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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P.Q. Docket No. <sup>7</sup>00-0017  
 )  
Cielos del Peru, S.A., )  
 )  
Respondent. ) Consent Decision  
 )

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 regulations promulgated under the Act (7 C.F.R. § 330.111 et seq.). The caption of this matter was initially Cielos del Peru, S.A., Inc. That caption was redundant in nature and has been amended to Cielos del Peru, S.A. to eliminate the redundancy. The complainant and the respondent have agreed to this amendment and 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. Cielos del Peru, S.A., hereinafter referred to as respondent, is an entity which at the time of filing the complaint had a mailing address of 2121 Ponce De Leon Boulevard, Coral Gables, Florida 33134. Respondent indicates that its current mailing address is 1851 Northwest 68<sup>th</sup> Avenue, Building 706, Suite 225, Miami, Florida, 33126.

2. On or about December 10, 2003, August 22, 2003, February 16, 2004, and April 4, 2004, the available evidence indicates that proper notice of the arrival of a foreign flight into the United States was not provided by Cielos del Peru, S.A, as required, and respondent does not have evidence to prove otherwise.

#### 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

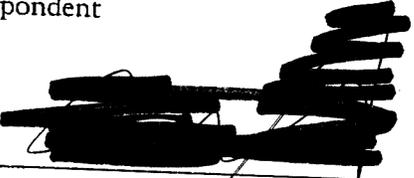
The respondent, Cielos del Peru, S.A., is assessed a civil penalty of five thousand dollars (\$5,000.00). The respondent shall send a certified check or money order for five thousand dollars (\$5,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, 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, P.Q. Docket No. 07-0017.

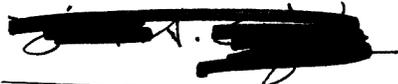
This Order shall become effective when served on the respondent.

  
CIELOS DEL PERU, S.A.  
Respondent

  
DARLENE M. BOLINGER  
Attorney for Complainant

  
AYLIN FRAXEDAS  
Attorney for Respondent

Issued this 11 day of October, 2007  
at Washington, D.C.

  
Administrative Law Judge  
Jill S. Clifton