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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
James M. Thompson II	)	**Docket No. 17-0267**
Respondent	)	
	)	

CONSENT DECISION

WHEREAS, the above-captioned matter involves a Complaint filed by Complainant, Federal Crop Insurance Corporation ("FCIC"), a wholly owned corporation of the United States Department of Agriculture (USDA), against Respondent James M. Thompson II. Complainant brought its complaint against Respondent under Section 515(h) (7 U.S.C. § 1515(h)) of the Federal Crop Insurance Act (7 U.S.C. § 1501 *et seq.*, the Act or FCIA) and its implementing regulations, 7 C.F.R. part 400, Subpar R, for assessment of a civil fine and FCIA disqualification against Respondent, due to Respondent's alleged willful and intentional provision of false or inaccurate information to an approved insurance provider and/or FCIC, resulting from Respondent's alleged submission of a forged seed invoice to support a crop insurance indemnity payment.

The parties have admitted that this case was properly filed with the 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 Act and 7 C.F.R. § 400.454(a)(1). Further, both parties voluntarily consent to the issuance of this stipulated Consent Decision, without further proceedings, and both parties acknowledge that this Consent Decision shall have the same force and effect as a decision issued after full hearing and shall become final upon issuance in accordance with the terms of this Consent Decision.

The voluntarily agreed upon terms for this Consent Decision are as follows:

1. Respondent has voluntarily agreed to be disqualified from receiving any monetary or non-monetary benefit provided under the programs or transactions offered under any of the statutes listed in 7 U.S.C. § 1515(h)(3)(B) for a period of eighteen (18) months:

    a. The Federal Crop Insurance Act (7 U.S.C. § 1501 *et seq.*) or "The Act" or any successor statute;

    b. The Farm Security and Rural Investment Act of 2002 (7 U.S.C. § 7333 *et seq.*) or any successor statute;

    c. The Agricultural Act of 1949 (7 U.S.C. § 1421 *et seq.*) or any successor statute;

    d. The Commodity Credit Corporation Charter Act (15 U.S.C. § 714 *et seq.*) or any successor statute;

    e. The Agricultural Adjustment Act of 1938 (7 U.S.C. § 1421 *et seq.*) or any successor statute;

    f. Title XII of the Food Security Act of 1985 (16 U.S.C. § 3801 *et seq.*) or any successor statute;

    g. The Consolidated Farm and Rural Development Act (7 U.S.C. §1921 *et seq.*) or any successor statute; and

    h. Any law that provides assistance to a producer of an agricultural commodity affected by a crop loss or a decline in the prices of agricultural commodities.

2. Respondent shall be ineligible for all the programs listed above beginning on **August 14, 2018** and ending on **February 13, 2020.** As a disqualified individual, FCIC will report James M. Thompson II to the FCIC Ineligibility Tracking System (ITS)

pursuant to 7 C.F.R part 400, subpart U. All persons disqualified under the Act authority are reported to the U.S. General Services Administration (GSA) pursuant to 2 C.F.R. part 180, Subpart E. GSA maintains and publishes a list of all persons who are determined ineligible from non-procurement or procurement covered transactions in its Excluded Parties List located in the System of Award Management (SAM), currently located at www.sam.gov.

3. Respondent agrees to a civil fine in the amount of $1,000. Payment for said fine shall be made within 60 days after this Consent Decision is entered, with said 60 days being calculated to include weekends and legal holidays, payable to the "**Federal Crop Insurance Corporation**" and sent to the following address:

USDA/Risk Management Agency
PAAD/FAOB– Mail Stop 0814
P.O. Box 419205
Kansas City, Missouri 64141-6205
(Account Name: James M. Thompson II – Civil Fine.)

ENTERED in Washington, D.C
This 14th day of August 2018.

Channing D. Strother
Acting Chief Administrative Law Judge

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	)	

JOINT MOTION TO ENTER CONSENT DECISION

WHEREBY the Complainant, Federal Crop Insurance Corporation (FCIC), a wholly owned corporation of the United States Department of Agriculture (USDA), and Respondent James M. Thompson II have a mutual desire to enter into a stipulated Consent Decision, the parties jointly request that the attached Consent Decision be entered in this case pursuant to 7 C.F.R. § 1.138.

Complainant brought its Complaint against Respondent under Section 515(h) (7 U.S.C. § 1515(h)) of the Federal Crop Insurance Act (7 U.S.C. § 1501 *et seq.*, the Act or FCIA) and its implementing regulations, 7 C.F.R. part 400, Subpar R, for assessment of a civil fine and FCIA disqualification against Respondent, due to Respondent's alleged willful and intentional provision of false or inaccurate information to an approved insurance provider and/or FCIC, resulting from Respondent's alleged submission of a forged seed invoice to support a crop insurance indemnity payment. The parties admit that this case was properly filed with the 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 Act and 7 C.F.R. § 400.454(a)(1).

Further, both parties voluntarily consent to the issuance of the attached Consent Decision, pursuant with these terms, without further proceedings, and both parties acknowledge that the stipulated Consent Decision shall have the same force and effect as a decision issued after full hearing and shall become final upon issuance. The voluntarily agreed upon terms for this Consent Decision are as follows:

1. The parties agree Respondent admits no wrongdoing and accepts an eighteen-month (18) disqualification period and a $1,000 civil fine.
2. The parties further agree that once a Consent Decision is entered upon these terms by this administrative tribunal, this matter in dispute will be fully resolved and decided.

This Joint Motion to Enter Consent Decision is made on this 14th day of August, 2018.

[redacted]

David W. Schaaf
Attorney for Complainant

[redacted]

Aaron K. Kite
Attorney for Respondent

[redacted]

Martin R. Barbre
FCIC Manager

[redacted]

James M. Thompson II
Respondent