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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | |
| |) | |
| United Parcel Service, Inc., |) | P.Q. Docket No. 11-0398 |
| |) | A.Q. Docket No. 11-0398 |
| Respondent |) | |
| |) | |
| |) | Consent Decision |

This proceeding was instituted under the Plant Protection Act, as amended (7 U.S.C. §§ 7701 et seq.) and the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) (collectively, the Acts) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service (APHIS) alleging that United Parcel Service, Inc., (hereinafter referred to as respondent) violated the Acts (7 U.S.C. §§ 7713(c), 7731(b)(1), and 8307(b)(1)). 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. For the purpose 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, 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 fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. Respondent is a business maintaining its corporate headquarters at 55 Glenlake Parkway, NE, Atlanta, Georgia 30328. The respondent receives shipments arriving in the United States from abroad at its facilities located in Miami, Florida; Louisville, Kentucky; Newark, New Jersey; Los Angeles, California; Ontario, California; and Anchorage, Alaska.

2. On or about September 8, 2006, and numerous other dates, shipments arriving in the United States from abroad were selected for inspection by agriculture specialists of the U.S. Department of Homeland Security, Customs and Border Protection on behalf of the U.S. Department of Agriculture.

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, United Parcel Service, Inc., is assessed a civil penalty of five hundred thousand dollars (\$500,000.00) for all violations of the Plant Protection Act and the Animal Health Protection Act that are alleged, or could have been alleged, to have occurred up to and

including the effective date of this Order. The respondent shall send a certified check or money order for five hundred thousand dollars (\$500,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, 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.



JONATHAN M. FEE
Attorney for Respondent



LAUREN AXLEY
Attorney for Complainant

Issued this 14th day of September, 2011
at Washington, D.C.



Administrative Law Judge