

Earley, Loyd

10/17

0032

From: Earley, Loyd
Sent: Tuesday, October 19, 2010 10:19 AM
To: 'FOIA@FSIS.USDA.gov'
Cc:
Subject: Case Number PA06030-HS, et al

Individual

Under the Freedom of Information Act, I am requesting copies of any and all correspondence, written statements, emails, memoranda, air waybills or other documentation utilized by the USDA as support or evidence for the civil penalties recommended by Kimberly Nichols in the attached Settlement Agreement.



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4.pdf (544 KB)...

If there are any fees charged for searching, reviewing, or copying the records, please supply the records without informing me of the cost if the fees do not exceed \$500, which I agree to pay. If the fees exceed this amount, please let me know prior to fulfilling my request.

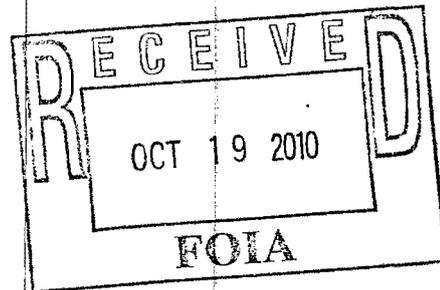
If you deny any part of this request, please cite each specific reason that you think justifies your refusal to release the information. Please notify me of appeal procedures available under the law.

If you have any questions processing this request, you may contact me at the following telephone number: 972-629-5116.

Loyd R. Earley
Senior Attorney and Assistant Secretary

WORLDWIDE FLIGHT SERVICES, INC.
Telephone: 972-629-5116
Fax: 972-629-5161
Cell: 817-714-3864

NOV 17 2010





OCT 7 2010

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United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

1700 River Road
Riverdale, MD
20737

1st Address

Worldwide Flight Services, Inc.
1925 W. John Carpenter Freeway
Suite 450
Irving, TX 75063

2nd Address

Registered Agent
C T Corporation System
350 N. St. Paul Street
Dallas, TX 75201

**CERTIFIED MAIL
RETURN RECEIPT**

Dear Sir(s):

Animal and Plant Health Inspection Service (APHIS) enforces regulations to protect the health and care of animals, plants, and agricultural industry. Violations of these regulations jeopardize the animal and plant health systems that are vital to protect American agriculture.

Our investigation shows that you have violated the United States Code of Federal Regulations as described on the enclosed Stipulation. APHIS laws and regulations provide for administrative and criminal penalties to enforce these regulatory requirements, including civil penalties of \$60,000 for the violations documented in our investigation.

The Secretary of Agriculture may, after providing notice and opportunity for a hearing, impose civil penalties or other sanctions. You may, however, waive your right to a hearing and settle this matter by paying \$15,000 by November 22, 2010, and signing the enclosed Stipulation.

Please pay the \$15,000 penalty by certified check or money order made payable to the Treasurer of the United States or go to www.pay.gov to pay by credit card. Write the Case Number (PA06030-HS et al) on your check or money order and mail it with the signed Stipulation to:

USDA, APHIS, (General) (PA06030-HS et al)
P. O. Box 979043
St. Louis, MO 63197-9000

If we do not receive your signed stipulation agreement and payment or notice that you wish to exercise your right to a hearing by November 22, 2010, this matter will be forwarded to the Department's Office of the General Counsel (OGC) for litigation. Please know that the penalty offered in this Stipulation represents a fraction of the civil penalty APHIS may seek should we refer this matter to OGC. You may contact our office at telephone number (301) 734-8684 if you have any questions.

Sincerely,

Emily E. Pullins, Ph. D.
Chief, Plant Health and Border Protection Enforcement Branch
Investigative and Enforcement Services

Enclosure



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Program
An Equal Opportunity Provider and Employer

Investigative and Enforcement Services

Settlement Agreement

USDA, APHIS, IES
 4700 River Road, Unit 85
 Riverdale, MD 20737
 Phone: (301) 734-8684
 Fax: (301) 734-4328

RESPONDENT:	
<u>1st Address</u>	<u>2nd Address</u>
Worldwide Flight Services, Inc. 1925 W. John Carpenter Freeway, Suite 450 Irving, TX 75063	Registered Agent: C T Corporation System 350 N. St. Paul, Street Suite 2900 Dallas, TX 75201

CASE NUMBER PA06030-HS, et al.

