

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

P.Q. Docket No. 07-0011

A.Q. Docket No. 07-0011

In re: UVALDO SOTELO VILLEGAS,

Respondent.

**DEFAULT DECISION AND ORDER**

This is an administrative proceeding for the assessment of a civil penalty for violations of the Plant Protection Act (7 U.S.C. § 7701 *et seq.*)(the Act), and the Animal Health Protection Act (7 U.S.C. § 8301 *et seq.*) and regulations promulgated thereunder (7 C.F.R. § 301.10 *et seq.* and 9 C.F.R. §§ 93.103 *et seq.*), in accordance with the Rules of Practice in 7 C.F.R. §§ 1.130 *et seq.*

On October 25, 2006, the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, instituted this proceeding by filing an administrative complaint against the Respondent, Uvaldo Sotelo Villegas. The complaint was mailed by certified mail to the Respondent on October 26, 2006 and was served on Respondent on October 30, 2006. The Respondent was informed in the complaint and the letter accompanying the complaint that an answer should be filed with the Hearing Clerk within twenty (20) days after service of the complaint, and that failure to file an answer within twenty (20) days after service of the complaint would constitute an admission of the allegations in the complaint and a waiver of any hearing. Respondent's answer was due no later than November 19, 2006, twenty days after service of the complaint (7 C.F.R. § 136(a)). Respondent never filed an answer to the complaint and the Hearing Clerk's Office mailed her a No Answer Letter on January 5, 2007.

The Respondent failed to file an answer within the time prescribed in 7 C.F.R. § 1.136(a) and failed to deny or otherwise respond to an allegation of the complaint. Section 1.136(c) of the Rules of Practice (7 C.F.R. § 1.136(c)) provides that the failure to file an answer within the time provided under 7 C.F.R. § 1.136(a) or to deny or otherwise respond to an allegation of the complaint shall be deemed an admission of the allegations in the complaint. Respondent's failure to file an answer is likewise deemed a waiver of hearing. Accordingly, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.139).

#### **FINDINGS OF FACT**

1. The Respondent Uvaldo Sotelo Villegas has a mailing address of 329 S. Harbor Blvd. #63, Santa Ana, California 92704.

2. On or about August 19, 2003, the Respondent imported two parrots into the United States from Mexico in violation of the regulations in 9 C.F.R Part 93, Subpart A, as follows:

- a. The parrots were imported without a permit, as required in 9 C.F.R. § 93.103(a).
- b. The parrots were imported without a veterinary certificate as required in 9 C.F.R. § 93.104(a).

3. On or about August 19, 2003, the Respondent imported prohibited fruit, 10 mangoes and one apple, into the United States in violation of 7 C.F.R. § 319.56.

## CONCLUSIONS OF LAW

1. The Secretary has jurisdiction in this matter.
2. By reason of the Findings of Fact set forth above, Respondent Uvaldo Sotelo Villegas violated the Plant Protection Act (7 U.S.C. § 7701 et seq.) and the Animal Health Protection Act (7 U.S.C. § 8301 et seq.).

## ORDER

1. Respondent Uvaldo Sotelo Villegas is hereby assessed a civil penalty of two thousand dollars (\$2,000.00). This penalty shall be payable to the "Treasurer of the United States" by certified check or money order, and shall be forwarded within thirty (30) days from the effective date of this Order to:

United States Department of Agriculture  
APHIS Field Servicing Office  
Accounting Section  
P.O. Box 3334  
Minneapolis, Minnesota 55403

Respondent Uvaldo Sotelo Villegas shall indicate that payment is in reference to P.Q. Docket No. 07-0011 and A.Q. Docket No. 07-0011.

2. This order shall be final and effective thirty five (35) days after service of this Default Decision and Order upon Respondent Uvaldo Sotelo Villegas unless there is an appeal to the Judicial Officer pursuant to section 1.145 of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.145).

3. Copies of this Decision and Order shall be served on the Parties by the Hearing Clerk's Office.

Done at Washington, D.C.  
June 12, 2007

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**PETER M. DAVENPORT**  
Administrative Law Judge

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