

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) A.Q. Docket No. 08-0056
Klime Srbinoski)
dba)
Balkan Company.)
)
Respondent.) Consent Decision and Order

This proceeding was instituted under the Animal Health Protection Act, as amended (7 U.S.C. § 8301 et seq.) (Act), and regulations promulgated thereunder (9 C.F.R. § 94 et seq.) (regulations), 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. The complainant and the respondent, Klime Srbinoski, dba Balkan Company, 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, 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. Klime Srbinoski, hereinafter referred to as Respondent, is an individual doing business as the Balkan Company, a food import company, with a mailing address of 344 Starlight Drive, Cleveland, OH 44131.

2. On or prior to December 26, 2003, the respondent violated 9 C.F.R. § 94.18(b) of the regulations by importing into the United States an unknown amount of prohibited beef meat and noodle soup from Macedonia and selling the product in domestic commerce.

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, is assessed a civil penalty of four hundred dollars (\$400.00). The respondent shall send a certified check or money order for four hundred dollars (\$400.00), 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.

If any provision of this Order is declared to be invalid, such declaration shall not affect the validity of any other provision herein.

This Order shall become effective when served on the Respondent.



KLIME SRBINOSKI
dba Balkan Company
Respondent



MARGARET BURNS RATH
Attorney for Complainant

Issued this 26th day of March, 2008
at Washington, D.C.



Administrative Law Judge