

UNITED STATES DEPARTMENT OF AGRICULTURE 2007 JUL 30 AM 11:44

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
))
J.D. HININGER)
))
Respondent)

FCIA Docket No. 07-0155

CONSENT DECISION

WHEREAS each of the parties have 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 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 Respondent chooses not to challenge this case in a full hearing and Respondent instead chooses to accept and pay the civil fine requested in the complaint for violation of section 515(h) of the Federal Crop Insurance Act (Act) without further proceedings. 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(h)), Respondent will be civilly fined in the amount of \$1,000. This civil fine shall be made payable to the Federal Crop Insurance Corporation, Attn: Kathy Santora, Collection Examiner, Fiscal Operations Branch, 6501 Beacon Road, Kansas City, Missouri 64133 (Account Name: J.D. Hininger- Civil Fine. Payment shall be made within 90 days after this Consent Decision is entered.

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DONALD A. BRITTENHAM, JR.
Attorney for Complainant- FCIC

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~~_____~~

JILL A. ELLIOT
Attorney for Respondent

Entered in Washington, D.C.
this 30 day of July, 2007

~~_____~~

Administrative Law Judge

Jill S. Clifton