

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/OHC

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In re:	)	P.Q. Docket No.
Stephen Malgay,	)	07 - 0153
Respondent	)	Consent Decision

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701-7772)(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 under the Act (7 C.F.R. § 301.53-1 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, 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, as well as any other against the United States Department of Agriculture and its employees in connection with the facts and events that gave rise to these proceedings.

#### Findings of Fact

1. Stephen Malgay, hereinafter referred to as the Respondent, is an individual whose mailing address is 2598 Ready Road, Carleton, Michigan, 48117.
2. On August 26, 2005, the Respondent moved firewood from a hardwood species, from Wayne County, Michigan into Ottawa County, Ohio.

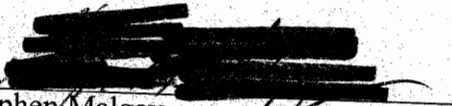
#### Conclusions


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

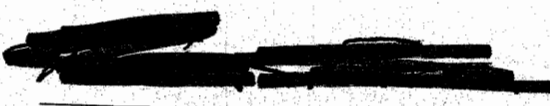
The respondent, Stephen Malgay, is assessed a civil penalty of five hundred dollars (\$500.00). The respondent shall send certified checks or money orders, totaling five hundred dollars (\$500.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Field Servicing Office, Accounting Section, P.O. Box 3334, Minneapolis, Minnesota 55403, by June 15, 2008. Each certified check or money order must include the docket number of this proceeding, P.Q. Docket No. 07-0153.

This Order shall become effective when served on the respondent.

  
Stephen Malgay  
Respondent

  
Krishna Ramaraju  
Attorney for Complainant

Issued this 6<sup>th</sup> day of September, 2007  
at Washington, D.C.

  
Administrative Law Judge