

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

REC'D - USDA/DALY/DHG
2019 JUL 16 PM4:09

In re:)
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)
 Paul D. Koethke) FICA Docket No. 19-J-0094
 Respondent)
)
)
)

**STIPULATION OF SETTLEMENT AGREEMENT
AND ENTRY OF CONSENT DECISION**

It is hereby stipulated by and between Complainant, Federal Crop Insurance Corporation (hereinafter referred to as "FCIC") and the Respondent, Paul D. Koethke (hereinafter referred to as "Respondent"), and by and through their respective attorneys as follows to-wit:

1. That, the parties to this action do hereby agree to resolve the above-styled cause of action upon the terms and conditions set forth herein. This settlement is by and between the FCIC and Respondent and represents understandings and agreements by and between the parties hereto and there are no other agreements or understandings between the parties as to the subject matter hereof, except as expressly set forth herein.

2. The parties admit that this case is properly filed with USDA's Office of the 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).

3. After adequate opportunity for the parties to be heard, the Respondent admits the allegations in the FCIC's Complaint and chooses not to challenge this case in a full hearing.

Respondent instead chooses to pay a civil fine in the amount of Eleven Thousand and 00/100 Dollars (\$11,000.00) for the violation of Section 515(h) of the Federal Crop Insurance Act ("ACT") without further proceedings.

4. The parties agree that there will be no period of disqualification, unless the Respondent fails to pay said fine within thirty (30) days of its due date, after which 7 C.F.R. §400.454(f)(3) and (5) provide for indefinite "ineligibility" until repayment of the civil fine.

5. 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 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 May 23, 2019.

6. The civil fine referenced in Paragraph 3 above shall be made payable to the "*Federal Crop Insurance Corporation*" and sent to:

USDA/RMA/PAAD
Beacon Facility - STOP 0814
P.O. Box 419205
Kansas City, Missouri 64141-6205.
(Account Name: Paul D. Koethke - Civil Fine)

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.

7. In consideration of payment of the above-subject civil fine in the amount of Eleven Thousand and 00/100 Dollars (\$11,000.00), and the terms and conditions set forth herein, Respondent and FCIC agree that they will cause their attorneys to execute and file with USDA's Office of the Administrative Law Judges such documents as shall be necessary for the entry of a "Consent Decision" in this cause of action pursuant to 7 C.F.R. § 1.134. Once this stipulated

Consent Decision is entered by this administrative tribunal, the matter in dispute will be resolved and decided pursuant to the stipulation of settlement agreement entered into by the parties.

This joint stipulation and request is executed on the following dates:

[Redacted]

PAUL D. KOETHKE
Respondent

7-8-19
Date

[Redacted]

MITCHELL HEAPS
Attorney for Respondent

8 July '19
Date

ZOEY L. KOHN
Attorney for Complainant

Date

[Redacted]

MARTIN R. BARBRE
FCIC Manager

7/16/19
Date

1/For

The foregoing Consent Decision in the matter of Paul D. Koethke, Respondent, Case Number 19-J-0094, is entered this 6th day of July, 2019.



Chief Administrative Law Judge

Channing D. Strother