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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) Docket No. 12-0288
))
Pharma Chemie, Inc.))
))
Respondent) CONSENT DECISION

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act. 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 only for purposes of authorizing issuance of this Consent Decision, 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

I.

Pharma Chemie, Inc., (herein “respondent”) is a business incorporated in the state of Nebraska. The address for the respondent is 1877 Midland Street, P.O. Box 326, Syracuse, Nebraska 68466.

II.

On or about June 11, 2007, the respondent forged, counterfeited, or, without authority from the Secretary [of Agriculture] used or altered United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Health and Export Certificate, Animal Products, VS-Form 16-4, NE-1022, to export three hundred (300) kilograms of artificial powdered beef flavor, PC-0125, to Italy, in violation of 7 U.S.C. §§ 8304(a)(1) and 8313(b)(1).

III.

On or about September 13, 2007, the respondent forged, counterfeited, or, without authority from the Secretary [of Agriculture] used or altered USDA, APHIS, Health and Export Certificate, Animal Products, VS-Form 16-4, NE-1545, to export twenty (20) kilograms of artificial powdered beef flavor, PC-0125, to Italy, in violation of 7 U.S.C. §§ 8304(a)(1) and

8313(b)(1).

IV.

On or about November 8, 2007, the respondent forged, counterfeited, or, without authority from the Secretary [of Agriculture] used or altered USDA, APHIS, Health and Export Certificate, Animal Products, VS-Form 16-4, NE-2578, to export sixty (60) kilograms of artificial powdered beef flavor, PC-0125, to Italy, in violation of 7 U.S.C. §§ 8304(a)(1) and 8313(b)(1).

V.

On or about March 26, 2008, the respondent forged, counterfeited, or, without authority from the Secretary [of Agriculture] used or altered USDA, APHIS, Health and Export Certificate, Animal Products, VS-Form 16-4, NE-8-1935, to export eighty (80) kilograms of artificial powdered beef flavor, PC-0125, to Italy, in violation of 7 U.S.C. §§ 8304(a)(1) and 8313(b)(1).

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, Pharma Chemie, Inc., is assessed a civil penalty of thirty-five thousand dollars. (\$35,000.00). The respondent shall send a certified check or money order for \$35,000 (\$35,000.00), made out to "Treasurer of the United States", to USDA-APHIS-GENERAL, P.O. Box 979043, St. Louis, MO, 63179-0335 and shall be payable 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.

Pharma Chemie, Inc., Respondent

BY:


Mark Pieloch, President


Tracey Manoff
Attorney for Complainant

Issued this 28th day of May, 2012
at Washington, D.C.


/Administrative Law Judge