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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

IN THE MATTER OF)
)
The Velvet Poodle, LLC.,) Docket No. FIFRA-07-2006-0124
)
Respondent.) CONSENT AGREEMENT AND FINAL
) ORDER.

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on or about March 6, 2006, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (hereinafter called FIFRA), 7 U.S.C. § 136l, when the United States Environmental Protection Agency (hereinafter referred to as "Complainant" or "EPA") issued a "Complaint and Notice of Opportunity for Hearing" to The Velvet Poodle, LLC (hereinafter referred to as "Respondent").

The Complaint charged Respondent with violating FIFRA, §§ 12(a)(2)(L), 12(a)(1)(A), 12(a)(1)(E); 7 U.S.C. §§ 136j(a)(2)(L), 136j(a)(1)(A), 136j(a)(1)(E).

Subsequently, Complainant and Respondent entered into negotiations in an attempt to resolve the Complaint. The Consent Agreement and Final Order (CAFO) set forth herein below is the result of these negotiations and represents settlement of this Complaint.

CONSENT AGREEMENT

It is hereby agreed and accepted by Respondent that:

1. This Consent Agreement and Final order is being entered into by the parties in full settlement of, and release from all FIFRA civil penalties that might have attached as a result of allegations in the Complaint. Respondent has read the Consent Agreement, finds it reasonable and consents to the issuance and its terms and explicitly waives its right to request a hearing on the Complaint, this Agreement, or the attached Final Order.
2. Respondent admits the jurisdictional allegations of the Complaint and admits the facts stipulated in this Consent Agreement.
3. Respondent neither admits nor denies the violation of FIFRA as set forth in the Complaint.
4. Respondent certifies by signing this Consent Agreement and Final Order that to its knowledge it is presently in compliance with FIFRA, 7 U.S.C. § 136 et seq., and all regulations promulgated thereunder.
5. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulation administered by the U.S. Environmental Protection Agency.
7. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection.
8. Each party shall bear its own costs and attorneys' fees in the action resolved by this Consent Agreement and Final Order.

9. Each signatory of this Agreement certifies that he or she is fully authorized to enter into this Consent Agreement and Final Order.

10. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty as specified in paragraph 2 of this Final Order.

FINAL ORDER

Pursuant to § 14 of FIFRA, as amended, 7 U.S.C. § 136l, and upon information contained in this Consent Agreement of the parties herein, IT IS HEREBY ORDERED THAT:

1. Respondent in settlement of the allegations set forth in this Complaint shall pay by cashier's or certified check, a civil penalty, for the violations cited herein, in the amount of Four Hundred Fifty Dollars (\$450.00). The check must be made payable to the "Treasurer, United States of America" and shall be mailed to: **U.S. EPA-Region 7, P.O. Box 371099M, Pittsburgh, Pennsylvania 15251**. The payments shall be identified as **In the Matter of The Velvet Poodle, LLC**. A Copy of the check shall be forwarded to Rupert G. Thomas, Office of Regional Counsel, Region VII, EPA, 901 North 5th Street, Kansas City, Kansas 66101, and Kathy Robinson, Regional Hearing Clerk, Region VII, EPA, 901 North 5th Street, Kansas City, Kansas 66101.

2. Three Hundred Dollars (\$300.00) of the civil penalty shall be paid on or before thirty (30) days after the effective date of the Final Order, and One Hundred Fifty Dollars (\$150.) on or before April 30, 2007. The date by which the payment must be received shall hereafter be referred to as the "due date". The effective date of this Order shall be the date on which it is signed by the Regional Judicial Officer.

3. If payment is not received on or before the due date, interest will be assessed at the

By: Rupert G. Thomas
Rupert G. Thomas
Attorney
Office of Regional Counsel

Date: 11/3/06

RESPONDENT:
THE VELVET POODLE, LLC.

By: Leather Campbell

Title: owner

Date: 10/17/06

IT IS SO ORDERED. This Order shall become effective immediately.

Robert L. Patrick
Robert L. Patrick
Regional Judicial Officer

Dated November 7, 2006

IN THE MATTER OF The Velvet Poodle, LLC, Respondent
Docket No. FIFRA-07-2006-0124

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to:

Rupert G. Thomas
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Heather Campbell
The Velvet Poodle, LLC
2418 Dakota Avenue
South Sioux City, Nebraska 68776

Copy by Facsimile and
First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20460

and

The Honorable Carl C. Charneski
Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20460

11/7/06
Dated


Kathy Robinson
Hearing Clerk, Region 7