

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

2004 JUN -4 P 1:44

In re:

Amazing Productions, Inc.
a/k/a Amazing Butterflies

Respondent

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P.Q. Docket No. 04-0005

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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 Inspect Service alleging that the respondents violated the Act and specifically regulation 7 C.F.R. § 330.200 thereunder. 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 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 the fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. Amazing Productions, Inc., a/k/a Amazing Butterflies ("Amazing"), is a Florida corporation whose mailing address is 11053 NW 5th Court, Coral Springs, FL 33071.
2. On or about September 14, 2002, respondent moved interstate butterflies from Florida to Iowa.
3. On or about September 14, 2002, respondent moved interstate butterflies from Florida to Virginia.
4. On or about May 30, 2003, respondent moved interstate butterflies from Florida to Pennsylvania.
5. On or about June 8, 2003, respondent moved interstate butterflies from Florida to Pennsylvania.

Conclusion

The respondent having admitted the jurisdictional facts, and having agreed to the provisions set forth in the following Order in disposition of this proceeding, such Order and Decision will be issued.

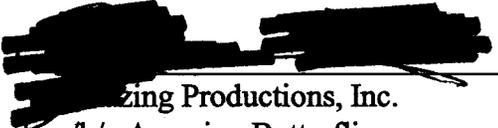
Order

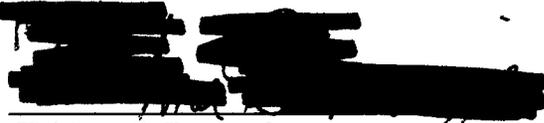
The respondent is assessed a civil penalty of seven thousand and five hundred dollars (\$7,500), of which four thousand and five hundred dollars (\$4,500) is suspended provided that respondent does not violate the Act, the regulations issued thereunder, or this Order for a period of one year from the effective date of this order. The respondent shall pay three thousand dollars (\$3,000) 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 P.Q. Docket No. 04-0005.

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


ing Productions, Inc.
a/k/a Amazing Butterflies
Respondent


Krishna G. Ramaraju
Attorney for Complainant

Issued this 4th day of June, 2004
In Washington, D.C.


ADMINISTRATIVE LAW JUDGE