

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE, THE SECRETARY OF AGRICULTURE

IN RE: )  
DAN MARK GRAY, ) FCIA Docket No. 19-0002  
Respondent )

CONSENT DECISION

WHEREAS, the above-captioned matter involves a Complaint filed by Complainant, Federal Crop Insurance Corporation ("FCIC"), a wholly owned corporation of the United States Department of Agriculture (USDA), against Respondent Dan Mark Gray. Complainant brought its complaint against Respondent pursuant to the Federal Crop Insurance Act, 7 U.S.C. § 1515(h) and its implementing regulations, 7 C.F.R. part 400, seeking to impose a term of disqualification and a civil fine against Respondent, due to Respondent's alleged willful and intentional provision of false or inaccurate information to an approved insurance provider and/or FCIC, resulting from Respondent's alleged misrepresentation of peanut production.

The parties have admitted that this case was properly filed with the 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(a)(1). Further, both parties voluntarily consent to the issuance of this stipulated Consent Decision, without further proceedings, and both parties acknowledge that this Consent Decision shall have the same force and effect as a decision issued after full hearing, and shall become final upon issuance to become effective in accordance with the terms of this Consent Decision.

The voluntarily agreed upon terms for this Consent Decision are as follows:

1. Respondent has voluntarily agreed to be disqualified from receiving any monetary or non-monetary benefit provided under the programs or transactions offered under any of the Statutes listed in 7 U.S.C. § 1515(h)(3)(B) for a period of three years:
  - a. The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).
  - b. The Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7333 et seq.).
  - c. The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).
  - d. The Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).
  - e. The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).
  - f. Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).
  - g. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).
  - h. Any Federal 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.
2. Respondent shall be ineligible for all of the programs listed above beginning on the date the Consent Decision is issued and ending three years after the date of issuance of the Consent Decision. As a disqualified individual, Dan Mark Gray will be reported to the U.S. General Services Administration (GSA) and the System for Award Management (SAM). GSA publishes a list of all persons who are determined ineligible in its Excluded Parties List System (EPLS).

SAM is a free website that consolidates the capabilities previously found in Central Contracting Registration (CCR)/Federal Agency Registration (FedReg), Online Representations and Certifications Applications (ORCA), and EPLS.

3. The parties agree that there is no civil fine.

IT IS SO ORDERED, this 23d day of July, 2019, in Washington, D.C.

  
CHANNING D. STROTHER  
Chief Administrative Law Judge

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

IN RE: )  
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 DAN MARK GRAY, ) FCIA Docket No. 19-0002  
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 Respondent )  
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JOINT MOTION TO ENTER CONSENT DECISION

WHEREBY the Complainant, Federal Crop Insurance Corporation (FCIC), a wholly owned corporation of the United States Department of Agriculture (USDA), and Respondent Dan Mark Gray have a mutual desire to enter into a stipulated Consent Decision, the parties jointly request that the attached Consent Decision be entered in this case pursuant to 7 C.F.R. 1.138.

Complainant brought its Complaint against Respondent pursuant to the Federal Crop Insurance Act, 7 U.S.C. 1515(h) and its implementing regulations, 7 C.F.R. Part 400, Subpart R, seeking to impose a term of disqualification and a civil fine against Respondent due to Respondent's alleged willful and intentional provision of false or inaccurate information to an approved insurance provider and/or FCIC, resulting from Respondent's alleged misrepresentation of peanut production. The parties admit that this case was properly filed with the 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. 15150) and 7 C.F.R. § 400.454(a)(1).

Further, both parties voluntarily consent to the issuance of the attached Consent Decision, in accordance with these terms, without further proceedings, and both parties acknowledge that the stipulated Consent Decision shall have the same force and effect as a decision issued after full hearing, and shall become final upon issuance. The voluntarily agreed upon terms for this Consent Decision are as follows:

1. The parties agree that Respondent accepts a three-year disqualification, date beginning on the date of the issuance of the Consent Decision and running for three years, and that there is no civil fine; and
2. The parties further agree that once a Consent Decision is entered upon these terms by this administrative tribunal, this matter in dispute will be fully resolved and decided.

This Joint Motion to Enter Consent Decision is made on this 23 day of July, 2019.

[REDACTED] [REDACTED]  
MARK R. SIMPSON  
Attorney for Complainant

[REDACTED]  
KENNETH W. REVELL  
Attorney for Respondent

[REDACTED]  
DAN MARK GRAY  
Respondent