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UNITED STATES DEPARTMENT OF AGRICULTURE -2 PM 2:27

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:	)	P.Q. Docket No. 06-0008
	)	
Texas Marine Agency, Inc.	)	
	)	
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 Administrator of the Animal and Plant Health Inspect Service alleging that the respondent violated the Act. 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. Texas Marine Agency, Inc., herein referred to as respondent, is a company with a business address of 1820 Houston Avenue, Houston, TX 77007.
2. On or about September 7, 2004, Texas Marine Agency, Inc. broke an Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs seal on a container on the vessel Pan Am Celeste that was arriving from Buenaventura, Balboa, Panama and Peru.

#### 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.

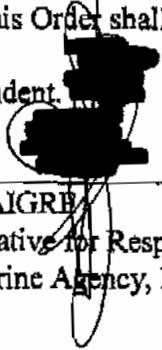
Order

The respondent, Texas Marine Agency, Inc., is assessed a civil penalty of four hundred dollars (~~\$4,000.00~~ <sup>400.00</sup>); This penalty shall be payable 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

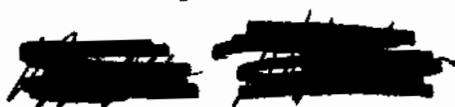
within thirty (30) days from the effective date of this Order. Respondent shall indicate that payment is in reference to P.Q. Docket No. 06-0008.

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

  
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RENE DAIGRE  
Representative for Respondent  
Texas Marine Agency, Inc.

  
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CARLYNNE S. COCKRUM  
Attorney for Complainant

Issued this <sup>2nd</sup> day of December, 2005  
In Washington, D.C.

  
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ADMINISTRATIVE LAW JUDGE