

'This isn't on me'

Posted Wednesday, January 31, 2024

I said, 'Why don't you come down to my property and we'll talk face to face? My chickens eating are each other.'

LANCE LOGAN, FORMER POULTRY GROWER

By Dan Marsh, Record Editor

Dist. 28 State Sen. Bryan King expressed dissatisfaction with the State of Arkansas' response to the plight of former growers for Cooks Venture, which unexpectedly announced it would close last November.

The poultry company notified its growers in Carroll and Madison counties that it would shut down operations due to a lack of money. The state Department of Poultry and Livestock sent teams to farms throughout the area to euthanize millions of Cooks Venture chickens in houses owned by the growers. Many of those growers were given no option but to dispose of the carcasses themselves, on their own property, using their own equipment.

King said that as a taxpayer-funded agency, the department owes its allegiance to the public and not Cooks Venture, with which he said the state sided in euthanizing the birds and, in most instances, leaving them to compost in the chicken houses.

"It's just wrong," King said. "I've never seen anything like it." King represents Madison and Carroll counties as well as parts of Boone, Crawford, Johnson and Newton counties.

On Dec. 8, 2023, Wes Ward, Arkansas Secretary of Agriculture, denied King's request for an emergency declaration regarding the closing of Cooks Venture and the euthanizing of the chickens. Ward wrote, in part, "Because the proper role of government does not include state assumption of private debts, your request has been respectfully declined."

King said the state has repeatedly taken the company's side and continues to do so. He pointed to a December incident that occurred on the property of former Cooks' grower Lance Logan of Alpena. King said Logan has been accused by the poultry department of "waving a gun and using profanity" toward state workers who'd come to foam his birds.

In an interview with The Record, Logan denied the accusation, saying a truck driver who was not on-site at the time "carries a concealed weapon" but was not present at the time of the confrontation. He said the state accused him of not "rolling up" his equipment when its workers arrived to depopulate the chicken houses. Logan said the state blamed him for pulling its team out.

"They told me the cleanup trucks wouldn't get there for another four hours," Logan said. "I told them that wasn't the deal we had reached. Patrick Fisk (director of the poultry department) yelled at me over the phone and told me 'this is on you, it's your fault' [the chickens weren't being euthanized]."

"I said, 'This isn't on me,'" Logan said. "I said, 'Why don't you come down to my property and we'll talk face to face? My chickens are eating each other.' This went on for an hour. They're at the gate, I wouldn't let them on the place. They did not have trucks. That's why they're saying there was guns and I was cussing at them."

Logan said the state “lied” about what happened on his property. He said that as long as he was keeping the chickens alive, it was “costing Cooks Venture money. All they cared about was killing the chickens. They were done that night, they killed them all — 102,000 chickens.”

Logan said he has not been able to get a response from the poultry company. “They won’t return a text or a phone call. My first flock in my new chicken house, I had all new computers, all new wiring. That [flock] should have made \$64,000 and [Cooks Venture] sent me \$45,000, and they said I won’t get no more.”

Logan said his initial payment was \$40,200. “I said, ‘How did you come up with that figure? I got more money than that when I had just four houses. Now I got five.’ They said they based the pay on a formula, and they’d send more information in the mail, but they never sent me anything.

“Then they said they had misfigured, and sent me a check for \$5,000,” Logan said. “That’s \$45,000 for 102,000 chickens. I had a \$13,000 gas bill. I got right around a \$1,400 electric bill. I got a new chicken house sitting there with nothing in it. They don’t care.”

Logan figured he “walked away” with about \$13,000 for his labor.

He said he has reached out to other integrators but he’ll have to spend money on his houses to accommodate other chickens because Cooks Venture birds were free-range.

Logan said he is aware of efforts to bring legal action against Cooks Venture. He said he would like to stay in the poultry business, “but it’s going to take borrowing more money, and I talked to my banker and they’re not loaning on poultry right now. They’re scared of it. Unless you’ve got a good banker, they’re going to close the door in your face. We’re watching what we buy. My wife’s a school teacher, so that helps. I’ve got about 100 mama cows, that helps.”

Dustin Maybee

Dustin Maybee, a former Cooks Venture grower in Carroll County, sounded desperate as he described his situation after the state euthanized all 72,000 of his chickens in December. The carcasses were only recently removed.

“The birds are gone and that’s it,” Maybee said. “I’ve only heard once from anybody at Cooks since the birds left. As far as payment, they say they’re broke.”

Maybee said he was told he “might have gotten paid” from the “little bit of money” the company has if not for an alleged confrontation that occurred when a TV reporter visited. He said the TV reporter was present when a state euthanizing crew showed up to depopulate Maybee’s houses. Maybee said the TV reporter’s presence prompted the crew to turn around and delay its work. He said the state accused him of creating a “hostile” situation by carrying a GoPro camera. Maybee said he had the camera to protect himself.

“Someone, including the state, said I was volatile whenever they showed up,” Maybee said. “They’re saying it was my fault” the chickens weren’t killed at that time.

The birds were euthanized and left in the chicken houses.

"They did what they did, now I'm sitting here with five houses that I can't do nothing with without doubling down on everything," Maybee said. "Hell, I don't have enough money to pay my damn utility bills for the birds that I had in the houses. With so many farms being shut down, a lot of integrators don't need the square footage right now. Or they want cool cells, which that would cost a substantial amount. I've got holes cut in the sides of my houses."

"As far as egg production, maybe that's a possibility, but I'd still be doubling down," Maybee said. "And to think about doubling my debt, just for the farm itself and looking at not being able to pay my bills as I get them this month ... not many good outcomes."

"It's not just me, there's a lot of people involved," Maybee said. "I don't know everybody's financial situation but I'm sure this hurt everybody substantially, especially those like me that had just started. This was my second flock."

He said if he pays all his utility bills now, he will have no money. "Hell, I don't have enough money to go back into my old occupation. I couldn't afford the travel or expenses."

