

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P.Q. Docket No. 07-0105
)
) Parmar Dhanraj, Inc., dba
) Dhanraj)
) Respondent)
) CONSENT DECISION

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondent violated the Acts and regulations promulgated thereunder (7 C.F.R. §§ 319.24 et seq.). 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. Parmar Dhanraj, Inc., dba Dhanraj, is a business with a mailing address of 20615 Mack Street, Hayward, CA 94545.
2. On or about April 21, 2003, the Respondent imported millet (227 kg of *Pennisetum glaucum* and 227 kg of *Eleusine coracana* and 182 kg *Sorghum* sp.) from India into the United States.
3. On or about October 19, 2003, the Respondent imported finger millet from India into 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, Parmar Dhanraj, Inc., dba Dhanraj, is assessed a civil penalty of five thousand dollars (\$5,000.00). The Respondent shall pay the five thousand dollars (\$5,000.00) in ten installments of five hundred dollars each (\$500.00). The Respondent shall send a certified check or money order for the first installment of 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 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 second installment of five hundred dollars (\$500.00) shall be due not later than October 1, 2008; the remaining installments shall be due not later than the first of the month for each subsequent month until the five thousand dollars (\$5,000.00) is paid in full. Each installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding. In the event that the payments are not made by the Respondent in compliance with this Order, the entire balance outstanding shall be due and payable immediately.

This Order shall become effective when served on the Respondent.

PARMAR DHANRAJ, INC.,
dba DHANRAJ
Respondent




LAUREN C. AXLEY
Attorney for Complainant

Issued this 5th day of August, 2008
at Washington, D.C.




Administrative Law Judge