

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250
10/10/18

In re:)	P.Q. Docket No.
Itzhak Lahiany)	05-0003
and)	
Orico International Export and Import, Inc.,)	
Respondents)	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 Acting Administrator of the Animal and Plant Health Inspection Service alleging that the respondents violated the Act and regulations promulgated thereunder (7 C.F.R. § 330.200 and § 352.5). The complainant and the respondents have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondents specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admit nor deny the remaining allegations in the complaint, and admit to the Findings of Fact set forth below.

Respondents waive:

- (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. Itzhak Lahiany acts as President of Orico International Export and Import, Inc.(hereinafter “respondents”), a business with a mailing address of 61-25 97th Street, Suite 12D, Rego Park, New York 11374-1205.
2. On or about December 16, 2000, approximately 436 pounds of live pests, specifically *Otala lactea*, were moved interstate from New York to Illinois without a permit.
3. On or about September 6, 2001, approximately 850 pounds of live pests, specifically *Otala lactea*, were moved interstate from New York to Illinois without a permit.

Conclusions

The respondents have admitted the jurisdictional facts and have agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

The respondents, Itzhak Lahiany and Orico International Export and Import, Inc., are assessed a civil penalty of one thousand dollars (\$1,000.00). The respondents shall send a certified check or money order for one thousand dollars (\$1,000.00), 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.

~~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.

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Itzhak Lahiany

Pres

ORICO INTL EXP & IMP INC

Orico International Export and Import, Inc.

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Peter W. Klestadt, Esq. for

Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP

Attorneys for Respondents Itzhak Lahiany

and Orico International Export and Import, Inc.

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Krishna Ramaraju, Esq.

Attorney for Complainant

Issued this 27th day of January, 2005

at Washington, D.C.

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Administrative Law Judge