Maybee said there was "no foul play" in the incident that occurred at Logan's farm. "My understanding is, [Logan] let them know they had to have the trucks to clean up so there were no rotten birds in the houses.

"I never restricted [the state] access from my farm," Maybee said of the incident at his farm. "Whenever it all comes out, I hope there's repercussions for them lying the way they have."

Leslie Harp

Leslie Harp, who along with her husband Bryan owns Empty Pockets Ranch in Clifty, said more than 72,000 dead chickens are composting in her houses. She has not yet found another integrator to replace Cooks.

"They haven't contacted us," Harp said of Cooks Venture, which she claimed has not closed. "They never came or paid for us to do the cleanup on the birds. That's kind of where we're at. They were supposed to pay us on a six-flock average for the birds that I had, but I didn't even get enough to cover the propane. It was nothing. The check was for \$3,800, and it should have been well over \$30,000. It was a kick in the stomach."

She said she and her husband are "looking at different integrators. We heard somebody was coming to look at the [Cooks] processing plant to buy that out, but ... Cooks is still running the business. They're still running the breeder side and pedigree side. They just closed down the grower's side. We are talking to attorneys to see if we have a case."

Harp said the law firm she and other growers are talking to "feels like we have a case. We're going to go from there." She said efforts to pursue legal action against Cooks Venture are "getting back in gear" after the holidays.

"I had 72,000 chickens in my chicken houses" last November, Harp said. Cooks came and "brought me two houses and another half. I was scheduled to get the other three [houses] that following week. I put the birds in the last house on Nov. 17, and at 7:30 that night, I got a call from Cooks Venture stating they were closing after they had literally just brought me chickens."

She said she and her husband “opted to let the chickens decompose” after they foamed, as “they were only 13 days old. Cooks Venture was supposed to come cover them with litter and rotate the litter ... to help with the cleanup, but they did not show up. Those birds sat there for 10-11 days before my husband and I [did the cleanup]. Cooks Venture would not return my phone calls.”

The Harps covered the carcasses with litter to “help them decompose. The pile is still sitting there with litter on it. We’re not going to clean out the chicken houses until spring. We couldn’t get another integrator in there before then. We’ll give [the carcasses] until spring to decompose when we’ll need litter to put on our fields for the hay crop. That was our decision.”

With the poultry side of their farm shut down, the Harps are “taking it one day at a time,” Harp said. “I’ve taken out another job, I work from home for a company out of Fort Smith. We had money to cover things until April, but that’s when we’re going to have to start trying to figure something out.”

Harp said their “hands are tied” until they find another integrator. “We’re looking at different options.” The Harps modified their chicken houses to accommodate the free-range birds grown by Cooks Venture. Other integrators like Tyson “are not free-range,” Harp said. “We’d have to meet Tyson or George’s specifications. Can we afford to do that?”

She said it would “cost a lot of money” to attract other integrators. They are having to look at other financial questions, as well. “There are a lot of unknowns,” she said. “We’ll get through winter and make sure our cattle are taken care of and then look at it. We’re hanging out and waiting.”

Harp noted that “the ball is rolling” on a potential lawsuit against Cooks Venture. “It’s very odd,” she said of the company’s situation.

State’s response

Ward provided King the following response in response to questions about the incidents at Maybee’s and Logan’s properties.

According to Ward, the response was written by Patrick Fisk, director of the state poultry department.

“Dustin Maybee is the farm where we pulled out. The grower was originally scheduled to depopulate on a Thursday, but he wouldn’t allow us on his farm until we met his demands. This put off his depopulation for a few days.

“When we finally got him to let us come in, he had media show up to film everything we did, and he walked around with a go pro on. He refused to be compliant and help us with his equipment nor was he cooperative with us in any way.

“The day before our last attempt to depopulate the Maybee farm, we were at the Lance Logan farm. Logan knew when we were going to be there that morning, but he had not rolled up his equipment and he locked the entry gate to the farm which put our employees in an unsafe position; our heavy equipment was blocking the roads. This went on for several hours before I could get there.”

Logan said Fisk came to his property but left shortly after the carcasses were hauled off.

“I was there to help depopulate house No. 1,” Fisk wrote, “but had to leave for a meeting. When I was on my way back, I received a call from the ... supervisor. The supervisor called to tell me Lance Logan’s

brother (Landon), showed up with a gun. It was a handgun and was worn in full sight on his hip (the supervisor sent me pics). Landon should not have been there, or at the least should have been in PPE, in the first place because his farm was positive for avian influenza (HPAI). Yet Landon was helping with the bird disposal and was going from farm to farm.

“We pulled out of the Maybee depopulation situation because he was not cooperating, and the situation was becoming volatile, especially after the meeting in Green Forest. We had not had that many issues with growers until that meeting. With the issues we had the day before and with Maybee’s constant demands, I felt that we were forcing ourselves on his property and I was concerned for the safety of our employees.”

King, Maybee and Logan dispute the use of profanity or the show of a handgun on Logan’s property.

King said the state has aligned itself with Cooks Venture and is not “providing answers” to taxpayers.

‘No responsibility’

Cooks Venture growers received the following letter from the poultry company on Nov. 17, 2023 from Blake Evans, executive vice president. The Record obtained the letter through a Freedom of Information Act request.

“To our Valued Grower Partners,

“We are writing to inform you of a significant development at Cooks Venture.

“The company is experiencing financial difficulty. The Board of the Company is continuing to work to find a solution to save the company — including speaking with a potential purchaser who may be able to take over the company and prevent a company shutdown.

“Unfortunately, if the potential sale of the Company does not occur, we will need to shut down the company and close its facilities sometime between November 20 and 30, 2023. If this happens, we are committed to winding down the company responsibly. All outstanding fees for services already rendered will be paid as part of this process.

“We want to express our deepest gratitude for the work you have done for Cooks Venture over the years. Your partnership has been a critical part of our business, and it is with a heavy heart that we find ourselves in this position.”

Fisk attended a Dec. 7, 2023 meeting with growers in Green Forest. Fisk took full responsibility for the decision to euthanize the chickens, saying he could not allow the birds to starve after Cooks Ventures’ decision to go out of business.

