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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	V.A. Docket No. 05-0001
	)	
Michael J. Chovanes, D.V.M.,	)	
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under Section 2 of the Act of February 2, 1903, as amended (21 U.S.C. § 111), superseded on May 13, 2002 by the Animal Health Protection Act (7 U.S.C. § 8301 et seq.) (Acts), and the Requirements and Standards for Accredited Veterinarians promulgated thereunder, (9 C.F.R. Parts 160 - 162) (regulations), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Acts and regulations promulgated thereunder. The complainant and the respondent 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, 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, admits to the Findings of Fact set forth below, and 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; and
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. Respondent also stipulates and agrees 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 respondent in connection with this proceeding and waives any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

#### Findings of Fact

1. Michael Joseph Chovanes, V.M.D., hereinafter referred to as Respondent, is an individual whose mailing address is 1065 Huffs Church Road, Alburtis, PA 18011.

2. Respondent is now, and at all times material herein was, an APHIS Accredited Veterinarian in the States of Florida, Kentucky, Maryland and New Jersey pursuant to Title 9, Code of Federal Regulations, Parts 160-161.

#### 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

1. Respondent, Michael Joseph Chovanes, VMD, is suspended of his USDA veterinary accreditations for three months in the States of Florida, Kentucky, Maryland and New Jersey from the effective date of this Order. During this period of suspension, Respondent is not authorized to perform the functions of an accredited veterinarian, as specified in 9 C.F.R. subchapters B, C and D., in any State.

2. After the three-month period of suspension has expired, Respondent may apply for accreditation in any additional State in which he wishes to perform the functions of an accredited veterinarian. Respondent understands that he must be properly accredited by the Veterinarian-in-Charge for any such state and any relevant State animal health officials, and is subject to and must satisfy all applicable requirements of 9 CFR Part 161 prior to performing any duties of any accredited veterinarian in any such additional State(s).

This Order shall become effective when served on the respondent.

[REDACTED]

Michael Joseph Choyanes, VMD  
Respondent

[REDACTED]

Krishna G. Ramaraju, Esq.  
Attorney for Complainant

Done at Washington, D.C.

this 11 day of April, 2006

[REDACTED]

for Administrative Law Judge Peter Davenport