

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-07- 0156  
          ) )  
Douglas Todd Mayfield, d/b/a )  
Hominy Livestock Market )  
  ) )  
Respondent ) Complaint

There is reason to believe that the Respondent named herein has wilfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(the Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations), and, therefore, this Complaint is issued alleging the following:

I

(a) Douglas Todd Mayfield, hereinafter referred to as the Respondent, is an individual doing business as Hominy Livestock Market. The market's last known mailing address is P.O. Box 218, Hominy, Oklahoma 74035-0218.

(b) Respondent, at all times material herein, was:

- (1) Engaged in the business of conducting and operating Hominy Livestock Market, a posted stockyard subject to the provisions of the Act;
- (2) Engaged in the business of a market agency selling livestock in commerce on a commission basis;
- (3) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

II

(a) Respondent, on or about the dates and in the transactions set forth below, sold livestock on a commission basis and in purported payment of the net proceeds thereof issued checks to consignors or shippers of such livestock which were returned unpaid by the bank because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

Sale Date	Consignor	No. of Head	Check Number	Bank	Amount of Check
11/27/00	Hoy, Galen	6	9853	FSB	\$4,481.76
11/27/00	Hoy, Terry	6	9854	FSB	\$4,481.76
11/27/00	Bower, Tom	4	9855	FSB	\$2,945.13
11/27/00	A & M Farms	5	9862	FSB	\$4,365.30
11/27/00	Sawhill & Sawhill	10	9863	FSB	\$8,814.37
11/27/00	McCuen, Max	5	9865	FSB	\$2,355.44
12/04/00	McKibben, Barry	7	9887	FSB	\$6,081.65
12/04/00	Fieck, Max	4	9891	FSB	\$1,453.84
12/18/00	Daly, Bill	4		SSB	\$3,981.45
01/02/01	Pine View Angus	1	108	SSB	\$881.07
01/02/01	Druery, Riley	1	112	SSB	\$365.83
01/02/01	Williamson, George	19	114	SSB	\$8,366.41
01/02/01	Finnegan, Paul	8	118	SSB	\$3,798.24
01/02/01	Johnson, Frank	8	122	SSB	\$5,384.90
01/08/01	King, Paul	7	3003	SSB	\$5,609.95
01/08/01	Johnston, Don	3.5	3007	SSB	\$2,750.00
01/08/01	Sorensen, Ray	1	3014	SSB	\$866.44
01/08/01	Brewer, Dan	4	3016	SSB	\$2,955.39

Sale Date	Consignor	No. of Head	Check Number	Bank	Amount of Check
01/08/01	Fagan, Robert	6	3019	SSB	\$4,441.90
01/08/01	Gomez, Sarah	1	3026	SSB	\$398.71
<b>Totals</b>		<b>110.5</b>			<b>\$74,779.54</b>

(b) Respondent, on or about the dates and in the transactions set forth in paragraph (a) above, failed to remit, when due, the net proceeds due from the sale of such livestock on a commission basis, as shown below:

Purchase Date	Consignor	No. of Head	Net Proceeds Amount	Payment Due Date	Payment Date	Days Late
11/27/00	Hoy, Galen	6	\$4,481.76	11/28/00	12/05/00	7
11/27/00	Hoy, Terry	6	\$4,481.76	11/28/00	12/05/00	7
11/27/00	Bower, Tom	4	\$2,945.13	11/28/00	12/13/00	15
11/27/00	A & M Farms	5	\$4,365.30	11/28/00	12/06/00	8
11/27/00	Sawhill & Sawhill	10	\$8,814.37	11/28/00	12/05/00	7
11/27/00	McCuen, Max	5	\$2,355.44	11/28/00	12/06/00	8
12/04/00	McKibben, Barry	7	\$6,081.65	12/05/00	12/21/00	16
12/04/00	Fieck, Max	4	\$1,453.84	12/05/00	12/20/00	6
12/18/00	Daly, Bill	4	\$3,981.45	12/19/00	12/27/00	8
01/02/01	Pine View Angus	1	\$881.07	01/03/01	01/22/01	19
01/02/01	Druery, Riley	1	\$365.83	01/03/01	01/10/01	7
01/02/01	Williamson, George	19	\$8,366.41	01/03/01	01/16/01	13
01/02/01	Finnegan, Paul	8	\$3,798.24	01/03/01	01/17/01	14
01/02/01	Johnson, Frank	8	\$5,384.90	01/03/01	01/17/01	14
01/08/01	King, Paul	7	\$5,609.95	01/09/01	01/17/01	8
01/08/01	Johnston, Dan	3.5	\$2,750.00	01/09/01	01/18/01	9

Purchase Date	Consignor	No. of Head	Net Proceeds Amount	Payment Due Date	Payment Date	Days Late
01/08/01	Sorensen, Ray	1	\$866.44	01/09/01	01/16/01	7
01/08/01	Brewer, Dan	4	\$2,955.39	01/09/01	01/16/01	7
01/08/01	Fagan, Robert	7	\$4,441.90	01/09/01	01/18/01	9
01/08/01	Gomez, Sarah	1	\$398.71	01/09/01	01/17/01	8

### III

Respondent engaged in unfair and deceptive practices by misusing his Custodial Account for Shippers' Proceeds ("custodial account"), in that:

(a) Respondent, during the period of January 3, 2001, through January 31, 2001, permitted Security State Bank (S.B.) to deduct 51 bank charges for a total of \$1,001.00 from the custodial account, and failed to reimburse the custodial account for any such bank charges;

(b) Respondent, on or about the dates and in the transactions set forth below, issued checks drawn on the custodial account to pay commissions to a buyer's agent.

Date of Check	Payee	Check Number	Amount of Check
11/20/00	Marvin Sorensen	9825	\$151.34
12/04/00	Marvin Sorensen	9885	\$228.10
12/04/00	Marvin Sorensen	9886	\$154.58
12/18/00	Marvin Sorensen	9910	\$130.61
01/02/01	Marvin Sorensen	125	\$174.97
01/08/01	Marvin Sorensen	3000	\$194.35

Date of Check	Payee	Check Number	Amount of Check
01/15/01	Marvin Sorensen	3039	\$469.95
01/22/01	Marvin Sorensen	3094	\$179.30
<b>Total</b>			<b>\$1,683.20</b>

(c) Respondent, on or about February 2, 2001, misused custodial funds by depositing \$6,000.00 in proceeds receivable from the sale of livestock into the general account.

#### IV

By reason of the facts alleged in paragraphs II herein, Respondent wilfully violated sections 307 and 312(a) of the Act (7 U.S.C. §§208, 213(a)) and section 201.43 of the regulations (9 C.F.R. §201.43).

By reason of the facts alleged in paragraph III herein, Respondent wilfully violated sections 307 and 312(a) of the Act (7 U.S.C. §§208, 213(a)) and section 201.42 of the regulations (9 C.F.R. §201.42).

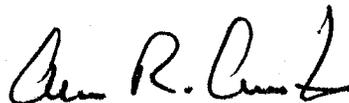
WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act and the regulations thereunder, this complaint will be served upon Respondents. Respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, 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 will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondent fails to file an answer within the time allowed therefor, 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 an order requiring Respondent to cease and desist from the violations found to exist, suspending Respondent as a registrant under the Act, and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 29 day of June, 2007



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

Charles L. Kendall  
Attorney for Complainant  
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