

UNITED STATES DEPARTMENT OF AGRICULTURE 7500-2 MIB: 44

BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P.Q. Docket No. <i>05-2028</i>
	)	
Deborah Jaques,	)	
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 - 7772) (Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulation promulgated thereunder (7 C.F.R. § 318.13 et. seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision and Order, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, the respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, 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.

#### Findings of Fact

1. Deborah Jaques, hereinafter referred to as the Respondent, is an individual whose mailing address is Kona Surf & Racquet, 1003 Montello Ave., Hood River, OR 97031.

2. On or about March 15, 2002, the respondent failed to have inspected and treated one fresh papaya, weighing approximately 1.4 pounds, prior to offering to a common carrier, specifically the U.S. Postal Service, for shipment from Hawaii to the continental United States.

#### 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.

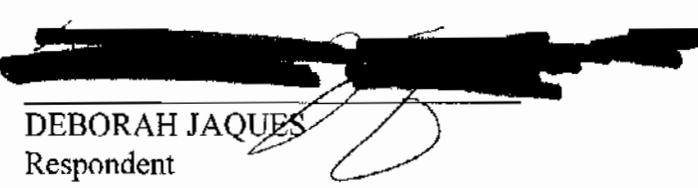
#### Order

The respondent, Deborah Jaques, is assessed a civil penalty of one hundred dollars (\$100.00). The respondent shall send a certified check or money order for one hundred dollars (\$100.00), payable to the Treasurer of the United States, to United States Department of

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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.

This Order shall become effective when served on the respondent.

  
DEBORAH JAQUES  
Respondent

  
MARGARET BURNS RATH  
Attorney for Complainant

Issued this 15<sup>th</sup> day of December 2006

at Washington, D.C.

  
Administrative Law Judge