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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
John Silvia, LLC d/b/a)	Docket Nos. 15-177
meyerlemontree.com and)	15-178
keylimepietree.com)	
)	
and)	
)	
Richard Espada)	
)	
)	
Respondents)	CONSENT DECISION

This proceeding was instituted under the Plant Protection Act, as amended and supplemented (7 U.S.C. §§ 7701 *et seq.*) (“the Act”), and the regulations promulgated thereunder by the Secretary of Agriculture (7 C.F.R. § 301.76 *et seq.*) (“Regulations”), by a Complaint filed by the Administrator of the Animal and Plant Health Inspection Service (“Complainant”) alleging that Respondents violated the Act and regulations. The Complainant and the Respondents have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, Respondents specifically admit that the Secretary of the United States Department of Agriculture (“USDA”) 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 the proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof

(c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

(d) Any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by the Respondents in connection with this proceeding.

Findings of Fact

1. John Silvia, L.L.C. (“Corporate Respondent”), doing business as meyerlemontree.com and keylimepietree.com, was a limited liability company, organized under the laws of the State of Florida. John Silvia, L.L.C. was voluntarily dissolved and is considered in inactive status as of December 9, 2013.
2. Corporate Respondent, under the direction, management, and control of Respondent Richard Espada, at all times material herein, was:
 - a. Engaged in the business of selling citrus trees on the internet with associated URLss including, but not limited to, meyerlemontree.com and keylimepietree.com; and
 - b. Operating without a compliance agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, for the interstate movement of articles regulated for citrus greening and Asian citrus psyllid pursuant to 7 C.F.R. § 301.75 *et seq.*

3. Respondent Richard Espada (“Respondent Espada”) is an individual whose business mailing address is 12620 Beach Blvd, Suite 3, Unit 264, Jacksonville, Florida 32246.
4. At all times material to this complaint, Respondent Espada was:
 - a. The sole listed Managing Member and Registered Agent of Corporate Respondent; and
 - b. Responsible for the direction, management and control of Corporate Respondent.
5. Corporate Respondent and Respondent Espada (referred to collectively as “Respondents”) were, at all times material herein, operating without a compliance agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, for the interstate movement of articles regulated for citrus greening and Asian citrus psyllid pursuant to 7 U.S.C. 7734(b) and 7 C.F.R. § 301.75 *et seq.*

Conclusions


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

ORDER

In accordance with the Act and Regulations, Respondents are jointly and severally assessed a civil penalty in the amount of eight thousand six hundred and twenty five dollars (\$8,625.00). The Respondents shall send a certified check or money order for eight thousand six hundred and twenty five dollars (\$8,625.00), payable to the Treasurer of the United States, to U.S. 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 shall include the docket number of this proceeding.

The parties agree that this Order will settle all administrative claims known to the Complainant for violations of the Plant Protection Act that occurred through April 30, 2011.

This Order shall become effective when served on the Respondents.



RICHARD ESPADA
In his own right and on behalf of
John Silvia, LLC
Respondents



DAVID L. DURKIN
Attorney for Respondent



LISA JABAILY
Attorney for Complainant

Issued this 15th day of December, 2015,
in Washington, D.C.



ADMINISTRATIVE LAW JUDGE
JANICE K. BULLARD