

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P.Q. Docket No. 10-0182
)
)
Gregory S. Chico)
dba Greg Chico Trucking, Inc.,)
)
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. § 301.45 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.

Findings of Fact

1. Gregory S. Chico is the President and owner of Greg Chico Trucking, Inc., hereinafter Gregory S. Chico and Greg Chico Trucking, Inc. shall be referred to collectively as Respondent. Respondent is an entity with a mailing address of P.O. Box 803, Chester, Vermont 05143 and is physically located at 5 Townfarm Road, Rockingham, Vermont 05101.

2. Gregory S. Chico is the Registered Agent for Greg Chico Trucking, Inc., and has a mailing address of P.O. Box 803, Chester, Vermont 05143.

3. On or about April 6, 2006, respondent moved interstate approximately 26 regulated articles (logs) from a generally infested area, New York, into or through an area in Ohio that is not generally infested without the required certificate, permit or a signed accurate statement being attached to the waybill or other shipping document stating that the regulated articles had been inspected in accordance with 7 CFR 301.45-4(c).

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 is assessed a civil penalty of one thousand and seven hundred and fifty dollars (\$1,750.00). The respondent shall send a certified check or money order for one thousand and seven hundred and fifty dollars (\$1,750.00), 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, P.Q. Docket No. 10-0182.

This Order shall become effective when served on the respondent.


GREGORY S. CHICO dba
GREG CHICO TRUCKING, INC.
Respondent


DARLENE M. BOLINGER
Attorney for Complainant


MELVIN FINK, P.C.
Attorney for Respondent

Issued this 19th day of August, 2010
at Washington, D.C.


Administrative Law Judge