



TO: Thomas Bolick COMPANY: p0629

(d) 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 respondent in connection with this proceeding.

#### Findings of Fact

1. ProdiGene, Inc, hereinafter referred to as respondent, is a Delaware corporation with a mailing address of 22555 Laredo Trall, Adel, Iowa 50003.
2. On April 28, 2004, APHIS issued respondent a permit that allowed the respondent to plant transgenic corn in three separate test plots located at a field test site in Garfield County, Nebraska.
3. At all times material herein, respondent's transgenic corn was a regulated article under 7 C.F.R. §§ 340, et seq. which required a permit for introduction into the environment under conditions determined by the complainant.

#### Conclusions

The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding. Therefore, this Consent Decision and Order will be issued.

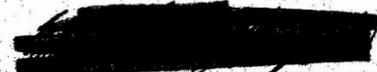
#### Order

1. The respondent ProdiGene, Inc., is assessed a civil penalty of three thousand five hundred dollars (\$3,500.00). The respondent shall send a certified check or money order for three thousand five hundred dollars (\$3,500.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, 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.

TO: Thomas Bolick COMPANY: p0629

2. The respondent ProdiGene, Inc., and its successors in interest, directly or through any corporate device, shall not apply to the USDA APHIS Biotechnology Regulatory Service for (a) a notification for the introduction of certain regulated articles, as defined in 7 C.F.R. § 340.1, in accordance with 7 C.F.R. §§ 340.0(a)(1) and 340.3; and (b) a permit authorizing the introduction of a regulated article, as defined in 7 C.F.R. § 340.1, in accordance with 7 C.F.R. §§ 340.0(a)(1) and 340.4.

3. This Order shall become effective when served on the respondent.



Edward M. Mansfield  
 Counsel for Respondent  
 ProdiGene, Inc.



Thomas N. Bolick  
 Attorney for the Complainant

Issued this 26 day of July, 2007

at Washington, D.C.



Administrative Law Judge

Jill S. Clifton