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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P.Q. Docket No.
	)	
Christopher J. Rohana, Sr.	)	
d/b/a Plantman Aquatics	)	08 - 0119
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 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 and the regulations promulgated thereunder (7 C.F.R. § 360.100 et seq.)(regulations) concerning the movement of noxious weeds. The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent waives:

- (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;

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

(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, and any other action against the United States Department of Agriculture and its employees and agents in connection with these proceedings and the facts and events giving rise to these proceedings.

#### Findings of Fact

- A. Christopher J. Rohana, Sr., hereinafter referred to as respondent, is an individual doing business as Plantman Aquatics, with a mailing address of 16 Emerald Ridge Drive, Bear, DE, 19701.
- B. On August 18, 2004, the respondent moved *hygrophila polysperma* from Delaware to New Jersey.

#### Conclusions


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

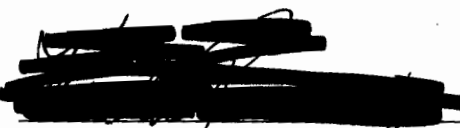
#### Order

The respondent is assessed a civil penalty of one thousand dollars (\$1,000), which is suspended and put in abeyance, provided that Respondent does not violate the Act, the

regulations issued thereunder, or this Order for period of two years from the effective date of this Order. Respondent agrees to obtain a permit for the movement of noxious weeds should he wish to move any federally listed noxious weeds in the future. Respondent also agrees to review the list of federally listed noxious weeds prior to moving any plants interstate.

The provisions of this order shall become effective on the first day after service of this decision on the respondent. This Order shall become effective when served on the respondent.

  
Christopher Rohana, Sr.  
For himself and on behalf of Plantman Aquatics  
Respondent

  
Krishna Ramaraju, Esq.  
U.S.D.A. - Office of General Counsel  
Attorney for Complainant

Issued this 10<sup>th</sup> day of December 2008  
at Washington, D.C.

  
Administrative Law Judge