

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

10/21/08
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V.S. Docket No. 08-0121

In re:

Steven Warrington, and
Ostrich.com, Inc.

Respondents

Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. § 8301 et seq.)(Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondents violated the Act and specifically 7 U.S.C. § 8313 thereunder. The complainant and the respondent have agreed that this proceeding 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, respondents specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admit nor deny the remaining allegations in the complaint, admit to the Findings of Fact set forth below, and waive:

- (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 respondents also stipulate and agree that the United States Department of Agriculture is the "prevailing party" in this proceeding and waive any action against the United States Department of Agriculture (USDA) 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, and waive any other action against the USDA and its employees in connection with this case and the facts and events that gave rise to this proceeding.

Findings of Fact

1. Steven Warrington, respondent herein, is an individual, with a mailing address of 119 N. 10th Avenue, Melrose Park, IL, 60160.
2. Ostrich.com, Inc., respondent herein, is, at all times material herein, a for-profit business, incorporated under the laws of the State of Delaware, with a mailing address of 119 N. 10th Avenue, Melrose Park, IL, 60160, and which is owned and operated by Respondent Warrington.
3. On January 26, 2004, respondents exported Ostrich feathers to Mexico.

Conclusions

The respondents have admitted the jurisdictional facts and have agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

The respondents, Steve Warrington and Ostrich.com, are jointly and severally assessed a civil penalty of two thousand and five hundred dollars (\$2,500.00). The respondents shall send a certified check or money order for two thousand and five hundred dollars (\$2,500.00), payable to the Treasurer of the United States, and mailed 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, V.S. 08-0121.

This Order shall become effective when served on the respondent.

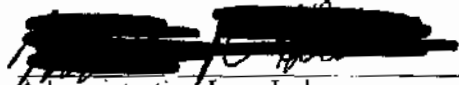


Steven D. Warrington
Respondent
On behalf of himself and on behalf of Ostrich.com



Krishna Ramaraju
Attorney for Complainant

Issued this 6th day of June, 2008
at Washington, D.C.



Administrative Law Judge