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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D:09-0003
Decker Family Trust d/b/a Mena)
Livestock Auction, Ed Decker, and)
Alan Titsworth,)
Respondents) Complaint

There is reason to believe that the Respondents named herein have wilfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), hereinafter referred to as the Act, and therefore, this complaint is issued alleging the following:

I

(a) Respondent Decker Family Trust d/b/a Mena Livestock Auction, hereinafter referred to as "Respondent Mena Livestock," is an Arkansas trust whose business mailing address is P.O. Box 450, Mena, Arkansas 71953.

(b) Respondent Mena Livestock is and at all times material herein was:

(1) Engaged in the business of a market agency selling livestock on a commission basis;

(2) Engaged in the business of a dealer buying and selling livestock in commerce for its own account; and

(3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis, and as a market agency buying livestock on commission.

(c) Respondent Ed Decker, hereinafter referred to as "Respondent Decker," is an individual whose business mailing address is 1206 Walnut St., Marysville, Kansas 66508.

(d) Respondent Ed Decker, is and at all times material herein was:

(1) The 100 % owner and trustee of Respondent Mena Livestock;

(2) Responsible for the direction, management and control of Respondent Mena Livestock;

(3) Along with Respondent Alan Titsworth, responsible for the day-to-day operations of Respondent Mena Livestock;

(4) A dealer within the meaning of this term under the Act and subject to the Act; and

(5) Not individually registered with the Secretary of Agriculture.

(e) Respondent Alan Titsworth, hereinafter referred to as "Respondent Titsworth," is an individual whose mailing address is P.O. Box 178, Hatfield, Arkansas 71945.

(f) Respondent Titsworth, at all times material herein was:

(1) The manager of Respondent Mena Livestock until October 24, 2007;

(2) Along with Respondent Decker, responsible for the day-to-day operations of Respondent Mena Livestock;

(3) As an agent of Respondent Mena Livestock, a dealer within the meaning of this term under the Act and subject to the Act; and

(4) Not individually registered with the Secretary of Agriculture.

II

(a) Respondent Mena Livestock, under the direction, management and control of the Respondents Decker and Titsworth, on or about the dates and in the transactions set forth below, purchased livestock from 101 Livestock Auction, Inc. and failed to pay the full purchase price of such livestock.

Buyer Name Used	Purchase Date	No. of Head	Livestock Purchase Amount	Hauling Charge	Unpaid Invoice Amount
Mena Livestock Auction	10/13/07	103	\$ 54,663.14	\$360.25	\$ 55,023.39
Mena Livestock Auction	10/20/08	240	\$114,647.36	\$691.00	\$115,365.36
	Totals:	343	\$169,310.50	\$1,051.25	\$170,388.75

(b) The above livestock, which was purchased at the regular Saturday auction sale held by 101 Livestock Auction, Inc., at Blackwell, Arkansas, by Neal Preston who was authorized by Respondents Decker and Titsworth to buy for Respondent Mena Livestock at this sale, was hauled to Respondent Mena Livestock's auction market facility at Mena, Arkansas, for resale at Respondent Mena Livestock's regular Tuesday auction sale.

(c) Upon receipt at Mena Livestock's facility, the series "JP" back tags used to identify animals sold at the 101 Livestock Auction sale were replaced with series "TG" back tags used to identify animals being sold at the Mena Livestock auction sale. The metal ear tags identifying those animals tested for Brucellosis were retained and duly recorded at each sale.

(d) The 103 head of livestock purchased from 101 Livestock, Inc., on October 13, 2007, were consigned at Respondent Mena Livestock's sale on October 16, 2007, under the name "MLS J & A." Custodial account check No. 13036 in the amount of \$50,717.60 was issued to pay the net proceeds from the sale of these 103 head of livestock to "MLS J & A" on October 16, 2007.

(e) At least 233 of the 240 head of livestock purchased from 101 Livestock, Inc., on October 20, 2007, were consigned at Respondent Mena Livestock's sale on October 23, 2007, under the names "MLS," "MLS #1," and "MLS #2." Custodial account check No. 13145 in the

amount of \$33,644.61 was issued to pay the net proceeds from the sale of 74 of these animals to "MLS" on October 23, 2007. Custodial account check No. 13137 in the amount of \$18,402.30 was issued to pay the net proceeds from the sale of 50 head of these animals to "MLS #1" on October 23, 2007. Custodial account check No. 13140 in the amount of \$45,782.01 was issued to pay the net proceeds from the sale of 99 head of these animals to "MLS #2" on October 23, 2007.

III

Respondent Mena Livestock, under the management, direction and control of Respondents Decker and Titsworth, failed to keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in its business as a dealer, and its business as a market agency selling on commission, in that:

- (1) Respondents failed to keep complete records disclosing the purchase and payment for livestock obtained for the purpose of consignment through Respondent Mena Livestock's weekly sale, and of the transportation and handling from original purchase location of livestock that Respondents consigned for sale at Respondent Mena Livestock's weekly sale; and
- (2) Respondents failed to keep purchase invoices and payment records related to advances made to Respondent Titsworth from Respondent Mena Livestock's general account for the purpose of buying livestock.

IV

By reason of the facts alleged in paragraph II herein, Respondents wilfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

By reason of the facts alleged in paragraph III herein Respondents have failed to keep

records required by section 401 of the Act (7 U.S.C. § 221) and have wilfully violated section 312(a) of the Act (7 U.S.C. § 213(a)).

By reason of the facts alleged in paragraphs I, II, and III herein Respondent Decker is the *alter ego* of Respondent Mena Livestock, and Respondent Titsworth is a dealer under the Act.

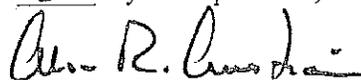
WHEREFORE, it is hereby ordered for the purpose of determining whether Respondents have in fact violated the Act, this complaint shall be served upon Respondents. Respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.) Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Grain Inspection, Packers and Stockyards Administration (GIPSA) requests:

1. That unless Respondents fail to file an answer within the time allowed therefore, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including orders requiring Respondents to cease and desist from violating the Act with respect to the matters alleged herein, keep adequate records, and suspending Respondents as registrants under the Act or prohibiting registration, and

assessing such civil penalties, as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.
this 30 day of September, 2008



ALAN R. CHRISTIAN
Deputy Administrator
Packers and Stockyards Program



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