

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P.Q. Docket No.
)	
Chazz Cox d/b/a Gateway Gardens,)	06 - 0004
)	
Respondent)	Consent Decision

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.)(Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and the regulations promulgated thereunder (7 C.F.R. § 301.81 et seq.)(regulations). 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, 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 respondent in connection with this proceeding.

Findings of Fact

1. Chazz Cox Associates, Inc., owned and operated by Chazz Cox, does business as Gateway Gardens, hereinafter referred to as respondent, with a mailing address of 922 Oklahoma Street, Oviedo, Florida 32765.

2. On April 12, 2002, respondent caused to be moved interstate from Florida, a red imported fire ants quarantined area, nine *ilex* trees to Nevada.

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 is assessed a civil penalty of three thousand dollars (\$3,000.00). The respondent shall send a certified check or money order for three thousand dollars (\$3,000.00), 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, P.Q. Docket No. 06-0004.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

This Order shall become effective when served on the respondent.


CHAZZ COX for
Chazz Cox Associates, Inc. d/b/a Gateway Gardens
Respondent


Robert King High, Jr., Esq.
Judkins, Simpson & High
Attorney for Respondent


Krishna Ramaraju, Esq.
U.S.D.A. - Office of General Counsel
Attorney for Complainant

Issued this 15th day of February 2006
at Washington, D.C


Administrative Law Judge

PETER M. DAVENPORT