

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P & S Docket No. D- 10-238
	)	
	)	
WW Boer Goats, Inc.,	)	
a/k/a Boer Meat Goats, LLC	)	
and Frank Willis,	)	
	)	
Respondents	)	
	)	Complaint

There is reason to believe that Respondents have willfully 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 the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter referred to as the “Regulations”). Therefore, this complaint is issued alleging the following:

I.

(a) Respondent WW Boer Goats, Inc. was a corporation whose mailing address was 5401 N 435 Road, Adair, Oklahoma 74330.

(b) Respondent WW Boer Goats, Inc. filed for Chapter 7 bankruptcy on February 25, 2009; however, Respondents continued livestock operations in part<sup>1</sup> in the name of WW Boer Goats, Inc. after that date.

<sup>1</sup> Respondent Frank Willis operated as both WW Boer Goats, Inc., and Boer Meat Goats, LLC subsequent to the February 25, 2009 bankruptcy filing of WW Boer Goats, Inc.

(c) At all times material herein, Respondent WW Boer Goats, Inc. engaged in the business of a market agency buying livestock on a commission basis and as a dealer buying and selling livestock in commerce under the Act.

(d) Respondent Boer Meat Goats, LLC is a limited liability company whose mailing address is 5401 N 435 Road, Adair, Oklahoma 74330.

(e) On May 12, 2009, Respondent Boer Meat Goats, LLC submitted an application for registration with the Packers and Stockyards Program as a dealer buying and selling livestock in commerce under the Act.

(f) At all times material herein, Respondent Boer Meat Goats, LLC engaged in the business of a dealer buying and selling livestock in commerce under the Act.

(g) Frank Willis is an individual whose business mailing address is 5401 N 435 Road, Adair, Oklahoma 74330.

(h) Respondent Frank Willis is, and at all times material herein was:

(1) President of Respondent WW Boer Goats, Inc., and responsible for its direction, management and control, including the acts and practices alleged herein;

(2) Owner of 100% of Respondent Boer Meat Goats, LLC, and responsible for its direction, management and control, including the acts and practices alleged herein;

(3) Operating under the names of Respondent WW Boer Goats, Inc., and Respondent Boer Meat Goats, LLC; and

(4) A market agency and dealer within the meaning of and subject to the Act.

## II.

(a) On November 10, 2008, Respondent WW Boer Goats, Inc., received a letter (dated November 4, 2008) from the Packers and Stockyards Program, notifying Respondent that it was failing to pay for livestock purchases in accordance with section 409 of the Act (7 U.S.C. § 228b), and section 201.43 of the regulations (9 C.F.R. § 201.43) under the Act. The letter further informed Respondent it was failing to keep adequate records in accordance with section 401 of the Act (7 U.S.C. § 221); specifically, that Respondent was not keeping accurate purchase records. Finally, the letter advised Respondent that such business practices were violations of the Act, and that continued violations of the Act could result in the filing of a complaint against Respondent and in appropriate sanctions, including an order to cease and desist from the unlawful conduct, civil penalties of up to \$11,000 per violation, and suspension of any registration, if Respondent was found after opportunity for hearing to have violated the Act.

(b) On May 13, 2009, Respondent Frank Willis was verbally notified by a representative of the Packers and Stockyards Program that Respondent Boer Meat Goats, LLC was failing to pay, when due, for livestock in accordance with the Act. Respondent Frank Willis was also verbally notified that Respondent Boer Meat Goats, LLC was required to be registered and adequately bonded under the Act. Forms and instructions for obtaining the necessary registration and bonding were provided by the Packers and Stockyards Program representative.

(c) On September 23, 2009 Respondent Frank Willis was again verbally notified by a representative of the Packers and Stockyards Program that Respondent Boer Meat Goats, LLC was failing to pay, when due, for livestock in accordance with the Act. Respondent Frank Willis

was also again verbally notified that Respondent Boer Meat Goats, LLC was required to be adequately bonded under the Act.

III.

Notwithstanding the notices to Respondents that they must be adequately bonded in order to lawfully operate subject to the Act, Respondents engaged in the business of purchasing livestock in commerce between February 2009 and August 2009 without obtaining the necessary adequate bond as required by the Act and the regulations.

IV.

Respondents, between February 2009 and August 2009, purchased 697 head of livestock from three (3) sellers in nine (9) separate transactions in the amount of \$42,943.65 and failed to pay, when due, for such livestock purchases. Respondents' payments were made between two (2) and 30 days late. Respondents' purchases are set forth below:

Customer Name	Date of Purchase	No. Head	Date Payment Due Per §409(a)	Date Paid Per §409(a)	Total Livestock Amount	Days Late
Mills County Commission Co.	2/13/09	83	2/17/09	3/19/09	\$5083.25	30
Mills County Commission Co.	3/06/09	115	3/09/09	3/13/09	\$7,635.35	4
Perkins Livestock Sale Barn	3/07/09	33	3/09/09	3/11/09	\$1,996.00	2
Mills County Commission Co.	3/13/09	49	3/16/09	3/31/09	\$3,217.15	15
Hamilton Commission Co.	3/30/09	48	3/31/09	4/17/09	\$2,878.50	17
Mills County Commission Co.	5/15/09	80	5/18/09	5/20/09	\$5,001.55	2
Mills County Commission Co.	7/10/09	127	7/13/09	7/22/09	\$7,518.45	9
Mills County Commission Co.	7/17/09	108	7/20/09	7/29/09	\$6,459.20	9
Mills County Commission Co.	8/21/09	54	8/24/09	9/10/09	\$3,154.20	17
				Total	\$42,943.65	

V.

Respondents failed to keep such records as fully and correctly disclosed all transactions involved in their business, in that they failed to maintain adequate and accurate purchase records for all livestock purchases.

VI.

By reason of the facts alleged in paragraph I, Respondent Frank Willis is the alter ego of and responsible for the direction, management and control of Respondents WW Boer Goats, Inc., and Boer Meat Goats, LLC.

By reason of the facts alleged in paragraphs II and III, Respondents have engaged in operations subject to the Act without being adequately bonded and have willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30).

By reason of the facts alleged in paragraph II and IV, Respondents have engaged in unfair and deceptive practices and have willfully violated sections 312(a) (7 U.S.C. § 213(a)) and 409 (7 U.S.C. § 228b) of the Act and section 201.43 of the regulations (9 C.F.R. § 201.43).

By reason of the facts alleged in paragraph II and V herein, Respondents have willfully violated section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, this complaint shall be served upon Respondents for the purpose of determining whether Respondents have willfully violated the Act and Regulations. Respondents shall have twenty (20) days after receipt of this complaint in which to 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.;

“Rules of Practice”). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondents fail to file an answer within the time allowed, 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; and
2. That such order or orders be issued, including an order requiring Respondents to cease and desist from the violations of the Act found to exist, requiring that Respondents not engage in operations subject to the Act unless or until they are adequately bonded as required by 7 U.S.C. § 204 of the Act, requiring that Respondents keep records as required by the Act and prescribing the manner and form such records shall be kept, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 19 day of April, 2010



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program



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