UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: P.Q. Docket No.
Piggly Wiggly 07-0010
Alabama Distributing Co., Inc.
Respondent Consent Decision

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.) ("the 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. § 301.10 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, the 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.

The 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


Findings of Fact

1. Piggly Wiggly Alabama Distributing Co., Inc., hereinafter referred to as the Respondent, is a business with a mailing address of 2400 J. Terrell Wooten Drive, Bessemer, Alabama 35020.

2. On or about October 10, 2002 and again on or about October 30, 2002 the Respondent moved cases of Seedless Persian Limes into a commercial citrus-producing area.

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, Piggly Wiggly Alabama Distributing Co., Inc., is assessed a civil penalty of seventy-five hundred dollars ($7,500.00). The Respondents shall send a certified check or money order for seventy-five hundred dollars ($7,500.00) 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.

This Order shall become effective when served on the Respondent.

PIGGLY WIGGLY ALABAMA DISTRIBUTING CO., INC.
Respondent

THOMAS N. BOLICK
Attorney for Complainant

Issued this ___ day of November, 2006

at Washington, D.C.

Administrative Law Judge

PETER M. DAVENPORT