

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P.Q. Docket No.
)	
Continental Airlines, Inc.,)	06 - 0015
Cargo Division,)	
)	
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. § 330)(regulation). 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

and waives any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

Findings of Fact

1. Continental Airlines, Inc., Cargo Division, hereinafter referred to as respondent, is a business with a mailing address of 1600 Smith Street, Houston, Texas 77002.
2. On April 9, 2003, the respondent, at Newark, New Jersey, moved from a port of entry a shipment of herbs from Colombia weighing 717 kilograms.
3. On July 8, 2003, the respondent, at Newark, New Jersey, moved from a port of entry a shipment of 600 boxes of tomatoes from Netherlands weighing 5,746 kilograms.
4. On October 16, 2004, the respondent, at Newark, New Jersey, moved from a port of entry a shipment of 567 boxes of basil from Israel.

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, Continental Airlines, Inc., Cargo Division, is assessed a civil penalty of fifteen thousand dollars (\$15,000.00). The respondent shall send a certified check or money order for fifteen thousand dollars (\$15,000.00), 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., P.Q. 06-0015

This Order shall become effective when served on the respondent.

[Redacted signature]

CONTINENTAL AIRLINES, INC.
by: Thomas N. Bolling, Esq.
Managing Attorney, Regulatory Affairs
Respondent

[Redacted signature]

Krishna Ramaraju
U.S.D.A. - Office of General Counsel
Attorney for Complainant

Issued this 6th day of March, 2007
at Washington, D.C.

[Redacted signature]

Administrative Law Judge
PETER M. DAVENPORT