

2. The Respondents also stipulate and agree that the United States Department of Agriculture is the "prevailing party" in this proceeding and waives 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 Respondents in connection with this proceeding.

Findings of Fact

1. BovaGen, P.C. is located at 43475 111th Street, Lake City, SD 57247. Mr. Russell Cable is located at the BovaGen Embryo Transfer Center, 414 Pioneer Road, Seguin, TX 78155. BovaGen, P.C. and Mr. Russell Cable are hereinafter referred to as the Respondents.

2. On or about December 29, 2006, the Respondents attempted to export bovine embryos to Switzerland.

Conclusions

The Respondents have admitted the jurisdictional facts and have agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

The Respondents, BovaGen, P.C. and Mr. Russell Cable, are assessed a civil penalty of five thousand dollars (\$5,000.00). The Respondents shall send a certified check or money order for five thousand dollars (\$5,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, U.S. Bank, P.O. Box 979043, St. Louis, Missouri

63197-9000, 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.

This Order shall become effective when served on the Respondents.

[REDACTED]

RUSSELL CABLE

[REDACTED]

LAUREN AXLEY
Attorney for Complainant

[REDACTED]

BOYD BIEN, DVM
as authorized representative of
BovaGen, Inc.

Issued this 27th day of July, 2011
at Washington, D.C.

[REDACTED]

Administrative Law Judge