

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 14-0107
Docket No. 14-0108



In re:

JIMMY LEON CAGLE

and

JIMMY LEON CAGLE, doing business as
BIRDSONG CROP INSURANCE¹,

Respondents.

CONSENT DECISION

The above captioned matters involve a complaint filed by the United States Department of Agriculture (“USDA”; “Complainant”) against Jimmy Leon Cagle and Jimmy Leon Cagle, doing business as Birdsong Crop Insurance (“Respondents”). Complainant brought its complaint against Respondents pursuant to the Federal Crop Insurance Act, 7 U.S.C. § 1515(h) and its implementing regulations, 7 C.F.R. part 400.

On July 15, 2014, the parties filed a notice that they had entered into a stipulated consent decision. The notice was signed by counsel for the parties, by Respondent Jimmy Leon Cagle, and by the Manager of the Federal Crop Insurance Corporation (“FCIC”), Brandon Willis. The terms of the Consent Decision were defined in a document entitled “Consent Decision”. Because that document was not signed, on July 16, 2014, I held a telephone conference with counsel for the parties to confirm that their signatures on the “Stipulated Proposed Consent Decision” referred back to the terms of their agreement.

¹ The caption in these matters erroneously identified the business entity as “Birdsong Insurance Agency”, which herewith is amended to reflect the accurate name, “Birdsong Crop Insurance”.

Respondent's counsel, Frank C. Lynch, confirmed that Respondents agreed to the terms as set forth in the document.

Accordingly, I am satisfied that the document entitled "Consent Decision" represents the full terms and conditions of the parties' agreement, and herewith reproduce those terms verbatim².

CONSENT DECISION

WHEREAS, each of the parties has requested that this stipulated Consent Decision be entered in the above-stated cases 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 the OALJ has jurisdiction to hear this case, based upon §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 agrees to pay the civil fine in the amount of \$11,000.00 for violation of §515(h) of the Federal Crop Insurance Act ("Act") without further proceedings. The parties agree that there will be no period of disqualification. The parties consent to the issuance of this agreed decision without further procedure or admissions or statement by either party.

THEREFORE, it is found that pursuant to §515 of the Act (7 U.S.C. §1515(h)), Respondent will be civilly fined in the amount of \$11,000.00. This civil fine shall be made payable to the "*Federal Crop Insurance Corporation*" and sent to:

² However, corrections to Respondent's business name have been made.

Federal Crop Insurance Corporation
Attention: Dena Prindle, Accountant
Reinsurance Accounting and Eligibility Tracking Branch
Beacon Facility – Mail Stop 0814
P.O. Box 419205
Kansas City, Missouri 64141-6205
(Account Name: Jimmy Leon Cagle and Jimmy Leon Cagle, dba Birdsong Crop Insurance³ - Civil Fine. Please include your Social Security Number on the check, cashier's check, or money order).

Payment shall be made within thirty (30) days after this Consent Decision is entered with said 30 days being calculated to include weekends and legal holidays. 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 the Complainant to immediately list this matter for hearing before the USDA OALJ based on the Complaint that was filed on May 8, 2014. However, if Respondent pays said civil fine within the time allowed, no further penalty or sanction under the Act shall be assessed in regard to this matter.

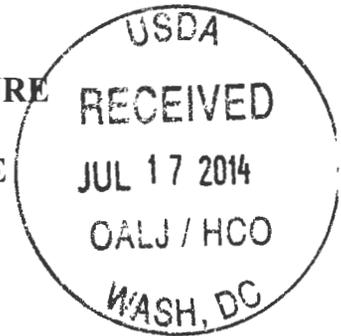
The Hearing Clerk shall serve copies of this Consent Decision upon the parties

So ORDERED this 16th day of July, 2014, in Washington, D.C.


Janice K. Bullard
Administrative Law Judge

³ I corrected the name of the entity.

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In Re:

Jimmy Leon Cagle and
Jimmy Leon Cagle, dba
Birdsong Insurance Agency

Respondents

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FICA Docket Nos. 14-0107 and
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Entered in Washington, D.C. this _____ day of July 2014.

Janice Bullard
Administrative Law Judge