

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
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THOMAS FLEMING)
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)
Respondent)

FCIA Docket No. 09-0126

CONSENT DECISION

WIIEREAS 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(f).

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 \$1,000 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 June 1, 2009.

TIHEREFORE, 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 \$1,000. This civil fine shall be made payable to the “**Federal Crop Insurance Corporation**” and sent Federal Express with the signed Consent Decision to:

United States Department of Agriculture
Risk Management Agency
Compliance Division
Attn: Donna Gibson, Paralegal Specialist
Appeals, Litigation and Legal Liaison Staff
1400 Independence Avenue, SW
Mail Stop 0806
Washington, D.C. 20250-0806

Entered in Washington, D.C.

this 29th day of June, 2009


Administrative Law Judge