

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

FILED
MAY 17

ED

In re:) A.Q. Docket No. 06-0005
)
My Van Nguyen)
)
Respondent) Consent Decision

This proceeding was instituted under Section 10404 of the Animal Health Protection Act (7 U.S.C. § 8303) (Act) and regulations promulgated thereunder (9 C.F.R Part 94) (regulations), by a complaint filed by the Administrator of the Animal and Plant Health Inspect Service alleging that the respondent violated the Act. Respondent has agreed that this proceeding should be terminated by entry of the Consent Decision set forth below, and has agreed to the following stipulations:

1. For the purpose of this stipulation, and the provisions of this Consent Decision only, the respondent admits specifically that the Secretary of the United States Department of Agriculture 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 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 that the United States Department of

Agriculture is the “prevailing party” in this proceeding and waives 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 the fees and other expenses incurred by the respondent in connection with this proceeding.

Findings of Fact

1. My Van Nguyen, herein referred to as respondent, is an individual with an address of 612 Hilltop Point, Irving, Texas 75060.

2. On or about July 21, 2003, the respondent imported six (6) pounds of dried beef and from Vietnam.

Conclusion

The respondent having admitted the jurisdictional facts, and having agreed to the provisions set forth in the following Order in disposition of this proceeding, such Order and Decision will be issued.

Order

The respondent, My Van Nguyen, is assessed a civil penalty of one hundred dollars (\$100.00). This penalty shall be payable to the "Treasurer of the United States" by certified check or money order, and shall be forwarded to:

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

within thirty (30) days from the effective date of this Order. Respondent shall indicate that payment is in reference to A.Q. Docket No. 06-0005.

This Order shall become effective the day upon which service of this Order is made upon

the respondent.


MY VAN NGUYEN
Respondent


CARLYNNE S. COCKRUM
Attorney for Complainant

Issued this 10th day of February, 2006
In Washington, D.C.


ADMINISTRATIVE LAW JUDGE