

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P.Q. Docket No. 03-0012
	)	
Calavo Growers, Inc.,	)	
	)	
Respondent	)	Consent Decision

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.)(the Act), by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated thereunder (7 C.F.R. § 319.56-2ff(k)(1-2)). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, the respondent specifically admits 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, and admits to the Findings of Fact set forth below.

Respondent 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;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) 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 fees and other expenses incurred by the respondents in connection with this proceeding.

Findings of Fact

1. Calavo Growers, Inc., hereinafter referred to as the respondent, is a business maintaining its corporate headquarters at 2530 Red Hill Avenue, Santa Ana, California 92705.
2. On or about November 14, 2001, and other dates, approximately 3240 boxes of Mexican Hass Avocados were transferred to second-party handlers for movement and distribution within the United States without prior confirmation that the second-party handlers had entered into compliance agreements with APHIS.

Conclusions

The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

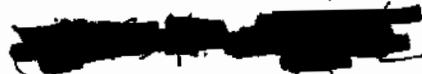
The respondent Calavo Growers, Inc., is assessed a civil penalty of sixty five thousand dollars (\$65,000.00). The respondent shall send a certified check or money order for sixty five thousand dollars (\$65,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on the respondent.

 6-9-5  
 David L. Durkin  
 Counsel for Respondent  
 Calavo Growers, Inc.

  
 Thomas N. Bolick  
 Attorney for the Complainant

Issued this 10 day of June, 2005  
 at Washington, D.C.

  
 Jill S. Clifton  
 Administrative Law Judge