

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P.Q. Docket No. 05-0007
)
Richard Andreski and)
Chilam Trading Associates, 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 Administrator of the Animal and Plant Health Inspection Service alleging that the respondents violated the Act and specifically 7 U.S.C. § 7734(b)(1) of the Act. Respondents have agreed that this proceeding should be terminated by entry of the Consent Decision set forth below, and have agreed to the following stipulations:

1. For the purpose of this stipulation, and the provisions of this Consent Decision only, the respondents admit specifically 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, admit to the Findings of Fact set forth below, and 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; and
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. The respondents also stipulate and agree that the United States Department of

Agriculture is the “prevailing party” in this proceeding and waive 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 the fees and other expenses incurred by the respondents in connection with this proceeding.

Findings of Fact

1. Richard Andreski, hereinafter referred to as respondent, is an individual with a mailing address of P.O. Box 1344, Millersville, Maryland, 21108

2. Chilam Trading Associates, Inc., hereinafter referred to as respondent, was at all relevant times a corporation operated by respondent Richard Andreski, with a mailing address of P.O. Box 1344, Millersville, Maryland, 21108.

2. Between April 5, 2002 and April 29, 2002, the respondents altered an original phytosanitary certificate by removing the name of the exporter and replacing it with respondent’s name, as well as removing a certification statement and replacing it with another.

Conclusion

The respondents having admitted the jurisdictional facts, and having agreed to the provisions set forth in the following Order in disposition of this proceeding, such Order and Decision will be issued.

Order

Respondent Richard Andreski is assessed a civil penalty of one dollar (\$1.00).

Respondent Chilam Trading Associates, Inc. is assessed a civil penalty of two thousand five hundred dollars (\$2500.00). Each respondent is liable only for his/its own penalty, and neither is liable for the penalty of the other. These penalties shall be payable to the "Treasurer of the United States" by certified check or money order, and shall be forwarded 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. Respondents shall indicate that payment is in reference to P.Q. Docket No. 05-0007.

This Order shall become effective the day upon which service of this Order is made upon the respondents.

[U.S.] Per. [REDACTED]

Richard Andreski
Respondent


[U.S.] Per. [REDACTED]

for Chilam Trading Associates, Inc.
Respondent

[REDACTED]

Krishna Ramaraju
Attorney for Complainant

Issued this 20 day of February, 2005
In Washington, D.C.


ADMINISTRATIVE LAW JUDGE

PETER M. DAUGENPORT