



United States
Department of
Agriculture

Farm Production
and Conservation

Risk
Management
Agency

1400 Independence
Avenue, SW
Stop 0801
Washington, DC
20250-0801

VIA Electronic Mail

Kevin J. Gubbels
c/o Chris Davis
Gray Reed
1601 Elm St., Suite 4600
Dallas, TX 75201
Email: cdavis@grayreed.com

NOTICE: Notice of Telephonic Hearing Kevin J. Gubbels

Dear Mr. Gubbels,

The Appeals and Litigation Division received a letter dated March 11, 2020, from your attorney, Chris Davis, to Martin R. Barbre, Administrator, Risk Management Agency (“RMA”), United States Department of Agriculture (“USDA”), requesting a hearing in connection with RMA’s February 21, 2020, Notice of Suspension and Proposed Debarment from Participation in United States Government Programs issued to you.

On March 25, 2020, RMA held a Prehearing Conference with your attorney, Mr. Christopher Davis. Based on the November 23, 2020, Memorandum and Order issued by the United States District Court for the District of Nebraska, RMA is proceeding with a hearing. *See Gubbels, et al. v. Perdue, et al.*, Case No. 4:20-CV-3060, Filing 28.

Accordingly, I have scheduled a telephonic hearing, to be conducted by the RMA Suspending and Debarring Official, or his designee, in accordance with the provisions of Title 2 of the Code of Federal Regulations (2 C.F.R.) §§ 180.735(c) and 180.830(c). The Suspending and Debarring Official, or his designee, will hold the telephonic hearing on:

DATE: Tuesday, January 26, 2021.

TIME: 10:30 am EST.

At the scheduled time, you are to call this toll-free number: **1-888-844-9904**. **Please note that you must phone in to participate; you will not be called.** When prompted, enter the passcode **3019340** followed by the # key. You will be connected to the conference call or placed on hold until I connect to the call. If you have any problems connecting or are kept on hold more than a few moments beyond the scheduled time, please contact the Suspending and Debarring Official’s office at **202-690-2803**. If you have a rotary phone or an interpreter, please notify my office in advance so that I can make alternate calling arrangements.

RMA supports the Americans with Disabilities Act. If you need accommodations because of a disability, please notify me immediately.

You must be available and ready to proceed with the hearing. If you are not available, the Suspending and Debarring Official will conclude the hearing. Therefore, please contact me or the Suspending and Debarring Official in advance if a rescheduling is necessary.

Suspension and debarment proceedings are conducted in a fair and informal manner. This means that the Suspending and Debarring Official may use flexible procedures to allow you as a Respondent to present matters in opposition and is not required to follow formal rules of evidence or procedure when creating the official record on which the decision will be based.¹

As the Respondent, you have the burden of demonstrating to the Debarring Official's satisfaction that you are presently responsible and that debarment is not necessary.² You can have a representative with you during the hearing. You or your representative must submit any documentary evidence you want the Suspending and Debarring Official to consider.³ During the hearing, you are permitted to present witnesses and other evidence, and confront any witnesses presented.⁴ If you intend to present any witnesses at the hearing, you must submit a list of such witnesses to the Suspending and Debarring Official no later than **January 8, 2021**. If RMA intends to present any witnesses at the hearing, a list of such witnesses will be provided to you no later than **January 8, 2021**. Except for information prohibited or exempt from disclosure under applicable law, RMA will provide you a copy of the record on which the suspension and proposed debarment is based. RMA will provide this information to you no later than **January 8, 2021**.

After the conclusion of the hearing, you will have an opportunity to provide a written, post-hearing statement. **Please note that any post-hearing submissions must be submitted to the Suspending and Debarring Official within 10 days of the conclusion of the hearing or, if a transcribed record of fact-finding proceedings is made, within 10 days of the date on which the transcribed record is first made available for purchase.** A transcribed record of fact-finding proceedings will be made, unless we mutually agree to waive this requirement. If you want a copy of the transcribed record, you may purchase it.⁵

Please send any written submissions by you or a representative to the following address:

1 2 C.F.R. §§ 180.740(a), 180.835(a).

2 2 C.F.R. § 180.855(b).

3 2 C.F.R. §§ 180.740(b), 180.835(b).

4 2 C.F.R. §§ 180.745(a)(1), 180.840(a)(1).

5 2 C.F.R. §§ 180.745(b), 180.840(b).

Martin R. Barbre
Suspending and Debarring Official
U.S. Department of Agriculture, Risk Management Agency
Mail Stop 0801
1400 Independence Avenue, SW
Washington, DC 20250-0801

Once the Suspending and Debarring Official has received all additional documentation submitted, he will prepare written findings of fact for the record and issue his decision to you.

If you have any questions or concerns, you may contact me at Donnika.stance@rma.usda.gov or at (202) 260-8252.

Dated and mailed this 16th day of December, 2020.


DONNIKA

STANCE

Donnika D. Stance

Director of Administrative Review Division

Risk Management Agency

 Digitally signed by DONNIKA
STANCE
Date: 2020.12.16 17:09:27
-05'00'

