

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) A.Q. Docket No. 05 - 0005
) P.Q. Docket No. 05 - 0009
)
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)
) Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. § 8301 et seq.) and the Plant Protection Act (7 U.S.C. § 7701 et seq.) (Acts), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated thereunder (7 C.F.R. § 319.56(b) and 9 C.F.R. §§ 94.1 et seq.)(regulations). 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.

Findings of Fact

1. Wilbert Volson, herein referred to as respondent, is an individual, who worked as a Pilot for Merlin Airways, Inc., with a mailing address of Urb. Bahia Vistamar, 1535 Calle Atun, Carolina, PR 00983-1457.

2. On September 5, 2002, at Rafael Hernandez Airport, Aguadilla, Puerto Rico, the respondent imported into the United States three kilograms of fresh beef from Saint Lucia.

3. On September 5, 2002, at Rafael Hernandez Airport, Aguadilla, Puerto Rico, the respondent imported into the United States a bowl of cooked pork and beef stew in a clear plastic bowl with dimensions of 12 inches by 4 inches, from Saint Lucia.

4. On September 5, 2002, at Rafael Hernandez Airport, Aguadilla, Puerto Rico, the respondent imported into the United States from Saint Lucia two mangoes, which were infested with the pest *Sternochetus mangiferae*.

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, Wilbert Volson, is assessed a civil penalty of five hundred dollars (\$500.00). The respondent shall send certified checks or money orders, totaling five hundred dollars (\$500.00), 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, by March 15, 2006. The certified checks or money orders should include the docket numbers of this proceeding, A.Q. 05-0005, P.Q. 05-0009.

This Order shall become effective when served on the respondent.

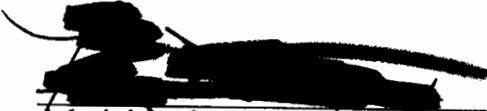


WILBERT VOLSON
Respondent



KRISHNA RAMARAJU
Attorney for Complainant

Issued this 6th day of July, 2005
at Washington, D.C.



Administrative Law Judge
PETER M. DAVENPORT