King, who also attended the Dec. 7 meeting, said the state should at least “pay for the cleanup.”



Ozarks at Large

Cooks Venture leaves poultry growers with dead birds, left to rot

By Jack Travis

Published January 23, 2024 at 3:04 PM CST

LISTEN • 10:14



Kuaf

A poultry farm similar to Empty Pockets Ranch.

Leslie Harp is the owner of Empty Pockets Ranch in Clifty. At 5:30 in the morning on Nov. 17, Harp finished filling one of her chicken houses with chickens owned by a company called Cooks Venture.

Cooks is an Arkansas-based company specializing in heirloom fowl. Harp has been a contract grower for the company for the past three years. She was expecting more shipments of birds to fill the rest of the houses on her ranch within the following weeks.

Two hours later, at 7:30 am, she learned that Cooks Venture would be shutting down permanently, leaving Harp with 72,000 chickens and no clear indication of what was next.

In less than two weeks, those chickens would be dead. Foamed to death by the Department of Agriculture and left to rot. Here's Harp:

"We have not had any conversations since they left with Cooks or the state on what they were going to do to come clean them up. So those birds sat there in our houses for 11 days before my husband and I were like, 'Yeah, we've got to do something with this.' They're not coming back out because Cooks wouldn't answer my phone calls at that point in time. I tried to call them, we tried to contact them, they wouldn't answer the phone call. So we were finally like, 'Okay, we've had to do this ourselves. They're not coming back out.' So the birds sat there 11 days untouched. And they were rotting at that point in time. And the smell was just, it was horrendous. So we started cleaning that mess up ourselves and the state hasn't been back out nor has Cooks. And nobody's said anything about compensating us for what we did or why they never showed up."

But let's back up.

When Harp first learned of Cooks Closure, the company assured her they could continue raising the chickens until they were 4 pounds. The chickens would then be processed for food.

Harp says she wished that had happened. She had plenty of water, food, and heat for the birds and was prepared to raise them. However, plans kept changing over the following weeks.

Finally, on Tuesday, Nov. 28, she received a call from her live production manager, who said the state would come the next day to depopulate the chickens.

"And I was like, 'Wait a minute, that was not the plan yesterday.' I was like, 'What plan changed?' And he said that some things have happened within the company. We're just

QUAF

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have plenty of feed, plenty of water, plenty of heat. You know, I have a generator it runs, you know, I'm set up to run for the wintertime.' I was like, 'We're good to go.' I was like, 'Can we kind of keep the birds?' and they told me no. We didn't feel like we had an option, because within that letter, they stated the company would be closing down between Nov. 20 and Nov.30. So on November 29, which was the day that they were coming out to depopulate, the company was still technically in business at that point in time. So we didn't feel like we had an option to really, I guess, stand up and say, 'No, you're not coming out here,' because we were still under contract with this company. And these were technically still their birds at that point in time. So we allowed the state to come out the on the 29th of November, and the state of Arkansas came out and foamed our chickens and smothered them and killed all. I had 72,000 birds from our chicken houses at that point in time. And they killed off 72,000 of them."

Harp says that although they occasionally received sick chickens, Cook's closing was unexpected and, more importantly, uncommunicated until the last second.

She says the rug was pulled out from under her, leaving her responsible for picking up the pieces.

Harp isn't alone, either. Cooks had contracts with dozens of chicken farms across Northern Arkansas. In the end, the Department of Agriculture depopulated 1.3 million chickens in farms across the region.

I contacted the Department to learn more from Secretary Wes Ward or Livestock and Poultry Division Director Patrick Fisk. I was declined an interview, but the director of communications, Amy Lyman, sent me some telling documents over email.

According to one document titled "Cooks Venture Responses," the depopulation was in response to an outbreak of Highly Pathogenic Avian Influenza, or HPAI. It's a viral disease affecting poultry and wild birds. HPAI is often fatal to chickens and spreads rapidly from flock to flock.

According to the Department, the only available control is depopulation.

Last year, there was an HPAI outbreak that affected over 1,000 flocks in 47 states, requiring the depopulation of more than 79 million birds across the country. Arkansas

infection. That control zone included nine farms associated with Cooks Venture, although Cooks requested that the state euthanize all chickens owned by the company.

Harp says her birds, and the majority of birds owned by Cooks Venture, were perfectly healthy. She would have rather raised the chickens on her farm and then donated the meat to people in need.

"Well, yeah. That's wasted money and wasted meat. I mean, that's those chickens when they're 63 days older, like six and a half pounds. And you take, I think that on one farm that they killed, he had 70,000 birds on his farm that were six and a half pounds. That's a lot of poundage there that could have been processed somewhere to donate the meat somewhere for these families in Arkansas that can't afford to buy, you know, food or low-income families or homeless shelters are something that they could have donated that meat to instead of just sitting there. Now those chickens are dead and rotting and having to be buried somewhere instead of being processed to be able to feed other people in the state of Arkansas."

Regardless of why it happened, the chickens are dead.

In a letter dated Dec. 7, Cooks Venture COO Tim Singleton assured one farmer that "removal of the birds, the transportation of the birds and the disposal method of the birds will be done under a state of Arkansas approved permit, as the state has approved our plan of euthanasia, transportation and disposal."



COOKS VENTURE
THE FUTURE OF FOOD IS REGENERATIVE

Cooks Venture, Inc.
P.O. Box 37
Decatur, Arkansas 72722

Date: December 7, 2023
To: Dustin Maybee
Re: Bird removal

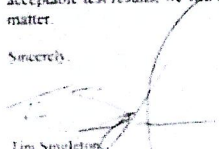
Dear Sir

Cooks Venture will be removing all birds from your property at our cost following the State applied foaming process that is scheduled to take place on Monday, December 11, 2023. I realize this date has been pushed back from our previous discussions, but I was just informed that the State has run out of foaming supplies and need to restock prior to continuing. My apologies for the inconvenience this may cause.

