

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P.Q. Docket No. 04-0004
)
)
Gulf Rice Arkansas, L.L.C.,)
and Ricardo Lopez,)
)
Respondents) 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. The complainant and respondent Gulf Rice Arkansas, L.L.C. (hereinafter, the respondent) have agreed that this proceeding should be terminated by entry of this Consent Decision.

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.

The 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 respondent in connection with this proceeding.

Findings of Fact

1. Gulf Rice Arkansas, L.L.C., hereinafter referred to as the respondent, is a company which dries, mills, and stores rice from Arkansas for exportation to Mexico and has a mailing address of 230 Westcott, Suite 220, Houston, Texas 77007.

2. On or about April 5, 2001, approximately 135,000 pounds of beans from New Mexico were exported to Mexico via Laredo, Texas.

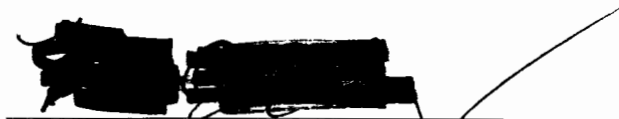
Conclusions

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.

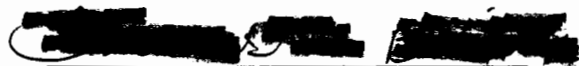
Order

The respondent Gulf Rice Arkansas, L.L.C., is assessed a civil penalty of five thousand dollars (\$5,000.00). The respondent shall send a certified check or money order for five thousand dollars (\$5,000.00), 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.



Mark E. Easley
Gulf Rice Arkansas, L.L.C.
Respondent



Thomas N. Bolick
Attorney for Complainant

Issued this 24th day of November, 2004
at Washington, D.C.

Administrative Law Judge