

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

2004 APR 29 P 2: 31

In re:

Cargo Airport Services, LLC and  
KLM Royal Dutch Airlines

Respondents

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P.Q. Docket No. 03-0016

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Consent Decision

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 Inspect Service alleging that the respondents violated the Act. Respondent has agreed that this proceeding should be terminated by entry of the Consent Decision set forth below, and has agreed to the following stipulations:

1. For the purpose of this stipulation, and the provisions of this Consent Decision only, the respondent admits specifically 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 <sup>ment and</sup> Agriculture is the "prevailing party" in this proceeding and waives any action against the United

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States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for the fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. KLM Royal Dutch Airlines, herein referred to as respondent, is a company with a business address of 55 Amerstergamseweg, Amstelveen 1117 ZL Netherlands. KLM Royal Dutch Airlines also has an office, with a mailing address of 3229 Air Freight Road, Houston, Texas 77032, registered with the Texas Secretary of State.

2. On or about March 11, 2002, KLM Royal Dutch Airlines moved articles arriving at the port of first entry, George Bush Intercontinental Airport/Houston, to Dallas, Texas.

3. On or about March 17, 2002, KLM Royal Dutch Airlines moved articles arriving at the first port of entry, George Bush Intercontinental Airport/Houston, to Dallas, Texas.

Conclusion

The respondent having admitted the jurisdictional facts, and having agreed to the provisions set forth in the following Order in disposition of this proceeding, such Order and Decision will be issued.

Order

The respondent, KLM Royal Dutch Airlines, is assessed a civil penalty of five thousand dollars (\$5,000.00). This penalty shall be payable to the "Treasurer of the United States" by certified check or money order, and shall be forwarded 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. Respondent shall indicate that payment is in reference to P.Q. Docket No. 03-0016.

This Order shall become effective the day upon which service of this Order is made upon the respondent.



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KLM Royal Dutch Airlines



CARLYNNE S. COCKRUM  
Attorney for Complainant

Issued this 29th day of April, 2004  
In Washington, D.C.



ADMINISTRATIVE LAW JUDGE