

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

APDA  
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10-10-10 10:09  
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In re: )  
)  
Union Pacific Railroad Co.; )  
and ) P.Q. Docket No. 07-0126  
R. W. Zebrowski, Inc.; )  
and )  
Bruni International, Inc.; )  
)  
Respondents. ) Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.), and regulations promulgated thereunder (7 C.F.R. § 319.8 et seq., 7 C.F.R. 352 et seq., and 7 C.F.R. 330 et seq.), 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. The complainant and the respondent R..W. Zebrowski have agreed that this proceeding against respondent R.W. Zebrowski 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 R..W. Zebrowski 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 R. W. Zebrowski 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. R. W. Zebrowski, Inc., is a corporation doing business as an importer of foreign goods, whose mailing address is 2142 S. Lyon St., Santa Ana, California, 92705.
  2. On or about June 13, 2002, R. W. Zebrowski, Inc., entered into the United States at the port of Eagle Pass, Texas from Mexico, cotton linters without the proper permit
  3. On or about June 13, 2002, R. W. Zebrowski, Inc. failed to properly notify the United States of the arrival and entry of a shipment of regulated cotton linters from Mexico.
  4. On or about June 13, 2002, R. W. Zebrowski, Inc. failed to provide for inspection of cotton linters from Mexico at Eagle Pass, Texas, the port of first arrival into the United States.
  5. On or about June 15, 2002, R. W. Zebrowski, Inc. entered into the United States at the port of Eagle Pass, Texas from Mexico, cotton linters without the proper permit.
  6. On or about June 15, 2002, R. W. Zebrowski, Inc. failed to properly notify the United States of the arrival and entry of a shipment of regulated cotton linters from Mexico.
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7. On or about June 15, 2002 R.W. Zebrowski, Inc. failed to provide for inspection of Mexican cotton linters from Mexico at Eagle Pass, Texas, the port of first arrival into the United States.

#### 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, R.W. Zebrowski, Inc., is assessed a civil penalty of seven thousand dollars (\$7,000.00). The respondent shall send a certified check or money order for seven thousand dollars (\$7,000.00), 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.

If any provision of this Order is declared to be invalid, such declaration shall not affect the validity of any other provision herein.



This Order shall become effective when served on the Respondent.

[REDACTED]

HANS J. HOLSTE  
R.W. Zebrowski, Inc.  
Respondent

11/29/07

[REDACTED]

MARGARET BURNS RATH  
Attorney for Complainant

Issued this 4 day of Dec, 2007

at Washington, D.C.

[REDACTED]

Administrative Law Judge

Jill S. Clifton