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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P.Q. Docket No. 08-0085

Xiaohua Huo, aka Hope Huo,

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Respondent) CONSENT DECISION

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.)(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. §§ 319.37 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

A. Xiaohua Huo, aka Hope Huo, hereinafter referred to as the respondent, is an individual whose mailing address is 25 Palatine Apt 120, Irvine, California 92612-7612.

B. On or about April 25-30, 2003, the respondent imported from China into the United States (State of California), by international mail, 12 packages of Allium sp. seed that were restricted from entry into the United States, in violation of 7 C.F.R. § 319.37(a). All twelve packages were shipped via express mail service and had express mail numbers:

EA525140665CN, EA525140736CN, EA525140679CN, EA525140719CN, EA525078075CN, EA528231705CN, EA528231169CN, EA525078061CN, EA528231382CN, EA528231351CN, EA528231365CN, EA528231379CN.

C. On or about April 25-30, 2003, the respondent imported from China into the United States (State of California), by international mail, 12 packages of restricted Allium sp. seed without phytosanitary certificates of inspection, in violation of 7 C.F.R. §319.37-4(a). All twelve packages were shipped via express mail service and had express mail numbers:

EA525140665CN, EA525140736CN, EA525140679CN, EA525140719CN, EA525078075CN, EA528231705CN, EA528231169CN, EA525078061CN, EA528231382CN, EA528231351CN, EA528231365CN, EA528231379CN.

D. On or about April 25-30, 2003, the respondent imported from China into the United States (State of California), by international mail, 12 packages of restricted Allium sp. seed without an invoice or packing list indicating the contents of the shipments, in violation of 7

C.F.R. § 319.37-10(c). All twelve packages were shipped via express mail service and had express mail numbers: EA525140665CN, EA525140736CN, EA525140679CN, EA525140719CN, EA525078075CN, EA528231705CN, EA528231169CN, EA525078061CN, EA528231382CN, EA528231351CN, EA528231365CN, EA528231379CN.

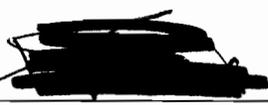
Conclusions

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

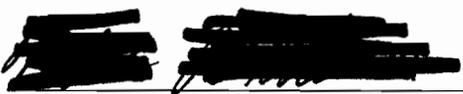
The respondent, Xiaohua Huo, aka Hope Huo, is assessed a civil penalty of one thousand and two hundred fifty dollars (\$1250.00). The respondents shall send a certified check or money order for one thousand and two hundred fifty dollars (\$1250.00), payable to the Treasurer of the United States, to United 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.

This Order shall become effective when served on the respondent.

  
XIAOHUA HUO, AKA HOPE HUO  
Respondent

  
TRACEY MANOFF  
Attorney for Complainant

Issued this 30th day of April, 2008  
at Washington, D.C.

  
Administrative Law Judge