

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OAL/JOHO
2005 SEP -2 PM 4:10
RECEIVED

In re:)
) P.Q. Docket No. 05-0025
)
) Barbara M. Pratt,)
) 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 under the Act (7 C.F.R. § 318.13 et seq.). 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. Barbara M. Pratt, hereinafter referred to as the respondent, is an individual whose mailing address is 45-682 Keneke Street, Kaneohe, Hawaii 96744.
2. On or about September 24, 2001, at Honolulu, Hawaii, the respondent offered to a common carrier, specifically Federal Express, three (3) fresh whole avocados for shipment from Hawaii to the continental 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, Barbara M. Pratt, is assessed a civil penalty of one hundred dollars (\$100.00). The respondent shall send a certified check or money order for one hundred dollars (\$100.00), 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. 05-0025.

This Order shall become effective when served on the respondent.


BARBARA M. PRATT
Respondent


JAMES A. BOOTH
Attorney for Complainant

Issued this 2nd day of September, 2005

at Washington, D.C.


Administrative Law Judge