DUE ON OR BEFORE November 22, 2010
CONTACT Kimberly Nichols
PHONE 301-734-7851

DATE	CITATION	DESCRIPTION
23-MAY-2006 14-JUN-2006	7 USC § 8307(b)(1)	<p align="center"><u>PA06030-HS</u></p> <p><u>Inspections, Seizures and Warrants. Warrantless Inspections.</u> On two separate dates, Worldwide Flight Services, released three shipments of regulated cargo that included a shipment of 12 drums of Captopril imported from India, (AWB# 125-2138-9270), and a shipment of 1 carton of Sodium Doxcholane (ox bile derivative) imported from Italy (Flight # BA 067) (AWB#125-1933-0975). Both shipments were placed on hold on 05/22/06 and released on 05/23/06 prior to inspection. A third shipment, placed on hold on 06/14/06, manifested as 1 box of porcine cells infected with PPV imported from England (Flight BA 067) (AWB#125-1958-0746) was also released prior to authorized inspection by Customs and Border Protection, Agriculture Quarantine. Page 1 of 3</p>

PENALTY \$15,000 **TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent: _____ Date: _____

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
25-APR-2007	7 USC § 8307(b)(1)	<p><u>NJ07520-HS</u> <u>Inspections, Seizures and warrants. Warrantless Inspections.</u> Worldwide Flight Services, Inc. released a shipment from Germany (Kalitta Air Flight #206) manifested as "consolidated cargo" (AWB #272-0055-2506). The shipment was placed on hold on 04/24/07 at 09:12 EST, and released at 10:17 EST on 04/25/07 prior to authorized inspection by CBP-AQL.</p>
14-JUN-2007	7 USC § 8307(b)(1)	<p><u>CA07745-HS</u> <u>Inspections, Seizures, and warrants. Warrantless Inspections.</u> Worldwide Flight Services, Inc. released a shipment from China (China Airlines Flight #583) manifested as live Lugworms (AWB#781-5096-1190). The shipment was placed on hold on 06/14/07 at 12:58 EST, and released on 06/14/07 at 02:17 PST prior to authorized inspection by CBP-AQL.</p>
21-MAY-2007	7 USC § 8307(b)(1)	<p><u>CA08273-HS</u> <u>Inspections, Seizures and warrants. Warrantless Inspections.</u> Worldwide Flight Services, Inc. released a shipment from India (Eva Airlines Flight #012) manifested as a "wooden stool decorative basket foot" (AWB#695-2839-1856). The shipment was placed on hold on 05/21/07 at 14:51 EST. The shipment was picked up on 05/21/07 at 17:30 PST and released by Worldwide Flight Services prior to authorized inspection.</p>
06-AUG-2007	7 USC § 8307(b)(1)	<p><u>CA08274-HS</u> <u>Inspections, Seizures and warrants. Warrantless Inspections.</u> Worldwide Flight Services, Inc. released a shipment from India (Virgin Airlines #007) manifested as 75 boxes of kitchen tables and other household articles (AWB# 932-1002-8944). The shipment was placed on hold on 08/06/07 at 15:59 EST, and released by Worldwide Flight Services on 08/06/07 at 19:50 PST prior to authorized inspection by CBP-AQL.</p>
05-AUG-2007	7 USC § 8307(b)(1)	<p><u>CA08275-HS</u> <u>Inspections, Seizures and warrants. Warrantless Inspections.</u> Worldwide Flight Services, Inc. released a shipment from Austria (Virgin Flight #023) manifested as two items of personal effects (AWB#932-2270-6935). The shipment was placed on hold on 08/05/07 at 19:47 EST, and released by Worldwide Flight Services on 08/07/07 at 18:20 PST prior to authorized inspection by CBP-AQL.</p>

DATE

CITATION

DESCRIPTION

07-SEP-2007 7.U.S.C § 8307(b)(1)

CA08276-HS

Inspection Seizures, and warrants. Warrantless Inspections.
Worldwide Flight Services, Inc. released a shipment from India (China Airlines Flight #583) manifested as 36 pieces of handicrafts herbal & aromatherapy dispenser (AWB#781-4737-2183). The shipment was placed on hold on 09/07/07 at 12:23 EST. CBP-AQI discovered the shipment was delivered by Worldwide Flight Service on 09/10/07 at 15:25 PST prior to authorized inspection.

