

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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2007-2-21 3:55
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In re:) P.Q. Docket No. 07-0180
AVI-GRAN U.S.A., 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. 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. AVI-GRAN U.S.A., Inc., hereinafter referred to as the Respondent, has a mailing address of P.O. Box 820, Progreso, TX 78579.
2. On or about February 11, 2003, the Respondent misrepresented the origin of foreign oats on USDA forms for export.
3. On or about February 26, 2003, the Respondent misrepresented the origin of foreign oats on USDA forms for export.

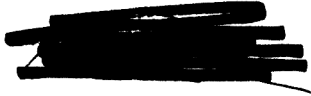
Conclusions

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.

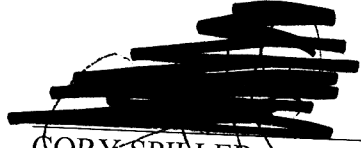
Order

The Respondent, AVI-GRAN U.S.A., Inc., is assessed a civil penalty of ten thousand dollars (\$10,000.00). The Respondents 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.

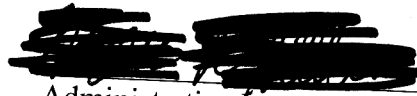

AVI-GRAN U.S.A., INC.
Respondent

Jaime Martinez
Secretary


CORY SPILLER
Attorney for Complainant

Issued this 2nd day of November, 2007

at Washington, D.C.


Administrative Law Judge