

USDA Issues Decision Against Barnesville Livestock Co. And Gary Fogle

WASHINGTON, February 14, 2003 - On November 1, 2002, the United States Department of Agriculture, (USDA) issued a default decision against Barnesville Livestock Sales Co. (Barnesville) and Gary W. Fogle (Fogle) of Barnesville, Ohio. The decision became final on January 8, 2003. Barnesville and alter ego Fogle are registered under the Packers and Stockyards Act (P&S Act) as a market agency selling livestock on a commission basis. The decision is based on a complaint filed by USDA's Grain Inspection Packers and Stockyards Administration (GIPSA) on June 21, 2000 and followed by an amended complaint filed on August 23, 2000, and a second amended complaint filed on April 24, 2002. The complaint as amended alleged violations of the P&S Act and regulations involving Barnesville's failure to properly use and maintain its custodial account, issuing insufficient funds checks to pay sellers and consignors of livestock, and failing to pay proceeds, when due, to livestock consignors.

Fogle and Barnesville were ordered to make timely deposits in Barnesville's custodial account; maintain the custodial account in the manner described by regulations; not to use funds from the sale of consigned livestock for their own purposes; to maintain sufficient funds in their custodial account; and to pay, when due, amounts owed to the consignors of livestock.

Fogle and Barnesville were suspended as registrants under the P&S Act for a period of forty-nine days and thereafter until the custodial account shortages and insolvency have been eliminated.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries

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