

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

FCIA Docket No. 08-0178

In re: BRANDON RATTRAY,

Respondent

DEFAULT DECISION AND ORDER

Pursuant to section 1.136(c) of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary, failure of Respondent, Brandon Rattray, to file an answer within the time provided is deemed an admission of the allegations contained in the Complaint. Since the allegations in paragraphs I and II of the Complaint are deemed admitted, it is found that the Respondent has willfully and intentionally provided false or inaccurate information to the Federal Crop Insurance Corporation or to the insurer with respect to an insurance plan or policy under the Federal Crop Insurance Act (Act) (7 U.S.C. § 1515(h)).

It is further found that, pursuant to section 515(h)(3)(B) of the Act (7 U.S.C. § 1515(h)(3)(B)) and FCIC's regulations (7 C.F.R. part 400, subpart R), Respondent is disqualified from receiving any monetary or nonmonetary benefit provided under each of the following for a period of two years:

- (1) Subtitle A of the Federal Crop Insurance Act (7 U.S.C. §§ 1501-1524);
- (2) The Agricultural Market Transition Act (7 U.S.C. § 7201 et seq.), including the non-insured crop disaster assistance program under section 196 of the Act (7 U.S.C. § 7333);

- (3) The Agricultural Act of 1949 (7 U.S.C. §§ 1421 et seq.);
- (4) The Commodity Credit Corporation Charter Act (15 U.S.C. §§ 714 et seq.);
- (5) The Agricultural Adjustment Act of 1938 (7 U.S.C. §§ 1281 et seq.);
- (6) Title XII of the Food Security Act of 1985 (16 U.S.C. §§ 3801 et seq.);
- (7) The Consolidated Farm and Rural Development Act (7 U.S.C. §§ 1921 et seq.); and
- (8) 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.

Therefore, unless this decision is appealed as set out below, the period of ineligibility for all programs offered under the above listed Acts shall commence 35 days after this decision is served. As a disqualified individual, you will be reported to the U.S. General Services Administration (GSA) pursuant to 7 C.F.R. § 3017.505. GSA publishes a list of all persons who are determined ineligible in its Excluded Parties List System (EPLS).

It is further found that, pursuant to sections 515(h)(3)(A) and (h)(4) of the Act (7 U.S.C. §1515(h)(3)(A) and (4)), a civil fine of \$1,000 is imposed upon the Respondent. This civil fine shall be paid by cashier's check or money order or certified check, made payable to the order of the "**Federal Crop Insurance Corporation**" and sent to:

Federal Crop Insurance Corporation
Attn: Kathy Santora, Collection Examiner
Fiscal Operations Branch
6501 Beacon Road, Room 271
Kansas City, Missouri 64133

This order shall be effective 35 days after this decision is served upon the Respondent unless there is an appeal to the Judicial Officer pursuant to 7 C.F.R. § 1.145.

Done at Washington, D.C.
January 29, 2009

PETER M. DAVENPORT
Administrative Law Judge