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UNITED STATES DEPARTMENT OF AGRICULTURE - 4 21 2012 52

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P.Q. Docket No. 08-0101
)	
Dole Fresh Fruit Company,)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 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. 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 and waives any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

Findings of Fact

1. Dole Fresh Fruit Company, hereinafter referred to as respondent, was at all times material herein a business, incorporated under the laws of the State of Nevada, and maintaining its corporate headquarters at One Dole Drive, Westlake Village, CA 91362.
2. Respondent has a mailing address of P.O. Box 725, New Castle, DE, 19720-0725.
3. On March 28, 2004, at the Port of Wilmington, Delaware, respondent imported fruits from Costa Rica.
4. On September 5, 2004, at the Port of Wilmington, Delaware, respondent imported fruits from Costa Rica.
5. On December 15, 2005, at the Port of Wilmington, Delaware, respondent imported fruits from Costa Rica.
6. On May 10, 2006, at the Port of Wilmington, Delaware, respondent imported fruits from Costa Rica.
7. On May 16, 2006, at the Port of Wilmington, Delaware, respondent imported fruits from Costa Rica.
8. On October 23, 2006, at the Port of Wilmington, Delaware, respondent imported a shipment of fruits from Costa Rica.
9. On November 6, 2007, at the Port of Wilmington, Delaware, respondent imported fruits from Costa Rica.

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

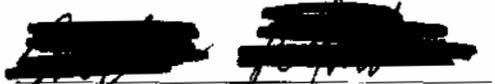
The respondent, Dole Fresh Fruit Company, is assessed a civil penalty of fifty thousand dollars (\$50,000.00). The respondent shall send a certified check or money order for fifty thousand dollars (\$50,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, 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, P.Q. 08-0101.

This Order shall become effective when served on the respondent.


Genevieve M. Kelly, Esq., Vice President
for Dole Fresh Fruit Company
Respondent


Krishna Ramaraju
Attorney for Complainant

Issued this 6th day of June, 2008
at Washington, D.C.


Administrative Law Judge