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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P.Q. Docket No. 09-0057  
 ) A.Q. Docket No. 09-0057  
Sky Chefs, Inc., )  
d/b/a LSG Sky Chefs )  
Respondent ) Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) and Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (Acts), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service on January 22, 2009, and an amended complaint filed on January 11, 2010, alleging that the respondent, Sky Chefs, Inc., violated the Acts and regulations promulgated thereunder. 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. The complainant and respondent consent to the issuance of this Consent Decision without further procedure.
2. 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, 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.

3. The respondent also stipulates and agrees to waive 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 and waives any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

4. The parties agree that this Consent Decision and Order also resolves any and all alleged violations of APHIS-administered regulations not alleged in the complaint that allegedly occurred between September 18, 2004 through the date of entry of this Consent Decision.

5. The parties agree that USDA-APHIS will provide live training to the respondent on the handling and disposal of regulated garbage at dates to be determined by mutual agreement of both parties.

#### Findings of Fact

1. Sky Chefs, Inc., which does business as LSG Sky Chefs, hereinafter referred to as the respondent, was at all times material herein a Delaware corporation maintaining its corporate headquarters at 6191 N State Highway 161, Irving, Texas 75038.
2. Respondent has been and is a party to a compliance agreement with the USDA concerning the handling and disposal of regulated garbage at the Los Angeles International Airport (LAX).
3. Respondent regularly handles and disposes of regulated garbage.


Conclusions

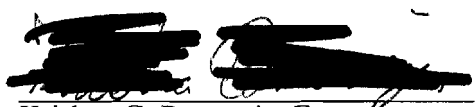
The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.


Order

The respondent, Sky Chefs, Inc., is assessed a civil penalty of fifty thousand dollars (\$50,000.00). The respondent shall send a certified check or money order for fifty thousand dollars (\$50,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, P.O. Box 979043, St. Louis, Missouri 63197-9000, 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, A.Q./P.Q. 09-0057.


This Order shall become effective when served on the respondent.

  
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Worthy W. Walker, Esq.  
Elrod, PLLC  
Counsel for Respondent

  
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Krishna G. Ramaraju, Esq.  
USDA - Office of General Counsel  
Counsel for Complainant

  
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Thomas J. Lee  
Treasurer/Assistant Secretary  
Sky Chefs, Inc. d/b/a LSG Sky Chefs  
Respondent

Issued this 12 day of Apr, 2010  
at Washington, D.C.

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Jill S. Clifton  
Administrative Law Judge