

Animal and Plant Health Inspection Service, USDA

§ 99.10

EFFECTIVE DATE NOTE: At 77 FR 74558, Dec. 17, 2012, § 99.38 was amended by, in the introductory text, removing the words “, except as noted in paragraph (h) of this section with regard to swine semen imported from Denmark, Finland, the Republic of Ireland, Sweden, or the United Kingdom”; by removing paragraph (h); by redesignating paragraph (i) as paragraph (h); and in newly redesignated paragraph (h), by removing the words “through (h)” and adding the words “through (g)” in their place, effective Jan. 16, 2013.

PART 99—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.

99.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

99.10 Stipulations.

AUTHORITY: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 48 FR 30095, June 30, 1983, unless otherwise noted. Redesignated at 52 FR 29502, Aug. 10, 1987.

Subpart A—General

§ 99.1 Scope and applicability of rules of practice.

The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under the following statutory provisions:

Act of May 29, 1884, commonly known as the Animal Industry Act, section 7, as amended (21 U.S.C. 117),

Act of August 30, 1890, section 6, as amended (21 U.S.C. 104),

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, section 3, as amended (21 U.S.C. 122),

Act of July 2, 1962, section 6(a), as amended (21 U.S.C. 134e),

Act of May 6, 1970, section 2, as amended (21 U.S.C. 135a).

The Animal Health Protection Act, section 10414 (7 U.S.C. 8313)

In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

[48 FR 30095, June 30, 1983. Redesignated at 52 FR 29502, Aug. 10, 1987, as amended at 68 FR 6345, Feb. 7, 2003]

Subpart B—Supplemental Rules of Practice

§ 99.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 99.1, the Administrator, in his discretion, may enter into a stipulation with any person in which:

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

(2) Such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

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

[48 FR 30095, June 30, 1983. Redesignated and amended at 52 FR 29502, Aug. 10, 1987]