

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P.Q. Docket No: 03-0019
)
)
ISS-Riomar, L.L.C.,)
)
Respondent) Consent Decision

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.)(the Act), by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated thereunder (7 C.F.R. § 330.111). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes 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, and admits to the Findings of Fact set forth below.

Respondent 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;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) 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 respondents in connection with this proceeding.

Findings of Fact

1. ISS-Riomar, L.L.C., hereinafter referred to as respondent, is a limited liability company which provides vessel agency services to foreign watercraft entering U.S. territorial waters along the U.S. Gulf Coast between Brownsville, Texas, and Port Everglades, Florida. Respondent has a mailing address of 2021 Lakeshore Drive, Room 400, New Orleans, Louisiana 70122.
2. On September 20, 2002, the M/V Thalia arrived from a foreign country and docked at the ICRR dock in the Port of Baton Rouge, Louisiana, at 1100 hours.
3. On or about September 23, 2002, the M/V Tramper arrived from a foreign country and docked at a midstream facility, the Cooper mile 171 marker, in Darrow, Louisiana (Port of Baton Rouge, Louisiana).
4. On November 1, 2002, the M/V Khudozhnik Krayev arrived from a foreign country and docked at the ICRR dock in the Port of Baton Rouge, Louisiana, at 0100 hours.

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 ISS-Riomar, L.L.C., is assessed a civil penalty of six thousand dollars (\$6,000.00). The respondent shall send a certified check or money order for six thousand dollars (\$6,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, 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.

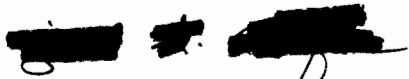
This Order shall become effective when served on the respondent.


ISS-RIOMAR, L.L.C.
Respondent


THOMAS J. SMITH
Attorney for Respondent


THOMAS N. BOLICK
Attorney for Complainant

Issued this 9 day of April, 2004
at Washington, D.C.


Jill S. Clifton
Administrative Law Judge