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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2007 APR -6 PM 12:38

In re:) P.Q. Docket No. 07-0058
)
)
Akwasi A. Opoku, dba)
Accra African International Market)
)
Respondent)
) CONSENT DECISION

RECEIVED

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondent violated the Acts and regulations promulgated thereunder (7 C.F.R. §§ 319.56 et seq.). 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.

Findings of Fact

1. Akwasi A. Opoku, dba Accra African International Market, has a mailing address of 5266 Cleveland Avenue, Columbus, OH 43231.

2. On January 26, 2003, the Respondent attempted to import from Ghana approximately 89 lbs. of eggplant (*Solanum melongena*) and approximately 16 lbs. of the tropical fruit *Sapotaceae* without a permit.

3. On January 26, 2003, the Respondent attempted to import from Ghana approximately approximately 121 lbs. of the noxious weed, turkeyberry (*Solanum torvum*), without a permit.

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.

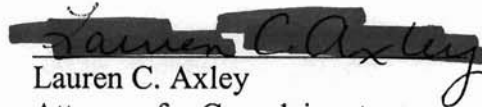
Order

The Respondent, Akwasi A. Opoku, dba Accra African International Market, is assessed a civil penalty of one thousand and two hundred and fifty dollars (\$1,250.00). 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, 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. The respondent shall pay the remaining one thousand dollars (\$1000.00) in five installments of two hundred dollars (\$200.00) each. The first installment shall be due not later than July 1, 2007; the second installment shall be due not later than August 1, 2007; the third installment shall be due not later than September 1, 2007; the fourth installment shall be due not later than October 1, 2007; and the fifth and final installment shall be due not later than November 1, 2007. Each installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on the Respondent.


Akwasi A. Opoku, dba
Accra African International Market
Respondent


Lauren C. Axley
Attorney for Complainant

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


Administrative Law Judge
PETER M. DAVENPORT