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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
WILIAM D. SMITH)
and SMITH FARMS, INC.)
)
Respondents)

FCIA Docket No. 05-0009

CONSENT DECISION

WHEREAS 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. § 1.131(b)(4).

After adequate opportunity for the parties to be heard, the Respondents choose not to challenge this case in a full hearing and Respondents instead choose to accept the disqualification period requested in the complaint for violation of section 515(h) of the Federal Crop Insurance Act (Act) without further proceedings. In return, Complainants agree to not pursue the civil fine originally requested. Both parties consent to the issuance of this agreed decision without further procedure or admissions or statements by either party.

Therefore, it is found that, pursuant to section 515 of the Act (7 U.S.C. § 1515), Respondents will be disqualified and precluded from receiving any monetary or non-monetary benefit provided under all of the following authorities for a period of two years:


- (i) The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

- (ii) The Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), including the noninsured crop disaster assistance program under section 196 of that Act (7 U.S.C. 7333).
- (iii) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).
- (iv) The Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).
- (v) The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).
- (vi) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).
- (vii) The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).
- (viii) 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;

The period of ineligibility shall commence on April 20, 2006 and shall end on April 19, 2008. With regard to crop insurance, if the period of disqualification commences after the beginning of the crop year, and the Respondents have a crop insurance policy in effect, disqualification will not affect the policy that is already in place. However, Respondents cannot apply for further benefits during the disqualification period.

As disqualified individuals, Respondents will be reported to the U.S. General Services Administration (GSA) pursuant to 7 C.F.R. § 3017.520. GSA publishes a list of all persons who are determined ineligible in its Excluded Parties List System (EPLS).

Entered in Washington, D.C.
this 20th day of April, 2006


Administrative Law Judge