

**In re: JOSZET MOKOS.**  
**A.Q. Docket 03-0003.**  
**Filed April 25, 2005.**

James A. Booth for Complainant.  
Respondent (no appearance).  
*Decision and Order filed by Chief Administrative Law Judge, Marc. R. Hillson.*

### **Decision**

This is a proceeding under the Animal Health Protection Act, initiated by a complaint filed November 18<sup>th</sup>, 2002, by the Administrator of APHIS.

Following presentation of evidence in an oral hearing today, April 28<sup>th</sup>, 2005, I am granting Complainant's motion pursuant to Section 1.142(c)(1) of the Rules of Procedure for an Oral Decision.

I find that on September 3<sup>rd</sup>, 2000, Respondent, Jozset Mokos, committed violations of the regulations that were then encoded at 9 CFR 94.9B, 94.13, 94.13A, and 94.13B.

Under the Civil Penalty Assessment Authority in 7 USC 8313B, I find that a penalty of \$500.00 per violation, for a total of \$2,000.00 is appropriate. My findings of fact are as follows:

- [1] Jozset Mokos (Respondent) is a United States citizen currently residing in Oakland Park, Florida
- [2] Respondent returned to the United States at Miami International Airport, from a trip to Hungary on September 3<sup>rd</sup>, 2000.
- [3] Respondent's Customs Declaration indicated that he was not bringing in any meat products to the United States.
- [4] [I]nspection by Noel Colon, C-o-l-o-n, as U.S. Department of Agriculture employee, disclosed that Respondent had an approximately

five kilogram pork salami in his suitcase.

[5] The salami, a product of Hungary, did not bear any certificate or other indications of compliance with the cited regulations.

[6] Inspector Colon seized the salami, which was subsequently incinerated.

[7] Respondent was given the option of paying a \$50.00 penalty to close the matter. He told Inspector Colon he would go to an ATM and get the cash. He never returned, abandoning his passport, which was subsequently returned to Immigration.

[8] After the filing of the complaint, Respondent filed an answer which was received by the Hearing Clerk's office on December 18<sup>th</sup>, 2002.

[9] Respondent has refused to cooperate in these proceedings. In several instances he hung up on my Secretary, Diane Green, when she had tried contacting him to attempt to schedule a hearing in this matter. He has also refused to cooperate when Counsel for Complainant has attempted to contact him. At 8:45 this morning he told Ms. Green that he would not participate in this hearing.

### **Conclusions of Law**

[1] Respondent has violated the meat importation portions of the Animal Health Protection Act, 7 USC 8301, et seq. In particular, Respondent's actions on September 3, 2000, violated 9 CFR 94.9B, 94.13, 94.13A, and 94.13B, as they were in effect on that date.

[2] [T]he Respondent's actions in making a false declaration and making a false promise to pay the original penalty and repeatedly refusing to cooperate in these proceedings merit a significant civil penalty.

[3] I find that a penalty of \$500.00 per violation, for a total of \$2,000.00 is appropriate.

### **Order**

Respondent is assessed a \$2,000.00 civil penalty. This penalty shall be sent to the United States Department of Agriculture, APHIS Field Servicing Office, Accounting Section, Post Office Box 3334, Minneapolis, Minnesota 55403, within 60 days after service of this order.

This decision and order shall be final and effective 35 days after service upon Respondent, unless an appeal is filed to the Judicial Officer with 30 days after service, pursuant to 1.1, Rule 1.145 of the Rules of Practice.

[C]opies of this decision and hearing order, this decision and order, which, in this context, is actually the pages of the transcript that this order it reflected in, shall be served on each of the parties.