Please rest assure that the removal of the birds, the transportation of the birds and the disposal method of the birds will be done under a State of Arkansas approved permit, as the State has approved our plan of euthanasia, transportation, and disposal.

Due to the farm being located within an AI impacted zone, we will be testing your flocks over the weekend, in accordance with the State of Arkansas requirements for livestock movements. Following the acceptable test results, we will be removing the birds as discussed. Thank you for your cooperation in this matter.

Sincerely,


Tim Singleton
Cooks Venture COO

CC
Blake Evans
Kevin Floyd

A letter from Cooks Venture COO Tim Singleton to farmer Dustin Maybee.

But, as we previously heard from Harp, that promised removal never occurred. She says, despite hardship, she was a relatively lucky farmer in this ordeal.

"There are farmers that their birds were 63 days old. They were big, big chickens when the state came in to depopulate them. So, I mean, they were huge chickens. And this, they just come in and kill them. Because Cooks said they couldn't take care of them no more. So I didn't have- I mean, yes, we had a lot to deal with as far as the little babies that had come in. And we spent a lot of money keeping those birds warm for those 13 days. But for these other farmers out here who had 60-day-old birds, that's devastating to them. I mean, you know, you can't- they have to go bury their chickens. So they're having to dig holes on their farm now and scoop those out by bucketfuls, take them out, and go bury them somewhere on their farm because they had big chickens. And the cooks wouldn't come to get them, and they haven't been processed anywhere. They just had the state come in and kill them."

State Senator Bryan King has been a poultry grower for 33 years, so when he heard of this injustice, it hit close to home. He says Cooks had been experiencing financial difficulties and should not have allowed growers to enter into new contracts or receive

KLMP

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He reached out via letter to Governor Sarah Huckabee Sanders on Dec. 8 to request emergency funding for farmers who were left with thousands of dead birds on their farms.

BRYAN KING

SENATOR
28TH DISTRICT
(870) 480-3155
bking@senate.ark.gov

RTJ CR 814
GREEN FOREST, ARKANSAS 72038



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December 8, 2023

The Honorable Sarah Huckabee Sanders
Governor of the State of Arkansas
State Capitol Building, Suite 250
Little Rock, Arkansas 72201

Dear Governor Sanders

I am writing to express my utmost concern regarding the closing of Cooks Venture and the resulting possible euthanization of more than 1 million chickens. This matter significantly affects poultry growers, involves serious animal welfare and disease concerns, and creates environmental issues. The impact of the volume of decaying birds to be disposed of is an economic nightmare, and it should not be the burden of growers.

This matter rises to the level of and requires the urgency of a declaration of an emergency by your office. There is precedence for such a declaration. In 2019, Governor Asa Hutchinson signed a proclamation to extinguish the stump dump fire in Bella Vista, Arkansas. This matter has grave consequences and a far larger impact on our state. We need to provide full compensation to the growers, feed suppliers, and any entity related to helping this situation. The company is under financial duress, and at this time, the state needs to assume responsibility. It is my hope the state can recoup the cost at a later date.

Due to the urgency and numerous impacts of this situation, I ask you to issue a declaration of emergency. Thank you for your time and attention in this matter. Please do not hesitate to contact me to discuss this issue. I am happy to be of assistance in getting this resolved in a timely and equitable manner.

Sincerely,

Bryan B. King
State Senator
District 28

cc: Mr. Wes Ward, Secretary - Arkansas Department of Agriculture

THE ARKANSAS SENATE - STATE CAPITOL - LITTLE ROCK, ARKANSAS 72201 - TELEPHONE (501) 681-1100

Sen. Bryan King's letter to Gov. Sarah Huckabee Sanders.

Department of Agriculture Secretary Wes Ward responded to King via letter, saying the proper role of government does not include state assumption of private debts. Poultry Division Director Patrick Fisk addressed a concerned group of poultry growers in a meeting about Cooks Venture closing and said he felt that it was the state's job to assist the company. King says he disagrees.

11/14/23

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"I think that's so wrong- I don't even know where to begin. It's not his job to assist the company. It's his job to serve the taxpayers, and the citizens of Arkansas. That's his job. He's not supposed to be take the company line in this, which he did. The second thing is for us to clean up aspect of this when you're talking about, I think, as high as I've heard figures at 1.8 million chickens being depopulated. When you look at the overall situation. With that, the birds should have been processed and used for dog food. I mean, they should have forced the company to process the chickens that are that were out there in the field. That would have been the most ideal situation. And the state should have taken over the cleanup process. Much like they did the stump fire up in Bella Vista, much like the Mayflower oil spill, those types of situations when you have that kind of impact environmentally and everything. The state should have taken over this and then tried to get some money out of Cooks. The Secretary of Agriculture needs to investigate this and their actions because when I wrote the letter, and they denied it- they said it was a bailout. I mean, there was nothing any farther from the truth."

As of Friday, Jan. 19, Harp says she's still stuck in a contract with Cooks Venture and has had to pick up extra work outside of her farm to make ends meet.

Ozarks at Large reached out to Cooks Venture for comment but did not hear back in time for our reporting.

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poultry

Agriculture

Animal welfare



Jack Travis

Jack Travis is a reporter for *Ozarks at Large*.

See stories by Jack Travis

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All Things Considered from ...

Poultry company shocks growers with shutdown

As farmers await word from Cooks Venture, state foams thousands of chickens

Posted Wednesday, December 6, 2023

We'll have to find a different integrator who will pick us up with free-range birds. It's devastating for us. We're taking it one day at a time right now. It's 45 days before we can do anything with the houses."

LESLIE HARP

By Dan Marsh, Record Editor

Former chicken growers for Cooks Venture, a Decatur-based poultry company that recently declared it will close, will gather at 6 p.m. Thursday at the Train Depot in Green Forest to discuss their future and, according to one farmer, put together a plan for potential litigation.

