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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: )  
 ) P.Q. Docket No. 07-0133  
JetBlue Airways Corporation, )  
 )  
Respondent ) CONSENT DECISION AND  
 ) ORDER

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.)(the Act), by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service (APHIS) alleging that the respondent violated the Act and regulations promulgated thereunder (7 C.F.R. §§ 340 et seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision and Order.

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.

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. JetBlue Airways Corporation is a business that maintains its corporate headquarters at 118-29 Queens Boulevard, Forest Hills, New York 11375, and does business in Puerto Rico as JetBlue Airways Corporation, Luis Munoz Marin International Airport, P.O. Box 37359, San Juan, Puerto Rico 00937-0359.

2. On or about July 11, 2003, three (3) pieces of check-in aircraft baggage that did not bear a yellow USDA inspection label indicating that the baggage had been offered for inspection and passed by an inspector were accepted and processed for delivery from Puerto Rico to the U.S. mainland.

3. On or about January 13, 2004, a piece of check-in aircraft baggage that did not bear a yellow USDA inspection label indicating that the baggage had been offered for inspection and passed by an inspector was accepted and processed for delivery from Puerto Rico to the U.S. mainland.

4. On or about September 22, 2005, a piece of check-in aircraft baggage that did not bear a yellow USDA inspection label indicating that the baggage had been offered for inspection and passed by an inspector was accepted and processed for delivery from Puerto Rico to the U.S. mainland.

5. On or about October 18, 2005, a piece of check-in aircraft baggage that did not bear a yellow USDA inspection label indicating that the baggage had been offered for inspection and passed by an inspector was accepted and processed for delivery from Puerto Rico to the U.S.

mainland.

6. On or about October 21, 2005, a piece of check-in aircraft baggage that did not bear a yellow USDA inspection label indicating that the baggage had been offered for inspection and passed by an inspector was accepted and processed for delivery from Puerto Rico to the U.S. mainland.


#### Conclusions


The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding. Therefore, this Consent Decision and Order will be issued.

#### Order

The respondent JetBlue Airways Corporation is assessed a civil penalty of ten thousand dollars (\$10,000.00). The respondent shall send a certified check or money order for ten thousand dollars (\$10,000.00), 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.

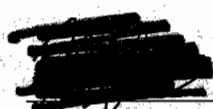
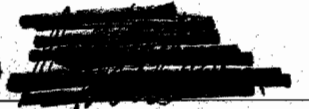
This Order shall become effective when served on the respondent.

  
Joanna L. Geraghty  
Attorney for JetBlue Airways Corporation  
Respondent

  
Thomas N. Bolick  
Attorney for the Complainant

Issued this 28<sup>th</sup> day of August, 2007

at Washington, D.C.

   
Administrative Law Judge