

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P.Q. Docket No. 08-0108
) A.Q. Docket No. 08-0108
Arrow Air, Inc.,)
d/b/a Arrow Cargo)
Respondent) Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) and Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.)(Acts), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Acts and regulations promulgated thereunder. The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose 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, 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. The 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 fees and other expenses incurred by the respondent in connection with this proceeding

and waives any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

Findings of Fact

1. Arrow Air, Inc., which does business as Arrow Cargo, hereinafter referred to as the respondent, was at all times material herein a Florida corporation maintaining its corporate headquarters at 1701 N.W. 63rd Avenue, Bldg. 712, Miami, Florida 33126-1310.
2. On January 12, 2005, respondent imported a shipment from Suriname.
3. On January 21, 2005, respondent imported a shipment from Ecuador.
4. On January 22, 2005, respondent imported a shipment from Peru.
5. On February 17, 2005, respondent imported a shipment from Brazil.
6. On June 25, 2005, respondent imported a shipment from El Salvador.
7. On August 23, 2005, respondent imported a shipment from Trinidad.
8. On September 30, 2005, respondent imported a shipment from Costa Rica.
9. On January 14, 2006, respondent imported a shipment from Colombia.
10. On March 9, 2006, respondent imported a shipment from Colombia.
11. On June 10, 2006, respondent imported a shipment from Colombia.
12. On August 18, 2006, respondent imported a shipment from Panama.
13. On November 14, 2006, respondent imported a shipment from Costa Rica.
14. On May 30, 2007, respondent imported a shipment from the Dominican Republic.

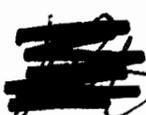
Conclusions

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

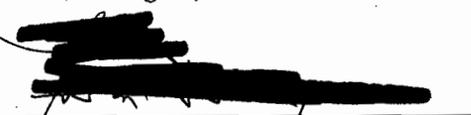
The respondent, Arrow Air, Inc., is assessed a civil penalty of twenty thousand dollars (\$20,000.00). The respondent shall send a certified check or money order for twenty thousand dollars (\$20,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Field Servicing Office, Accounting Section, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding, P.Q. 08-0108.

This Order shall become effective when served on the respondent.


Patrice Robinet, Esq., General Counsel
Arrow Air, Inc. d/b/a Arrow Cargo
Respondent


Krishna Ramaraju
Attorney for Complainant

Issued this 31st day of July, 2008
at Washington, D.C.


Administrative Law Judge