

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO  
2021 DEC 7 11:44 AM

In re: )  
)  
Jincheng Chen, an individual doing ) AHPA Docket No. 21-J-0054  
business as A-Plus Supplies, Inc.; and )  
A-Plus Supplies, Inc. a State of California ) AHPA Docket No. 21-J-0055  
domestic corporation, )  
)  
Respondents. )

**DECISION AND ORDER WITHOUT HEARING BY REASON OF DEFAULT**

Appearance:

*John V. Rodriguez, Esq., with the Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant, Kevin Shea, Administrator, Animal and Plant Health Inspection Service (“APHIS”)*

**Preliminary Statement**

This is a proceeding under the Animal Health Protection Act, as amended (7 U.S.C. §§ 8301 *et seq.*) (“AHPA”); the regulations promulgated thereunder (9 C.F.R. Part 94); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151) (“Rules of Practice”).

The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture (“Complainant”), initiated this proceeding by filing a complaint against Jincheng Chen, an individual doing business as A-Plus Supplies, Inc., and A-Plus Supplies, Inc., a State of California domestic corporation (“Respondents”), on August 6, 2021. The Complaint alleges that Respondents imported twenty-two boxes of unknown raw meat, two boxes of duck intestines powder, and thirty boxes of meat sauce/beef bone stock from China without the requisite certificates.<sup>1</sup> Complainant “seeks civil penalties for violations of the AHPA,

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<sup>1</sup> Complaint at 2.

as authorized by section 10414 of the AHPA (7 U.S.C. § 8313).”<sup>2</sup>

Respondents were duly served with a copy of the Complaint and did not file an answer within the twenty-day period prescribed by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136).<sup>3</sup>

On October 29, 2021, Complainant filed a proposed default decision and order (“Proposed Decision”) and motion for adoption thereof (“Motion for Default”). Respondents have not filed any objections to Complainant’s Motion for Default or Proposed Decision.<sup>4</sup>

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision.<sup>5</sup> Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of

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<sup>2</sup> *Id.* at 1.

<sup>3</sup> United States Postal Service records reflect that the Complaint was sent to Respondents via certified mail and delivered on October 4, 2021. Respondents had twenty days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondents’ answer was due on or before October 25, 2021. Respondents have not filed an answer.

<sup>4</sup> United States Postal Service records reflect that Complainant’s Motion for Default and Proposed Decision were sent to Respondents via certified mail and delivered on November 15, 2021. Respondents had twenty days from the date of service to file objections thereto. 7 C.F.R. § 1.139. Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondents’ objections were due on or before December 6, 2021. Respondents have not filed any objections.

<sup>5</sup> 7 C.F.R. § 1.136(c).

an unfiled answer where, as in the present case, no meritorious objections have been filed.<sup>6</sup>

As Respondents failed to file an answer to the Complaint, and upon Complainant's motion for the issuance of a decision without hearing, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

### **Findings of Fact**

1. Respondent Jincheng Chen is an individual doing business as A-Plus Supplies, Inc., whose business address was 10428 Rush Street, South El Monte, CA 91733 and is 1549 Santa Anita Avenue, South El Monte, CA 91733.
2. Respondent A-Plus Supplies, Inc. is a registered import and export trading corporation organized under the laws of the State of California, whose business address was 10428 Rush Street, South El Monte, CA 91733 and is 1549 Santa Anita Avenue, South El Monte, CA 91733.
3. At all times mentioned herein, Respondent Jincheng Chen was the agent for service of process and president of Respondent A-Plus Supplies, Inc.
4. On or about May 24, 2018, Kang Xiang Limited, a foreign shipping company, shipped to Respondent A-Plus Supplies, Inc., designated as the consignee, a total of 2,460 packages weighing 19,954 kgs manifested as "Sofa; Marble Desktop; Table Mat; Glass Cylinder;

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<sup>6</sup> See *supra* note 4 and accompanying text.

Desk; Stainless Steel, Barrel; Lamp Cord” from Xingang, China. On or about June 15, 2018, Respondents imported the following:

- a. Twenty-two Styrofoam boxes of unknown raw meat from China, a region where APHIS considers foot-and-mouth disease to exist, in violation of 9 C.F.R. § 94.1(b), as the meat or meat food products were not accompanied by the requisite certificate.
- b. Two boxes of duck intestines powder from China, a region where APHIS considers Newcastle disease and/or highly pathogenic avian influenza (“HIPAI”) to exist, in violation of 9 C.F.R. § 94.6(b)(4), as the poultry or poultry food products were not accompanied by the requisite certificate.
- c. Thirty boxes of meat sauce/beef bone stock from China, a region of undetermined risk of Bovine spongiform encephalopathy (“BSE”) by APHIS, in violation of 9 C.F.R § 94.21, as the meat, meat byproducts, and/or meat food products derived from bovines were not accompanied by the requisite certificate.

### **Conclusions**

1. The Secretary of Agriculture has jurisdiction in this matter.
2. By reason of the Findings of Fact set forth above, Respondents Jincheng Chen and A-Plus Supplies, Inc. violated the Animal Health Protection Act, as amended (7 U.S.C. §§ 8301 *et seq.*) (“AHPA”), and the regulations promulgated thereunder (9 C.F.R. Part 94) three times.

### **ORDER**

1. Complainant’s Motion for Default is GRANTED.

2. A finding is made that Respondents violated the Animal Health Protection Act, as amended (7 U.S.C. §§ 8301 *et seq.*), and the regulations promulgated thereunder (9 C.F.R. Part 94) three times.
3. Respondents, their agents, and employees, directly or indirectly, in connection with operations subject to the AHPA, shall cease and desist from engaging in activities that violate the AHPA.
4. Respondents are hereby assessed a total of five-thousand dollars (\$5,000) for the AHPA violations in civil penalties in accordance with the Rules of Practice applicable to this proceeding, as set forth at 7 C.F.R. §§ 1.130 *et seq.*
5. Respondents shall send a certified check or money order for five-thousand dollars (\$5,000), made payable to the U.S. Department of Agriculture, to USDA APHIS, P.O. Box 979043, St. Louis, Missouri 63197-9000 within thirty (30) days from the effective date of this Order. Respondents shall indicate on the certified check or money order that this payment is in reference to AHPA Docket No. 21-J-0054 (AHPA) and/or AHPA Docket No. 21-J-0055.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service, unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served upon the parties and counsel by the Hearing Clerk.

Done at Washington, D.C.,  
this 7th day of December 2021

CHANNING STROTHER Digitally signed by CHANNING  
STROTHER  
Date: 2021.12.07 11:37:54 -05'00'

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Channing D. Strother  
Chief Administrative Law Judge

Hearing Clerk's Office  
United States Department of Agriculture  
Stop 9203, South Building, Room 1031  
1400 Independence Avenue, SW  
Washington, DC 20250-9203  
Tel: 202-720-4443  
Fax: 844-325-6940  
SM.OHA.HearingClerks@USDA.GOV