

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P.Q. Docket No. 04-0013  
          ) )  
Agencia Navemar de Puerto Rico, Inc., )  
          ) )  
Respondent ) 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 Inspection Service alleging that the respondent violated the Act and regulations promulgated thereunder (7 C.F.R. §§ 319.40-9(a)(1), 319.40-9(a)(4), and 352.10(a)) (regulations). 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.

#### Findings of Fact

1. Agencia Navemar de Puerto Rico, Inc., hereinafter referred to as respondent, is a business with a mailing address Miraflores St. Esq. Villaverde, Pier 15, Santurce, Puerto Rico 00807.

2. On or about January 10, 2001, respondent moved a shipment of regulated articles from China, namely solid wood packing materials with bark residue without proper inspection and release by an inspector before onward movement from port of first arrival in Ponce, Puerto Rico.

#### 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, Agencia Navemar de Puerto Rico, Inc., is assessed a civil penalty of five thousand dollars (\$5,000), of

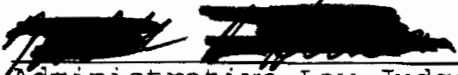
which four thousand dollars (\$4,000) is suspended, provided that the respondent does not violate the Act or the regulations issued thereunder for a period of two (2) years from the effective date of this Order. The respondent shall send a certified check or money order for one thousand (\$1,000) dollars, 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.

This Order shall become effective when served on the respondent.

  
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 Agencia Navemar de Puerto Rico, Inc.  
 Respondent

  
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 Tracey Manoff  
 Attorney for Complainant

Issued this 18th day of April, 2005  
 at Washington, D.C.

  
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 Administrative Law Judge