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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

JAMES J. POTASE,

Respondent

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FCIA Docket No. 08-0037

STIPULATED PROPOSED CONSENT DECISION

WHEREBY the Complainant, Federal Crop Insurance Corporation (FCIC), and the Respondent, James J. Potase, have a desire to stipulate to a Consent Decision, the parties request that the attached Consent Decision be entered in this case pursuant to 7 C.F.R. § 1.138. (Once this stipulated Consent Decision is entered by this administrative tribunal, the matter in dispute will be resolved and decided.

This joint stipulation and request is made on this 16th day of January 2009.


TROY B. MOUER
Attorney for Complainant


ELDON GOULD
FCIC Manager


THOMAS DANA WATSON
Attorney for Respondent


JAMES J. POTASE
Respondent

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

JAMES J. POTASE,

Respondent

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FCIA Docket No. 08-0037

CONSENT DECISION

WHEREAS each of the parties have requested that this stipulated Consent Decision be entered in the above-stated case in accordance with 7 C.F.R. § 1.138, the following is Decided:

The parties admit that this case is properly filed with USDA's Office of Administrative Law Judges (OALJ) and that the OALJ has jurisdiction to hear this case based upon section 515(h) of the Federal Crop Insurance Act (7 U.S.C. § 1515(h)) and 7 C.F.R. § 400.454(1).

After adequate opportunity for the parties to be heard, the Respondent chooses not to challenge this case in a full hearing and Respondent instead chooses to pay a civil fine in the amount of \$5,000 for violation of section 515(h) of the Federal Crop Insurance Act (Act) without further proceedings. The parties agree that there will be no period of disqualification. Both parties consent to the issuance of this agreed decision without further procedure or admissions or statements by either party. The parties further agree that the failure of Respondent to pay the civil fine in accordance with the terms of this Consent Decision shall allow Complainant to immediately list the matter for hearing before the USDA OALJ based on the Complaint that was filed on December 20, 2007.

THEREFORE, it is found that, pursuant to section 515 of the Act (7 U.S.C. § 1515), Respondent will be civilly fined in the amount of \$5,000. This civil fine shall be made payable to the "Federal Crop Insurance Corporation" and sent to:

Federal Crop Insurance Corporation
Attn: Kathy Santora, Collection Examiner
Fiscal Operations Branch
6501 Beacon Road, Room 271
Kansas City, Missouri 64133
(Account Name: James J. Potase - Civil Fine)

Payment shall be made in two parts. Payment of \$2,500 shall be made within 30 days after this Consent Decision is entered, with said 30 days being calculated to include weekends and legal holidays. Payment of the balance, \$2,500, shall be made within 60 days after this Consent Decision is entered, with said 60 days being calculated to include weekends and legal holidays.

Entered in Washington, D.C.
this 16 day of January, 2009


Administrative Law Judge