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OALJ/OHC

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

DEC 30 PM 2:13

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FCIA & SC

FICA Docket No. 14-0152

IN RE:

**TIMOTHY ELLIS,
dba BOBO FARMS,**

Respondent.

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CONSENT DECISION

WHEREAS, each of the parties has 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 hereby stipulate USDA’s Office of Administrative Law Judges (“OALJ”) has jurisdiction to hear this case based upon Section 515(h) of the Federal Crop Insurance Act (“Act”) (7 U.S.C. §1515(h), and 7 C.F.R. §400.454(f)).

After adequate opportunity for the parties to be heard, the Respondent has elected to forego a full hearing on the merits, and Respondent instead has negotiated a compromise and settlement whereby the Respondent has agreed to pay a monetary penalty in the total amount of \$12,000.00; payable in three (3) equal installments of \$4,000.00 each, due and payable on January 5, 2016, January 5, 2017, and January 5, 2018.

The parties stipulate and agree that there will be no period of disqualification, unless the Respondent fails to pay any part of said monetary penalty 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 monetary penalty.

It is understood and agreed by the parties that this is a compromise and settlement of disputed claims and should not be construed as an admission of fault or liability on the part of Timothy Ellis and Bobo Farms. Timothy Ellis expressly denies the factual allegations of the Complaint filed July 9, 2014, and this tribunal has made no findings of fact or conclusions of law with regard to the allegations of the Complaint.

The parties consent to the issuance of this agreed decision without further procedure or admissions or statements by either party. The parties further agree that the failure of Respondent to pay the monetary penalty in accordance with the terms of this Consent Decision shall authorize the Complainant to immediately list the matter for hearing before the USDA OALJ based on the Complaint that was filed on July 9, 2014.

THEREFORE, it is found that, pursuant to Section 515 of the Act (7 U.S.C. §1515), Respondent will voluntarily pay a monetary penalty in the amount of \$12,000.00. Payments for said fine 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: [REDACTED])

Payment shall be made in three (3) parts. Payment of \$4,000.00 shall be made on January 5, 2016, with like payments to be made on January 5, 2017, and January 5, 2018. Respondent will have thirty (30) days grace period in which to make such payments. The thirty (30) day grace period will be calculated to include weekends and legal holidays.

ENTERED in Washington, D.C.
This 30 day of December 2015.

 for

JANICE BULLARD
Administrative Law Judge

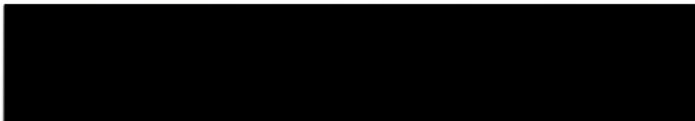
Submitted by:



Danny L. Woodyard, OGC, USDA
Attorney for Complainant



Tim Ellis d/b/a Bobo Farms, Respondent



Wendell L. Hoskins II
Attorney for Respondent