

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-08-0166
)
Alan Titsworth,)
)
Respondent) Consent Decision

This is a disciplinary proceeding under 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.” On August 21, 2008, a Complaint was issued against Respondent Alan Titsworth alleging that during the period of September 16th through September 28th, 2007, Respondent willfully violated sections 312(a) and 409 of the Act, (7 U.S.C. §§ 213(a), 228b), by failing to pay for 529 head of cattle in the amount of \$244,695.78. The Complaint further alleges that Respondent violated section 312(a) of the Act by issuing more than \$160,000 in insufficient fund checks in payment for cattle purchases during the same time period. In addition, the Complaint alleges that Respondent willfully engaged in the business of a livestock dealer without completing the registration process and without maintaining an adequate bond or its equivalent in violation of section 312(a) of the Act and sections the 210.10 and 201.29 of the Regulations (9 C.F.R. §§ 210.10, 201.29).

Complainant and Respondent have now agreed to the entry of this Consent Decision, without hearing or further procedure, pursuant to the consent decision

provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure; and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

1. Respondent Alan Titsworth is an individual whose mailing address is P.O. Box 178, Hatfield, Arkansas 71945.
2. Respondent is, and at all times material herein was:
 - (a) Engaged in the business of buying and selling livestock in commerce for his own account or buying livestock in commerce for the account of others; and
 - (b) Operating as a livestock dealer subject to the provisions of the Act.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Decision, such Decision will be entered.

Order

Respondent Alan Titsworth, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Purchasing livestock and failing to pay for such livestock purchases within the time period required by the Act;
2. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented; and
3. Engaging in business in any capacity for which registration and bonding is required under the Act and Regulations without registering with the Secretary of Agriculture and without filing and maintaining a reasonable bond or its equivalent as required by the Act and Regulations.

Respondent is prohibited from registering to engage in business subject to the Act for a period of five (5) years and thereafter until Respondent is properly registered and bonded; Provided, however, that upon application to the Packers and Stockyards Program, a supplemental order may be issued permitting Respondent to be registered with the Secretary of Agriculture at any time after one (1) year from the effective date of this Order upon demonstration by Respondent that he is in full compliance with the Act; And provided further, that this Order may be modified upon application to the Packers and Stockyards Program to permit the salaried employment of Respondent by another

registrant or packer after the expiration of one (1) year from the effective date of this Order upon demonstration of circumstances warranting modification of the Order.

Pursuant to section 303 of the Act, (7 U.S.C. § 203), Respondent is prohibited from engaging in business subject to the Act without being registered with the Secretary of Agriculture.

The provisions of this Order shall become effective on the sixth (6th) day after service on Respondent.


Copies of this Decision and Order shall be served on the parties.



ALAN TITSWORTH
Respondent

October 22, 2008

DATE



JOHN MADDOX
Maddox & Maddox
Attorney for Respondent

October 22, 2008

DATE



CHARLES SPICKNALL
Attorney for Complainant

October 30, 2008

DATE

Issued in Washington D.C.

this 31st day of October, 2008



ADMINISTRATIVE LAW JUDGE