

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P.Q. Docket No. 08-0055
)
Prime Airport Services, Inc.,)
)
Respondent) Consent Decision

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.), 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. § 319.74 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 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. Prime Airport Services, Inc., hereinafter referred to as the respondent, is a warehousing service company for imported goods, incorporated in the State of Florida, with its principal address located at 6450 N.W. 22 Street, BLDG #710, Miami, Florida, 33122, and a mailing address of P.O. Box 523342, Miami, FL 33152.

2. On or about May 23, 2003, the respondent violated 7 C.F.R. § 319.74-2 of the regulations by failing to hold for examination by an authorized Inspector, 136 boxes of fresh cut flowers imported from Ecuador into Miami, Florida, prior to release into commerce.

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, Prime Airport Services, Inc., is assessed a civil penalty of three thousand dollars (\$3,000.00). The respondent shall send a certified check or money order for three thousand dollars (\$3,000.00), payable to the "Treasurer of the United States", and shall be forwarded within thirty (30) days from the effective date of this Order to:

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

Respondent shall indicate that payment is in reference to

P.Q. Docket No. 08-0055

This Order shall become effective when served on the respondent.

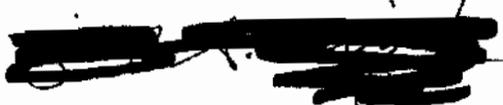

PRIME AIRPORT SERVICES, INC.
Respondent


MARGARET A. BURNS RATH, ESQ.
Attorney for Complainant


DANIEL T. CAMEJO, ESQ.
Attorney for Respondent

Issued this 25 day of March, 2008

at Washington, D.C.


~~MARC R. HILLSON~~ Jill S. Clifton
Chief Administrative Law Judge

JSC