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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Herbert Putz
d/b/a Putz Farms
Joint Venture

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FCIA Docket No. 11-0134

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. § 400.454(f).

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 pay a civil fine in the amount of \$8,000. The parties agree that there will be no period of disqualification. Both parties consent to the issuance of this agreed decision without further procedure or admissions or statements by either party. Both parties also agree that this Consent Decision is not and shall not be construed as an admission by the Respondent of guilt or the validity of any claim asserted or of Respondent's liability. The parties further agree that the 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 February 4, 2011.

THEREFORE, it is found that, pursuant to section 515 of the Act (7 U.S.C. § 1515), Respondent will be civilly fined in the amount of \$8,000. This civil fine shall be made payable to the **“Federal Crop Insurance Corporation”** and sent to:

United States Department of Agriculture
Risk Management Agency (RMA)
Attn: Kathy Santora, Risk Management Specialist
Beacon Facility – Mail Stop 0814
P.O. Box 419205
Kansas City, Missouri 64141
(Account Name: Herbert Putz – Civil Fine)

Payment shall be made in three parts. The first payment of \$2,666.68 shall be made on or before November 1, 2011. The second payment of \$2,666.66 shall be made on or before June 1, 2012. The third and final payment of \$2,666.66 shall be made on or before November 1, 2012.

Entered in Washington, D.C.
this 15th day of September, 2011


Administrative Law Judge