

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
)
Librado Pina, Inc.,)
)
)
)
Respondent.)

Docket No. 14-0044

CONSENT DECISION



This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 *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 and the regulations promulgated thereunder (7 C.F.R. Part 352). 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 or law 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

Librado Pina, Inc., (Librado) hereinafter referred to as respondent, is a business located at 8901 San Mateo Drive, Laredo, Texas 78045. At all material times hereto, Librado engaged in activities governed under the Act and regulations, and held APHIS-issued transportation and exportation permits to conduct regulated activities. Since 2009, Librado has held four APHIS Permits: P352-08-00533 (2009); P352-10-00041 (2010); P352-11-00074 (2011); and P352-12-00081 (2012). Librado transited commodities regulated under the Act and subject to transit and entry permit conditions from Mexico to Canada through the United States.

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, Librado Pina, Inc., is assessed a civil penalty of \$21,000.00 (twenty-one thousand dollars and zero cents). The respondent agrees to make monthly payments of \$1500.00 per month, for fourteen months, until the civil penalty is paid in full. The payments shall be made by the first day of each month, beginning May 1, 2014. The respondent shall send each payment, by certified check or money order, payable to the Treasurer of the United States, to USDA APHIS, P.O. Box 979043, St. Louis, MO, 63197-9000. The certified check or money

order should include the docket number of this proceeding.

The provisions of this order shall become effective on the thirtieth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.

[Redacted signature area]

for Librado Pina,
Respondent

[Redacted signature area]

for Tracey Manoff
Attorney for Complainant

Issued this 26th day of March 2014
at Washington, D.C.

[Redacted signature area]

Administrative Law Judge