

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) A.Q. Docket No. 09-0199
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)
Immune Disease Institute,)
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)
Respondent.) CONSENT DECISION

This proceeding was instituted under the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. §§ 8401 et seq.)(Act), and the regulations promulgated thereunder (9 C.F.R. §§ 121.1 et seq.)(regulations), 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. The Complainant and the Respondent have agreed that this proceeding should be terminated by the 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.

Findings of Fact

1. The mailing address of Immune Disease Institute, herein referred to as the Respondent, is 800 Huntington Avenue, Boston, Massachusetts 02115.
2. Respondent possessed Japanese Encephalitis Virus, a Veterinary Services select agent from on or about November 12, 2003 through August 29, 2007.

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, Immune Disease Institute, is assessed a civil penalty of twelve thousand and five hundred dollars (\$12,500.00). The Respondent shall send a certified check or money order for twelve thousand and five hundred dollars (\$12,500.00), payable to the "Treasurer of the United States", to United States Department of Agriculture, APHIS, P.O. Box 979043, St. Louis, Missouri 63197-9000, 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, A.Q. Docket No. 09-0199.

This Order shall become effective when served on the respondent.

84 [REDACTED]
IMMUNE DISEASE INSTITUTE
Respondent
THEODORE M. CROWD
PRESIDENT

[REDACTED]
DARLENE M. BOLINGER
Attorney for Complainant

Issued this 14th day of October, 2009

[REDACTED]
ADMINISTRATIVE LAW JUDGE