One former Cooks Venture grower, Leslie Harp of Clifty, said she was notified "out of the blue" via letter on Nov. 20 that the company was shutting down. The letter said "the company would be closing down due to financial reasons," Harp said. Up until then, Harp said she thought everything was fine with Cooks Venture. Her entire flock — 71,000 birds that were 13 days old — was euthanized shortly after by the state Poultry Commission.

According to meatandpoultry.com, 511 employees were laid off at eight different facilities in Oklahoma and Arkansas. The letter to employees on Nov. 17, included the following statement from Cooks Venture:

"While we would have preferred to provide you with more notice, due to the unexpected and last-minute lack of financing for the company's continued operations, we were unable to do so. The company has, since at least as early as Sept. 1, 2023, been engaged in serious discussions with investors to obtain financing which, if obtained, would have enabled the company to avoid a shutdown and continue its operations. Unfortunately, earlier this week we learned that the company would not be able to obtain the anticipated financing."

Harp said she and her husband, Bryan, received unofficial notification of the closure on the 17th "after they brought me chickens that night at 5:30. I got the official letter [on the 20th]," Harp said. "On Wednesday, the state Department of Agriculture foamed my birds. The company could not get feed out to my farm so they opted to [euthanize them]. I had 71,000 chickens in three houses. We have six houses. We were supposed to get birds that following week, but we got the phone call [that said] the company was shutting down."

The carcasses will have to compost in the chicken houses, Harp said, "and we can't do anything with the houses for 45 days. This is devastating. If we don't find another integrator, we'll lose our farm."

The company's announcement was "absolutely a complete surprise," Harp said. "We grew for [Cooks Venture] for almost three years. They were rolling chickens in as fast as they were getting them out. We assumed all was going good, they were putting us back in chickens so fast. We had no idea anything was going on until the night of the 17th. We had birds in the top three houses and were supposed to get birds in the bottom three, but on the 17th, they told me there would be none for the bottom three."

Harp said that because modifications were made to her chicken houses to accommodate her outside, free-range chickens, "it'll cost too much" to pick up a different contract. "We have all these doors on the sides of our houses," she said. "We'll have to find a different integrator who will pick us up with free-range birds. It's devastating for us. We're taking it one day at a time right now. It's 45 days before we can do anything with the houses. We can't look for another [integrator] until we clean out the chickens [that were euthanized]."

Harp said the letter from Cooks Venture indicated growers would be paid "for services rendered, but I don't know, we might not get paid. I haven't seen anything, so I don't know."

She said she and her husband are "in a holding pattern. I talked to my banker to see what options we might have. The bank knows what's going on. This is on [Cooks Venture], not us."

District 28 Sen. Bryan King, who represents Madison and Carroll counties and parts of Boone, Crawford, Johnson and Newton counties, responded to the situation. "Agriculture in our area is taking blows like not seen since the Great Depression," King said, referring to last summer's decision by Tyson to terminate contracts with area growers. "America is going to have to take action to make sure individual farmers produce their food."

Richard Butterbaugh is a former Cooks Venture grower who is helping organize Thursday night's gathering. "There's just so many ideas floating around out there, I'm just trying to get people together so we can try and sell ourselves as a package," Butterbaugh said. "There's not going to be any company that will want to come into this area for one or two growers. I want to try and get everybody together and ... explain what we have as far as feed and fuel companies, housing, how many square feet are available, how many pounds we're producing, and get [the information] out to any companies that might be interested."

Butterbaugh of Green Forest said he had grown for Cooks Venture for more than two years. "My neighbor called me two weeks ago and said he'd heard through the grapevine that the company was closing," Butterbaugh said. "Later that day, I got a letter stating they were shutting down and proposing to pay us and all that kind of stuff. We didn't see this happening at all. Their management was terrible but as far as the demand for the product, they were signing new contracts the Friday before they closed."

Butterbaugh said he had 125,000 birds on his farm. "Our birds were four weeks old when they left the farm," he said. "I have no idea what happened to them. I know they weren't processed. I don't know if they went into dog food or what. It was a very poor deal. Cooks did everybody wrong."

He said the company "starved birds to death, there were no medicines for them. Powell Feed made it better but it wasn't perfect. [The chickens] were not comfortable in any way. We were trying to keep them in the dark so they wouldn't eat. It was pathetic. I'm 73 years old and I wanted to sit down and cry. To go in there and see them sick and hungry. For a company to do that, they need to throw every damn one of them in prison. They did us so wrong it's unreal."

Butterbaugh said the company "had no vision of what it takes to go out of business, and then they had all those birds in the field. It was a bad, bad deal. Cooks had more orders than they could ever fill, which proves to me there was a demand."

He said the idea behind Thursday's meeting is to "do something as a group because these companies won't look at one guy calling them, that ain't gonna happen. They've got to see it as an operating package. I don't know if someone will come in and take over [the Cooks plant] but that would get everybody back in business again.

"At least with Tyson, everybody got a partial payout," Butterbaugh said, "but I wonder if we'll get paid anything? There's guys sitting out here with \$20,000 gas bills due. There's no money guaranteed for anybody."

Butterbaugh said that aside from the letter he has not heard from Cooks Venture. "Nobody has called with any explanation, nothing about payment. That's what bothers me. It'll take millions to pay [growers] off and my feeling is that if they had the money to pay these bills, they had the money to stay in business."

He said that prior to receiving the letter he thought the company was "going along good. Last spring, I had three representatives from Cooks in my living room assuring me they were financially stable and growing, they had investors coming in and everything was smooth. They wanted me to put two of my other houses into operation. It would have cost me to do it, but they assured me there was nothing but blue sky."

He said the company's promise to pay for "services rendered" is "vague. I don't know what that means legally. That could be a big loophole. That's another reason for this meeting. If it comes to litigation, we'll be a whole lot better off as a group than individually."

Butterbaugh said he has heard nothing but conflicting, third-hand information. "It's so confusing," he said. "The only thing I'm getting is hearsay. That's why I want this meeting, to get information and let us sort out what's truth or fiction. I don't know what's going on. I'm just trying to get my house and everybody else's back into production."

