

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	A.Q. Docket No.
)	
Hector Eloy Rodriguez)	06-0008
)	
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 and regulations promulgated thereunder (9 C.F.R. §§ 93.300 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, 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, and waives any other action against the USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

Findings of Fact

1. Hector Eloy Rodriguez, hereinafter referred to as Respondent, is an individual with a mailing address of P.O. Box 65, Roma, TX, 78584.
2. On October 2, 2004, Respondent imported one horse into the United States from Mexico.

Conclusions

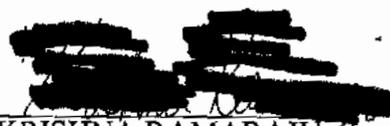
The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

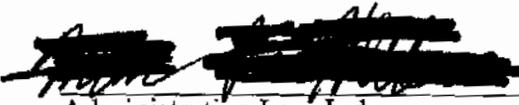
The respondent, Hector Eloy Rodriguez, is assessed a civil penalty of five hundred dollars (\$500.00). The respondent shall send a certified check(s) or money order(s) totaling five hundred dollars (\$500.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Field Servicing Office, Accounting Section, P.O. Box 3334, Minneapolis, Minnesota 55403, within ten(10) months from the effective date of this Order. The certified check(s) or money order(s) should include the docket number of this proceeding (A.Q. 06-0008).

This Order shall become effective when served on the respondent.


HECTOR ELOY RODRIGUEZ
Respondent


KRISHNA RAMARAJU
Attorney for Complainant

Issued this 5th day of July, 2006
at Washington, D.C.


Administrative Law Judge