26-SEP-2007 7 USC § 7713(c)(1)

CA08277-HS & CA08278-HS

Inspection, Seizures and warrants. Warrantless inspections.
Worldwide Flight Services, Inc. released two shipments from India (Air India Flight #137) each manifested as one piece of homemade crisp cake (AWB#098-8701-1433). The shipment was placed on hold on 09/26/07, at 18:48 EST (HB #27595565) and at 18:49 EST (HB # 27606537). CBP-AQI discovered the shipment was released by Worldwide Freight Services and delivered on 10/02/07 at 16:56 PST (HB#27595565) and on 12/27/07 at 12:31 PST prior to authorized inspection.



1925 W JOHN CARPENTER FRWY
SUITE 450
IRVING, TX 75063
FAX (972) 629-5161

FACSIMILE TRANSMITTAL SHEET

TO: FOIA Administrator

FROM: Loyd Earley

COMPANY: USDA

DATE: October 19, 2010

FAX NUMBER: 202-690-3023

**TOTAL PAGES
INCLUDING COVER:** 7

PHONE NUMBER: 972-629-5116

Copy:

RE: FOIA Request

NOTES/COMMENTS:

I attempting to send this request by email, but it was rejected by the USDA email system.



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

202 650 3023 P.01

Loyd R. Earley, Esq.
Worldwide Flight Services
1925 W. John Carpenter Freeway
Suite 450
Irving, TX 75063

OCT 19 2010

RE: Referral of Freedom of Information Act
(FOIA) Request dated October 19, 2010

Dear Mr. Earley:

On October 19, 2010, this office, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) received a faxed copy of your FOIA request, dated same. Your request was for copies of any and all correspondence, written statements, emails, etc. used with regard to the civil penalties noted in the Stipulation Agreement in your case, PA06030-HS et al.

FSIS is the public health agency in the U.S. Department of Agriculture responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged. Additional information about FSIS and its programs may be found at: www.fsis.usda.gov. Please note that the subject matter of your request is not within FSIS jurisdiction, but rather another agency within the Department: Animal and Plant Health Inspection Service (APHIS). Consequently, we are forwarding your FOIA request to USDA APHIS for processing and direct response. If you have any questions regarding your request, you may write or call: Tonya Woods, FOIA Director, Legislative and Public Affairs, Freedom of Information Act, 4700 River Road, Unit 50, Riverdale, MD 20737. Phone: 301-734-8296. Fax: 301-734 -5974. Email: foia.officer@aphis.usda.gov.

Sincerely,

Beverly E. Walker, CIPP/G
Supervisory Issues Management Specialist/FOIA Officer



Clean • Separate • Cook • Chill

Visit befoodsafe.gov, askkaren.gov, or call 1-888-MPHotline.



1925 W JOHN CARPENTER FRWY
SUITE 450
IRVING, TX 75063
FAX (972) 629-5161

FACSIMILE TRANSMITTAL SHEET

TO: FOIA Administrator

FROM: Loyd Earley

COMPANY: USDA

DATE: October 19, 2010

FAX NUMBER: 202-690-3023

**TOTAL PAGES
INCLUDING COVER: 7**

PHONE NUMBER: 972-629-5116

Copy:

RE: FOIA Request

NOTES/COMMENTS:

I attempting to send this request by email, but it was rejected by the USDA email system.



"Mallory-Smith, Carol"
<carol.mallory-smith@oregon
state.edu>

10/19/2010 04:39 PM

To "foia.officer@aphis.usda.gov" <foia.officer@aphis.usda.gov>
cc
bcc
Subject FOIA Request

Could you please tell me what category APHIS inspections for regulated articles and potential violations are under. They do not seem to fit the categories listed at the site.

Thank you.

Carol Mallory-Smith
Professor - Weed Science and Associate Department Head
107 Crop Science Building
Dept. of Crop and Soil Science
Oregon State University
Corvallis OR 97331

541-737-5883

