

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

05-0004  
MAY 14 2006  
RECEIVED

In re:	)	P.Q. Docket No.
	)	
Richard Wu, d.b.a.	)	05-0004
Hip Wing Trading Company,	)	
	)	
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 Acting Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Acts and regulations promulgated under the Acts and regulation promulgated thereunder (7 C.F.R. § 319.28(a)(1)). 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

1. Richard Wu, hereinafter referred to as respondent, is an individual doing business as Hip Wing Trading Company, whose mailing address is 10357 Klingerman Street, S. El Monte, California 91733.
2. On May 31, 2002, the respondent imported into the United States approximately three hundred forty-six (346) boxes of Szechwan peppers from China.

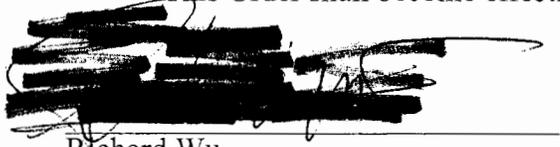
### Conclusions

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, Richard Wu, is assessed a civil penalty of fifteen thousand dollars (\$15,000.00). The respondent shall send a certified check(s) or money order(s) for fifteen thousand dollars (\$15,000.00), or partial payments thereto, payable to the Treasurer of the United States, and mailed to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403. Respondent may make partial payments in fulfillment of the twenty-thousand dollar penalty, but the full amount (\$15,000) must be submitted within six (6) months from the date that this Consent Decision is issued. The certified checks or money orders must include the docket number of this proceeding.

This Order shall become effective when served on the respondent.



Richard Wu  
d.b.a. Hip Wing Trading Company  
Respondent



Krishna Ramaraju  
Attorney for Complainant

Issued this 9<sup>th</sup> day of February, 2005  
at Washington, D.C.

  
\_\_\_\_\_  
Administrative Law Judge  
PETER M DAVENPORT