

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
WESTWINDS NURSERY, INC.)
) FCIA Docket No. 09-0168
)
Respondent)

CONSENT DECISION

WHEREBY each of the parties has requested that this 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 the United States Department of Agriculture's (USDA), Office of Administrative Law Judges (OALJ) and the OALJ has jurisdiction to hear this case based upon section 515(h) of the Federal Crop Insurance Act (Act), 7 U.S.C. § 1515(h), 7 C.F.R. § 400.454(f) and 7 C.F.R. § 1.131(b)(6).

After adequate opportunity for the parties to be heard, the Respondent chooses not to challenge this case in a full hearing. Respondent instead chooses to accept the disqualification time period and pay the civil fine requested in the Complaint for a violation of section 515(h) of the Act without further proceedings.

THEREFORE, it is found that pursuant to section 515(h) of the Act, Respondent will be disqualified for two years from receiving any monetary or non-monetary benefit that may be

provided under the programs or transactions offered under any of the statutes listed in 7 U.S.C. § 1515(h)(B). All persons disqualified will be reported to the U.S. General Services Administration (GSA) pursuant to 7 C.F.R. § 3017.510. GSA maintains and publishes a list of all persons who are determined ineligible from non-procurement programs in its Excluded Parties List System.

THEREFORE, it is also found that pursuant to section 515(h) of the Act, 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 to:

Federal Crop Insurance Corporation
Attention: Kathy Santora, Collections Examiner
Financial & Accounting Operations Branch
Beacon Facility – Mail Stop 0814
P.O. Box 419205
Kansas City, Missouri 64141-6205
(Account Name: Westwinds Nursery, Inc. - Civil Fine. Please include the Employer’s Identification Number on the check, cashier’s check or money order).

Payment shall be made in one payment and should be made within 30 days after this Consent Decision is entered, with said 30 days being calculated to include weekends and legal holidays.

Both parties consent to the issuance of this agreed decision without further procedure. Once this Consent Decision is entered by this administrative tribunal, the matter in dispute will be resolved and decided. 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 August 12, 2009.

~~_____~~

MARK R. SIMPSON
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Office of the General Counsel
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(404) 347-1060 Telephone
(404) 347-1065 Facsimile

9/9/09
Date

~~_____~~

TERRY K. ROBINSON
d/b/a WESTWINDS NURSERY, INC.
Respondent
10779 S.W. Citrus Boulevard
Palm City, Florida 34990

9/21/09
Date

Entered in Washington, D.C.

this 23rd day of September, 2009

~~_____~~
Administrative Law Judge