

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2015 OCT 14 PM 3: 32

RECEIVED

| | | |
|-----------------|---|-------------------------|
| In re: |) | |
| |) | |
| Richard Wilson, |) | P.Q. Docket No. 15-0089 |
| |) | |
| Respondent |) | |
| |) | CONSENT DECISION |

This proceeding was instituted under the Plant Protection Act (7 U.S.C. §§ 7701 et seq.) (“the Act”) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service (“Complainant”) alleging that the Respondent violated the Act. The Complainant and the Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

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, does not admit expressly or by implication that he has violated state or federal law, 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.

(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. Respondent Richard Wilson is an individual who owns Excalibur Fruit Trees, LLC, with a business mailing address of 5200 Fearnley Road, Lake Worth, Florida 33467.

2. On or about August 19, 2011, the Respondent imported approximately fifteen (15) *Cocos nucifera* (coconuts) from Asia into the United States, as a passenger arriving in Dallas/Fort Worth International Airport on American Airlines flight #176 from Narita, Japan.

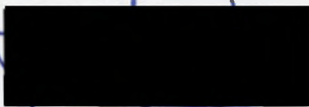
Conclusions

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

Order

The Respondent, Richard Wilson, is assessed a civil penalty of one thousand and one hundred dollars (\$1,100.00). The Respondent shall send a certified check or money order for one thousand and one hundred dollars (\$1,100.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS General, U.S. Bank, 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.

This Order shall become effective when served on the Respondent.


KARL M. SCHEUERMAN
Attorney for Respondent


JONATHAN D. GORDY
Attorney for Complainant

Issued this 14th day of October, 2015

at Washington, D.C.



Administrative Law Judge

JANICK BULLARD