

2012 SEP 17 PM 3: 46

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIVED

BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) P.Q. Docket No. 12-0522
) A.Q. Docket No. 12-0522
DHL Express (USA), Inc.,)
d/b/a DHL)
d/b/a DHL Express)
d/b/a DHL Worldwide Express, Inc.,)
)
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, alleging that the respondent 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. 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 and any wrongdoing, 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 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.

Findings of Fact

1. DHL Express(USA), Inc., doing business as DHL, doing business as DHL Express, and doing business as DHL Worldwide Express, Inc., hereinafter referred to as the respondent, was at all times material herein a corporation with a mailing address at 1210 South Pine Island Road, 1st Floor Legal Department, Plantation, Florida, 33324.
2. The respondent regularly moves items into the United States from other countries for importation into or transit through the United States.

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 is assessed a civil penalty of three-hundred and twenty-five thousand dollars (\$325,000.00). The respondent shall send a certified check or money order for three-hundred and twenty-five thousand dollars (\$325,000.00), payable to the Treasurer of the United States, to USDA – APHIS – GENERAL, P.O. Box 979043, St. Louis, MO 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. 12-0522.

This Order shall become effective when served on the respondent.

[Redacted]

DHL Express (USA), Inc.
By: Joshua Frank
General Counsel & Secretary
Respondent

[Redacted]

Kenneth N. Wolf
Sandler, Travis and Rosenberg, P.A.
Counsel for Respondent

[Redacted]

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

Issued this 17th day of September, 2012

at Washington, D.C.

[Redacted]

for

Robert M. Davenport
Chief Administrative Law Judge