

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

APDA  
10/05/19  
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In re: )  
 )  
J.A. Flower Service, Inc., ) P.Q. Docket No.09-0063  
 )  
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 and the regulations promulgated thereunder (7 C.F.R. §§ 319.74 et seq.). 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, 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, 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 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. J.A. Flower Service, Inc., hereinafter referred to as Respondent, has a principal address of 2003 NW 70<sup>th</sup> Avenue, P.O. Box 678, Miami, Florida 33122.

2. On or about February 1, 2005, J.A. Flower Service, Inc. was issued Emergency Action Notifications requiring them to either treat, re-export, or destroy approximately 66 boxes of cut flowers from Ecuador within 24 hours.

#### 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, J.A. Flower Service, Inc., is assessed a civil penalty of two thousand and five hundred dollars (\$2,500.00). The Respondent 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, 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.

This Order shall become effective when served on the Respondent.



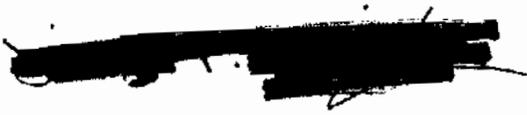
Derek Dusharm, General Manager  
J.A. Flower Service, Inc.  
Respondent



Lauren Axley  
Attorney for Complainant

Issued this 25 day of Feb, 2009

at Washington, D.C.



Administrative Law Judge