Melisa Barr, another meeting organizer, worked as a service technician for Cooks Venture as well as a grower. "We're just trying to get our heads together to see if we can come up with a game plan," she said of the meeting. "We have 2 million square feet of [chicken house] space sitting empty in Green Forest. I know people from Huntsville and Decatur and maybe Pea Ridge are going to come. We just want to see what our options are and go from there."

Barr said she was getting her chicken houses ready to receive birds when she got an email saying euthanization was taking place on a broiler farm. "My coworker said, 'Cooks Venture is going under,'" Barr said. "Then we got a phone call at 5 p.m. saying there would be a meeting Monday morning and if investors didn't buy the company, it was going under. On Monday we went to the meeting and it was not informative at all. They called us Tuesday night and said there would be a meeting Wednesday, and that's when we were told we were off the payroll. They let us go the Wednesday before Thanksgiving. That was our Happy Thanksgiving."

Barr said it was "business as usual" up until she received the email. "I was spending money to get my chicken houses up and going. I was setting up and getting ready."

Barr said she had raised three flocks for Cooks Venture. "I bought my farm in January. Some growers have grown only one flock." She said some farmers are out thousands of dollars after redesigning their

houses for Cooks Venture. "One who got shut off from Tyson just had all these doors cut into his houses so he could let his birds out, and now he can't do anything."

Barr said the company "made a lot of promises during production that they did not hold up to. It was very unorganized. We'd get kill schedules at 10:00 at night for the next day. That made it hard for service techs to explain to farmers and keep them organized. Things just changed too often. We couldn't keep it straight."

She said she is trying to reach out to other companies "but they're not interested in any of the growers here, we're not set up for what they want to do. It's the holiday season so people aren't getting back to me."

Barr agreed that when it comes to potential litigation, "it's better to have a group. I think it's better for us all to go in together."

Barr said birds that weighed 4 pounds and under were euthanized in the field by the state while others were "humanely euthanized at the plant, but we currently have big birds that Powell Feed is feeding, for what I understand is no payment and money owed [in the] millions."

She said Powell Feed "has been working tirelessly to keep these birds [fed]. The mill was trying to keep the small birds fed but was told they would be foamed anyway."

Regarding the state's ongoing euthanizing of Cooks Venture's remaining chickens, King said Tuesday he informed Wes Ward, the state's secretary of agriculture, "This is going to be a disaster."

King said the Department of Agriculture "is now euthanizing the remaining birds" and that it was contacted by "poultry industry lobbyists about doing this." He said Ward "failed to notify me or farmers about his [Ward's] position. Unfortunately, now growers will have to deal with the repercussions of a state decision that only cared about looking after the industry."

King noted he has been in the poultry business for 34 years. He said he also has questions about health risks to farmers tasked with cleaning up the euthanized birds. "[The state does] this when there is a disease outbreak," King told The Record in a text. "That is more understandable," he said of the state's euthanizing chickens.

Barr further told The Record in a text that the state "foamed 800,000 birds last week. That's Cook's birds alone. They are going to foam all of the big birds this week."

BREAKING NEWS: State denies senator's request for an emergency declaration

BY DAN MARSH, RECORD EDITOR

Posted Friday, December 8, 2023

By Dan Marsh, Record Editor

Wes Ward, Arkansas Secretary of Agriculture, on Sunday denied a request made by Dist. 28 Sen. Bryan King for an emergency declaration regarding the closing of Cooks Venture and the euthanizing of hundreds of thousands of chickens on land owned by the poultry company's former growers.

In a letter to King, who represents Madison and Carroll counties as well as parts of Boone, Crawford, Johnson and Newton counties, Ward wrote, "Because the proper role of government does not include state assumption of private debts, your request has been respectfully declined."

On Friday, King requested Gov. Sarah Huckabee Sanders declare an emergency over the situation with Cooks Venture. The company had declared it would close by Nov. 30 and asked the state to destroy thousands of chickens still in the houses owned by its former growers. The state Poultry Department has been foaming the birds and in many cases leaving them to compost or rot. Some growers have said they have had the responsibility of removing the carcasses at their own expense.

In his letter to Sanders, King said, "This matter significantly affects poultry growers, involves serious animal welfare and disease concerns, and creates environmental issues. The impact of the volume of decaying birds to be disposed of is an economic nightmare, and it should not be the burden of growers. This matter rises to the level of and requires the urgency of a declaration of an emergency by [Sanders'] office."

King wrote that precedence for such an emergency was set in 2019 when Gov. Asa Hutchinson "signed a proclamation to extinguish the stump dump fire in Bella Vista, Arkansas. This matter has grave consequences and a far larger impact on our state. We need to provide full compensation to the growers, feed suppliers, and any entity related to helping this situation. The company is under financial duress, and at this time, the state needs to assume responsibility. It is my hope the state can recoup the cost at a later date."

King wrote, "Due to the urgency and numerous impacts of this situation, I ask you to issue a declaration of emergency. ... I am happy to be of assistance in getting this resolved in a timely and equitable manner."

In his response, Ward wrote, "Poultry farmers and poultry production are integral our State's success. Northern Arkansas chicken growers have long provided an affordable source of nutrition not only to their fellow Arkansans, but also the nation and the world. This is why staff from the Arkansas Department of Agriculture and I proactively worked over Thanksgiving to provide necessary assistance."

Ward wrote, "However, your request that the government provide 'full compensation' to 'any entity related to the closing of Cooks Venture' goes beyond the scope of appropriate state action. The State of Arkansas cannot 'assume responsibility' for a company simply because that company has encountered 'financial duress.'"

Growers describe state's euthanizing of chickens

Posted Wednesday, December 13, 2023

By Dan Marsh, Record Editor

A Madison County poultry grower affected by the closing of Cooks Venture said she stood her ground when crews from the Arkansas Department of Poultry and Livestock turned up on her property to euthanize her birds, demanding either they or Cooks Venture handle the cleanup.

