

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) P.Q. Docket No. 07-0132
Airport Aviation Services, Inc.,)
)
Respondent) CONSENT DECISION AND
) ORDER

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.)(the Act), by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service (APHIS) alleging that the respondent violated the Act and regulations promulgated thereunder (7 C.F.R. §§ 340 et seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision and Order.

For the purposes of this Consent Decision only, the 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. Airport Aviation Services is a business that maintains its corporate office at Luis Munoz Marin International Airport, Carolina, Puerto Rico 00979 and has a mailing address of P.O. Box 6007, San Juan, Puerto Rico 00914.

2. On or about October 20, 2003, a private aircraft, tail # N550SP, departed from San Juan, Puerto Rico, for Florida.

3. On or about March 25, 2004, a private aircraft, tail # N721PA, departed from San Juan, Puerto Rico, for Florida.

Conclusions

The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding. Therefore, this Consent Decision and Order will be issued.

Order

The respondent Airport Aviation Services is assessed a civil penalty of eleven thousand two hundred and fifty dollars (\$11,250.00). The respondent shall send a certified check or money order for eleven thousand two hundred and fifty dollars (\$11,250.00), 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.

This Order shall become effective when served on the respondent.

[REDACTED]

AIRPORT AVIATION SERVICES
Respondent
José A. Algarín, President

[REDACTED]

Thomas N. Bolick
Attorney for the Complainant

Issued this 30 day of Nov, 2007

at Washington, D.C.

[REDACTED]

Jill S. Clifton

Administrative Law Judge