

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
Felipe Garcia d/b/a)	Docket No. 16-0004 (PQ)
Felipe Garcia Custom House Broker,)	
)	
Respondent.)	Consent

This proceeding was instituted under the Plant Protection Act, as amended and supplemented 7 U.S.C. §§ 7701 *et seq.* (Act), and the regulations promulgated thereunder by the Secretary of Agriculture 7 C.F.R. §§ 319.56 *et seq.* (regulations) by a Complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (Complainant), alleging that the Respondent violated the Act and the regulations promulgated thereunder. The parties have agreed that this proceeding should be terminated by entry of this Consent Decision in accordance with the consent decision provisions of the applicable rules of practice (7 C.F.R. §§ 1.130 *et seq.*), and have agreed to the following:

1. For the purposes of this Consent Decision only, the 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, and admits to the Findings of Fact set forth below and waive:

(a) any further procedure;

(b) all rights to seek judicial review and otherwise challenge or contest the validity of this Decision; and

(c) waive 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 or against any employee of the United States Department of Agriculture in connection with this proceeding.

Findings of Fact

1. The Respondent Felipe Garcia d/b/a Felipe Garcia U.S. Custom House Broker is an individual. The Respondent's mailing address has not been provided to protect his privacy.
2. The Respondent, at all times material herein, had a Permit to Import Plants and Plant Products Regulated by 7 C.F.R. § 319.56.
3. On or about August 27, 2011 and March 28, 2012, agricultural products were imported from Mexico into the United States.

Conclusions

The Respondent has admitted the jurisdictional facts and the parties have agreed to the provisions set forth in the following Order, this Consent Decision will be issued.

Order

The Respondent is assessed a civil penalty of seventeen thousand and five hundred dollars (\$17,500.00). The Respondent shall send a certified check or money order made payable to the "Treasurer of the United States", to USDA, 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.

The provisions of this Order shall become final and effective upon issuance.

Copies of this Decision and Order shall be served on the parties.


FELIPE GARCÍA dba
Felipe Garcia U.S. Custom House Broker
Respondent


LAWRENCE W. HANSON
Attorney for Respondent


DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington, D.C.
this 9th day of November, 2016


~~JANICE K. BULLARD~~
Administrative Law Judge

Channing D. Strother