Linda Sparks said she had been growing for Cooks Venture for a little under three years and had between 80,000-85,000 birds that were three weeks old in her four chicken houses. The birds were foamed by the State of Arkansas shortly after she was notified Cooks Venture would be out of business by Nov. 30.

"I was shocked," Sparks told The Record in an interview. "I got a note on a Monday and then later got it on my phone that [Cooks Venture] would be closing between Nov. 20th and 30th."

Sparks said the state "killed my birds before the 30th. Nine trucks pulling trailers with machinery to use this foam to kill them."

Sparks said she had no idea Cooks Venture would be closing.

"I was very happy with a lot of it," she said of her relationship with the company. "I liked Cooks. They paid by the pound and did not manipulate you the way others do."

She said she had retired after raising birds for George's for more than 30 years.

"The way it worked out, when I retired from George's, my field man from there contacted me. He knew I had houses and wanted to know if I'd consider going back. He'd gone in with Cooks. I thought and said, 'Yeah I'll do it.' I did like the way they paid. The field techs were excellent, when they came out, they came to give you advice and help you. Others were hired to create a hostile working place. You couldn't ask for better techs.

"Nothing is perfect and there were things that were on the negative side," Sparks said, "but all in all, I would have kept raising for Cooks."

She said that after her birds were foamed she has yet to be contacted by the company.

"Nobody knows much of anything just yet," Sparks said. "They promised to pay us, it's just still in the works. They have promised to pay for the gas and for what I was out and that labor, but if they file bankruptcy, I don't know. I'm not going to spend any money thinking I'm getting something.

"I was very much surprised" to be notified the company was closing. I thought everything was OK. There was no warning. We're still trying to find out what happened."

Sparks said the company offered to pay growers "on a six-flock average."

"You can't get blood out of a turnip," Sparks said, "and I have no use for that turnip. If there's no assets, there's nothing to pay with. I don't expect to get any money."

Sparks said when the state showed up on her property to foam the birds, "I told the ramrod not to kill a single bird and leave them for me to pick up. They wanted to leave them and I stood my ground. There is nothing worse than cleaning up dead chickens. That smell will stay with you forever."

Sparks said the state agreed to wait until she got verification from Cooks Venture that the company would handle the cleanup. She said she got someone at Cooks Venture on the phone and eventually got the person to agree that the company would take responsibility for removing the dead birds. The state then foamed the chickens.

However, Sparks said she had to provide her own equipment to remove the carcasses, and her former fill man was the one who had to go in and do the cleanup.

"He used my tractor and bucket to get them out," Sparks said, noting that she also told the state and Cooks Venture that the chicken litter would have been ruined if the birds had been left to compost in the houses.

She said she will survive the closing of Cooks Venture. "I'm paid out and was ready to retire," she said, "but it'd be a shame not to use these houses. I would keep working but I'm not going to invest a lot of money. I retrofitted for Cooks and had all these doors cut in. They came in and cut the sidewalls.

"To raise for Cooks, you had to pass all these tests and we actually took a verbal test to be knowledgeable of what we were supposed to be doing," Sparks continued. "There was a lot of book work. We had to document everything. The company I thought had good potential. You can't count on making a lot of money in the first three years but I thought we were leveling out and doing good."

Sparks said raising poultry now is "very risky. The banks will probably quit loaning after what Tyson did, but I bought my houses, and if I find another company like Cooks, yes, I would raise for them.

"We don't know the full story," she said about Cooks Venture. "We are waiting to see what happened. There's a big story behind this we've not been told. Nobody would just kill the chickens in the houses like this. We heard a major investor pulled out and there was a domino effect, but now we're hearing different things. I don't think anybody yet knows the whole story, other than the people responsible."

Still doing his job

Dustin Maybee, a Carroll County grower, said he stands to lose his family farm due to the Cook Venture closing.

"This is my second flock," Maybee said. "Just a couple of months ago, I bought this farm, which is family land. I am absolutely shocked."

Maybee has five chicken houses on his seven acres and has 75,000 birds that are 10 weeks old.

"They're wanting to come kill them on my property and leave them," he said.

He said he was notified on Nov. 20 that Cooks Venture was "closing the doors. That was the end of Cooks. Here we are on [Dec. 6] and they still haven't come got my birds and up until Monday at about 2:30 they were supposed to be processed, but now they're telling everybody they're going to come foam the birds and the state is helping."

He said it was his understanding that the Division of Livestock and Poultry would be foaming the birds, which director Patrick Fisk confirmed at a meeting in Green Forest on Dec. 7.

"They're gonna kill them all and leave them for the growers to deal with," Maybee said. "I've made my point very clear to everybody that [Cooks Venture will not] kill their birds and leave them on my farm for me to clean up."

Of Cooks Venture representatives he had spoken to, Maybee said, "They just get quiet and say, 'We'll let you know when.'"

As of Friday, the state had not yet arrived to destroy Maybee's flock. He said Powell Feed had been providing him with thousands of pounds of feed to help keep the chickens alive but that it would run out.

"I was absolutely shocked," Maybee said of the closing. "I was told everything was OK. They said they got a new COO, and ... was starting to turn everything around. I asked several times because they didn't even give me any kind of vitamins or anything they're supposed to supply as the company. I said, 'Is everything looking OK,' and was told, 'Oh yes, there's some changes going, the newcomers switched out some people' and they promised everything was fine. One field tech asked if I had ever thought about becoming a field tech myself. I wouldn't have been employed even a month if I had done it."

Maybee said he told Erin Clark of Cooks Venture that "I do not consent to them killing and leaving these birds on my property. No one hears it. Those birds are their property, but they're not feeding them, they're not supplying the feed. I sent that information and heard nothing back.

"The birds are [Cooks Venture's]," Maybee said, "but they're on my property. They pile these birds up at the end of the house. I have steel trusses, you think litter is bad for steel, what about decaying birds? I don't have the equipment to [remove the birds]. Just simple math, that's 420,000 pounds of rotting meat. I'm not gonna bury it on my property. The farm itself only sets on seven acres, there's nowhere to bury it. I can't compost them in the houses, it's too much, and I don't have the equipment."

