

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P.Q. Docket No.
)	
Gertrude Nelson,)	05 - 0021
)	
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 thereunder (7 C.F.R. § 319.56(b)). 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. The mailing address of Gertrude Nelson, herein referred to as the respondent, is 3288 NW 104th Avenue, Coral Springs, Florida 33065.
2. On or about May 1, 2003, the respondent imported approximately four (4) mangoes from Haiti into the United States at Miami, Florida.

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, Gertrude Nelson, is assessed a civil penalty of two hundred and fifty dollars (\$250.00). The respondent shall send a certified check or money order for two hundred and fifty dollars (\$250.00), 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, P.Q. Docket No. 05 - 0021.

This Order shall become effective when served on the respondent.

[REDACTED]

GERTRUDE NELSON
Respondent

[REDACTED]

Krishna Ramaraju
Attorney for Complainant

Issued this 13th day of May, 2005
at Washington, D.C.

[REDACTED]

PETER M. DAVENPORT
Administrative Law Judge

U.S. DEPARTMENT OF JUSTICE
OFFICE OF ADMINISTRATIVE ADJUSTMENT