

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P.Q. Docket No. 07-0062
)
A&M Seafood Corporation)
)
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. § 360.100 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. A&M Seafood Corporation, hereinafter referred to as the Respondent, is a business with a mailing address of 6831 Gas Light Dr., Huntington Beach, California 92647.
2. On or about August 23, 2003 the Respondent moved 536 boxes (28,650 pounds) of *Ipomea Aquatica* seed into the United States.

Conclusion

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, A&M Seafood Corporation, is assessed a civil penalty of seven thousand five hundred dollars (\$7,500.00). The Respondent shall pay the seven thousand five hundred dollar (\$7,500.00) penalty in six installments of one thousand two hundred fifty dollars (\$1,250). The Respondent will send all payments in the form of certified checks or money orders payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403. The certified check or money order should include the docket number of this proceeding. The first installment will be due thirty (30) days from the effective

date of this Order. The five (5) subsequent installments will be due (30) days after the preceding installment.

This Order shall become effective when served on the Respondent.

[Redacted signature]

A&M SEAFOOD CORPORATION
Bob Truong, President

[Redacted signature]

CORY S. SPILLER
Attorney for Complainant

Issued this ¹² day of June, 2007
at Washington, D.C.

[Redacted signature]

Administrative Law Judge