.

  
Administrative Law Judge