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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	
	)	A.Q. Docket No. 11 - 0302
	)	
Mr. Russell Cable and	)	
BovaGen, P.C.	)	
	)	
Respondents	)	
	)	CONSENT DECISION
	)	

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) ("Act") by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondent violated the Act. The Complainant and the Respondents have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, Respondents specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admit nor deny the remaining allegations in the complaint, admit to the Findings of Fact set forth below, and waive:

(a) Any further procedure;

(b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and

(c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

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 111<sup>th</sup> 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 27<sup>th</sup> day of July, 2011  
at Washington, D.C.

[REDACTED]

Administrative Law Judge