

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
Kiet Huy Tran,) A.Q. Docket No. 05-0011
Respondent) Consent Decision and Order

This proceeding was instituted under section 2 of the Act of February 2, 1903, as amended (21 U.S.C. § 111) (Act), 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 (9 C.F.R. §§ 94 et seq.)(regulations). 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. Kiet Huy Tran, hereinafter referred to as respondent, is an individual with a mailing address of 4225 South Brighton Street, Seattle Washington 98118.
2. On or about December 29, 2001, respondent imported one (1) kilogram of pork meat from Vietnam into the United States at Seattle, Washington.


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

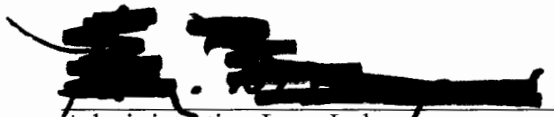
The respondent, Kiet Huy Tran, is assessed a civil penalty of five hundred dollars (\$500.00). The respondent shall send certified checks or money orders for a minimum of fifty dollars (\$50.00) **each month**, until the five hundred dollar (\$500.00) amount is paid **in full**, payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Field Servicing Office, Accounting Section, P.O. Box 3334, Minneapolis, Minnesota 55403, beginning payment within thirty (30) days from the effective date of this Order. The certified checks or money orders should include the docket number of this proceeding.

This Order shall become effective when served on the respondent.


KIET HUY TRAN
Respondent


MARGARET BURNS RATH
Attorney for Complainant

Issued this 27th day of September, 2005
at Washington, D.C.


Administrative Law Judge