

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

P.Q. Docket No. 06-0020

In re: JOSE LUIS JIMENEZ,

Respondent

**ORDER**

On February 2, 2007, a Default Decision and Order was entered in this action, finding that by reason of his failure to file an Answer, the Respondent had admitted the factual allegations contained in the Complaint, waived a hearing and further finding that he had violated the Plant Protection Act (7 U.S.C. § 7701 *et seq.*), but reserving the amount of the civil penalty to be exacted, pending submission of additional evidence by the Complainant that either the Respondent had prior violations, or evidence that the importation was for monetary gain. The Complainant has since filed a Motion for Revision of the Civil Penalty Recommendation.

Being sufficiently advised, it **ORDERED** as follows:

1. The Respondent, Jose Luis Jimenez, is assessed a civil penalty in the amount of One Thousand Dollars (\$1,000.00). The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and shall be forwarded within thirty (30) days of the effective day of this Order to:

United States Department of Agriculture  
APHIS Field Servicing Office  
Accounting Section  
P.O. Box 3334  
Minneapolis, Minnesota 55403

The Respondent shall indicate that the payment is in reference to P.Q. Docket No. 06-0020.

2. This Order shall be final and effective thirty-five (35) days after service of this Order upon the Respondent unless appealed to the Judicial Officer pursuant to section 1.145 of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.145).

A copy of this Order shall be served upon the Parties by the Hearing Clerk's Office.

Done at Washington, D.C.  
February 27, 2007

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**PETER M. DAVENPORT**  
Administrative Law Judge

Copies to: Thomas N. Bolick, Esquire  
Jose Luis Jimenez

Hearing Clerk's Office  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Room 1031, South Building  
Washington, D.C. 20250-9203  
202-720-4443  
Fax: 202-720-9776