

**Animal and Plant Health Inspection Service, USDA**

**§ 167.10**

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to a specified order which may include an agreement to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the order in settlement of the par-

ticular matter conditioned upon timely payment of the penalty if the order includes an agreement to pay a penalty.

(b) If the order includes an agreement to pay a penalty and the penalty is not paid within the time designated in such a stipulation, the amount of the penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

**PARTS 168-199—[RESERVED]**