

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) A.Q. Docket No. 05-0001
)
Suvit Asawapornsrit d/b/a Vegasrace.com)
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)
)
Respondent) Consent Decision

This proceeding was instituted under the Animal Health Protection Act, 7 U.S.C. § 8301 et seq., (Act) by an amended complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that Respondent violated the Act and regulations promulgated thereunder (9 C.F.R. § 82.1 et seq.). Respondent has agreed that this proceeding should be terminated by entry of the Consent Decision set forth below, and has agreed to the following stipulations:

1. For the purpose of this stipulation, and the provisions of this Consent Decision only, the respondent admits specifically that the Secretary of the United States Department of Agriculture (Secretary) has jurisdiction in this matter, admits to all of Complainant's allegations as stated in the amended complaint filed in this case on November 30, 2004, 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. 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 the fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. Suvit Asawapornsnit, hereinafter referred to as Respondent, is an individual doing business as Vegasrace.com, whose mailing address is 5411 S. Oakridge Avenue, Pahrump, NV 89048.
2. Pursuant to the Act, the Secretary declared a quarantine zone, applicable at all relevant times herein, in Clark County/Las Vegas, Nevada, wherein the shipment of poultry and live birds was prohibited, in order to contain the Exotic Newcastle Disease (END).
3. On or about the period between January 25, 2003 and February 1, 2003, respondent moved in interstate commerce, via the United States Postal Service, fifty eight (58) pigeons from Las Vegas, Nevada to thirty-nine different individuals in twenty states, knowingly in violation of the applicable END quarantine.

Conclusion

Respondent having admitted the jurisdictional facts, having admitted to the allegations contained in the amended complaint in this case, and having agreed to the provisions set forth in the following Order in disposition of this proceeding, such Order and Decision will be issued.

Order

The respondent is assessed a civil penalty of one hundred and fifty thousand dollars (\$150,000), of which thirty thousand dollars (\$30,000) is suspended and put in abeyance, provided that Respondent does not violate the Act, the regulations issued thereunder, or this Order for period of two years from the effective date of this Order. Respondent shall pay one hundred and twenty thousand dollars (\$120,000) of the remaining civil penalty to the “Treasurer of the United States” by certified check or money order, and shall be forwarded to:

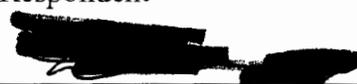
United States Department of Agriculture
APHIS Field Servicing Office
Accounting Section
P.O. Box 3334
Minneapolis, Minnesota 55403

within thirty (30) days from the effective date of this Order. Respondent shall indicate that payment is in reference to A.Q. Docket No. 05-0001.

This Order shall become effective the day upon which service of this Order is made upon the respondent.


Suvit Asawapornsrit
d/b/a Vegasrace.com
Respondent


Krishna Ramaraju, Esq.
Attorney for Complainant


Mr. David Lockard, Esq.
Counsel for Suvit Asawapornsrit
d/b/a Vegasrace.com
Respondent

Issued this 31st day of March, 2005
In Washington, D.C.


ADMINISTRATIVE LAW JUDGE
PETER M. DAVENPORT