

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P.Q. Docket No. 04-0011  
)  
United Airlines, Inc., )  
)  
Respondent ) CONSENT DECISION

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701-7772)(Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and the regulation promulgated under the Act (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 respondent in connection with this proceeding.

#### Findings of Fact

1. United Airlines, Inc., hereinafter referred to as respondent, is a business with a mailing address of 610 Cargo Road, Chicago, Illinois 60666.

2. On or about April 8 and 9, 2003, the respondent, owner and operator of an aircraft, entered an aircraft from Germany 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 is assessed a civil penalty of two thousand dollars (\$2,000.00). The respondent shall send a certified check or money order for two thousand dollars (\$2,000.00), payable to the Treasurer of the United States, to the 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.

  
UNITED AIRLINES, INC  
Respondent

  
DARLENE M. BOLINGER  
Attorney for Complainant

  
JOHN T. MIDGITT  
Attorney for Respondent

Issued this 17<sup>th</sup> day of November, 2004  
at Washington, D.C.

  
Administrative Law Judge