

USDA Files Complaint Against Barnesville Livestock Sales Co.

Washington - (September 13, 2000) A Barnesville, Ohio, stockyard and market agency has been charged with violating the Packers and Stockyards Act. On June 21, 2000, USDA filed a complaint against Barnesville Livestock Sales Co. Inc. (Barnesville) and Gary W. Fogle (Fogle) alleging that Barnesville, under the direction, management, and control of Fogle, failed to maintain and properly use its custodial account, which endangered the prompt and full payments due to consignors of livestock.

The complaint alleges that shortages in the custodial account were due, in part, to Gary Fogle (president and 50% owner of Barnesville). Fogle allegedly failed to deposit the correct amount of money into a bank account as required by the Packers and Stockyards Act. The Act requires timely deposits of the proceeds from the sale of consigned livestock, whether or not such proceeds have been collected by the market agency.

An investigation by USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA) indicates that Barnesville was insolvent because its current liabilities exceeded its current assets. In addition, Barnesville allegedly issued checks to consignors of livestock that were returned unpaid because of insufficient funds in the account.

Barnesville and Fogle have 20 days after receipt of the complaint to answer the allegations stated in it. Failure to file an answer will constitute an admission of the allegations. This case may be set for oral hearing, and Barnesville and Fogle may be ordered to stop violations of the Act, suspended as registrants, and assessed a civil penalty.

The Packers and Stockyards Act is a fair trade practice and payment protection law that is designed to prevent unfair and deceptive practices in the marketing of livestock, meat and poultry, and to provide financial protection to livestock sellers.

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