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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P.Q. Docket No. 07-0061
)	
Inchcape Shipping Services, 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. §§ 330.105 et seq. and 352.4 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

(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. Inchcape Shipping Services, Inc., hereinafter referred to as the Respondent, has a mailing address of MAI Basic Four Center, 804 Ponce De Leon Avenue, San Juan, PR 00907-3301.
2. On or about February 12, 2003, the Respondent failed to provide the Plant Protection and Quarantine Office (PPQ office) for the port of San Juan, Puerto Rico, notification of a change in estimated time of arrival greater than one hour.
3. On or about February 12, 2003, the Respondent landed and delivered three shipments of merchandise, that been placed on hold by USDA-APHIS for inspection, without authorization from a USDA-APHIS inspector.

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, Inchcape Shipping Services, Inc., is assessed a civil penalty of eleven thousand five hundred dollars (\$11,500.00). The Respondents shall send a certified check or money order for eleven thousand five hundred dollars (\$11,500.00) 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.



INCHCAPE SHIPPING
SERVICES, INC.
Respondent



CORY SPILLER
Attorney for Complainant

Issued this 8th day of August, 2007
at Washington, D.C.



Administrative Law Judge