He said Cooks Venture has been "patting us on the shoulder and saying we'd still get paid for this flock. In the same breath, they say they cannot afford feed for the animals, so they think the easiest way is to put them on the farmers. Legally, I don't see how that's possible."

"I don't see any responsibility to these birds, but I'm still keeping them alive. I'm still doing my job as a grower even though technically I don't have a job."

King proposes study

District 28 Sen. Bryan King, who represents Madison and Carroll counties as well as parts of Boone, Crawford, Johnson and Newton counties, said he has introduced an Interim Study Proposal to be considered by the Arkansas Legislature in 2024. The draft requests that "the Arkansas Legislative Council refer to the Senate Committee on Agriculture, Forestry and Economic Development a study concerning poultry integrator responsibility."

Noting the importance of poultry to the state, the draft states "it is vital that all involved in the poultry industry ... are held responsible for the health and welfare of the poultry in their care, including without limitation poultry integrators."

According to the proposal, the committee should “conduct a study of the responsibility of poultry integrators on the health and welfare of poultry related to nutrition, disease, disease prevention, or other health related concerns, including ... recommendations on how to hold negligent poultry integrators responsible for poultry depopulation and disposal.”

Former growers seek answers at tense meeting

State poultry director says he acted alone in deciding to kill chickens

BY DAN MARSH, RECORD EDITOR

Posted Wednesday, December 13, 2023

By Dan Marsh, Record Editor

About 50 chicken growers affected by the closing of poultry company Cooks Venture met Dec. 7 in Green Forest to discuss their legal and financial options. The meeting was attended by Patrick Fisk, Arkansas Livestock and Poultry Commission director; District 28 State Sen. Bryan King, and Eddie Todd, president of the Mo-Ark Poultry Growers Association and incoming president of Arkansas Farmers Union. The farmers also heard from Tray Kitchens, a Little Rock lawyer who said the growers might have a case against Cooks Venture.

The meeting was held after Cooks Venture declared it would close by Nov. 30. The state poultry department has been foaming hundreds of thousands of chickens in houses owned by the growers who had lost their jobs, some after growing just a couple of flocks. In many cases, the state has been leaving the chickens to compost or rot with the growers tasked with removing the carcasses at their own expense. Tim Singleton, chief operations officer of Cooks Venture, has not returned a phone call from The Record seeking comment.

The discussion grew heated when King accused Fisk of needlessly destroying almost 1 million chickens. Fisk defended his decision to euthanize the chickens, saying he would rather have “humanely” destroyed the birds rather than allow them to starve, as he believed Cooks Venture would do.

Fisk said he had made the decision without relying on any state statute to do so. Fisk offered to “make a phone call” and stop the euthanizing program “tomorrow.” It was not clear whether Fisk made the call.

On Friday, King submitted a written request to the Governor’s Office, asking Gov. Sarah Huckabee Sanders to declare an emergency in areas where the State of Arkansas was destroying chickens. On Sunday, Wes Ward, state Secretary of Agriculture, denied that request, writing to King, “Because the proper role of government does not include state assumption of private debts, your request has been respectfully declined.”

In his letter to Sanders, King wrote, “This matter significantly affects poultry growers, involves serious welfare and disease concerns, and creates environmental issues. The impact of ... decaying birds to be disposed of is an economic nightmare, and it should not be the burden of growers. This matter rises to the level of ... an emergency by [Sanders’] office.”

King wrote that precedence for such an emergency was set in 2019 when Gov. Asa Hutchinson “signed a proclamation to extinguish the stump dump fire in Bella Vista. This matter has grave consequences and a far larger impact on our state. We need to provide full compensation to the growers, feed suppliers, and any entity related to helping this situation. The company is under financial duress, and at this time, the state needs to assume responsibility. It is my hope the state can recoup the cost at a later date.”

In his response, Ward wrote, "Poultry farmers and poultry production are integral to our State's success. Northern Arkansas chicken growers have long provided an affordable source of nutrition not only to their fellow Arkansans, but also the nation and the world. This is why staff from the Arkansas Department of Agriculture and I proactively worked over Thanksgiving to provide necessary assistance."

Ward wrote, "However, your request that the government provide 'full compensation' to 'any entity related to the closing of Cooks Venture' goes beyond the scope of appropriate state action. The State of Arkansas cannot 'assume responsibility' for a company simply because that company has encountered 'financial duress.'"

On Tuesday, Alexa Henning, the governor's spokesman, tweeted, "The Dept. of Ag and the Secretary worked over Thanksgiving within the appropriate scope of government to assist these farmers. 'Conservatives' shouldn't ask for government bailouts of private businesses on the backs of Arkansas taxpayers."

Federal money is 'tight'

In his remarks Thursday night, Todd told the growers, "This thing stinks to high heaven. There was nothing to lead anybody to believe the company was in trouble."

Todd told the growers the situation with Cooks Venture "is not your fault," but noted that federal help might be slow in coming due to the fact "the farm bill in D.C. has been delayed to September. Appropriations come out in January which we don't know about."

Todd advised the growers to "get on the Internet" to find out more about their financial options. He said both the Arkansas Farmers Union and the National Farmers Union "are very aggressive" and have as their mission "to support and protect the family farmer." He said that when Tyson cut growers a few months ago, he notified the national union of the situation. "They said, 'What can we do to help?'"

Todd said farmers need to prioritize what they want to keep. "Most people say, 'My house.'" He offered guidelines and other materials to those seeking more information. "It may be that you can get your home out of that collateral. You'd still have a mortgage and you'd get to keep [the house]," Todd said. He recommended a "premier" poultry lawyer in Jackson, Mississippi, who could tell the farmers "straight up whether you've got something to look at here." Some in the audience expressed skepticism over contacting the lawyer.

Todd said he did not know much about reports that Cooks Venture had received \$50 million in federal grants. "I was told about that yesterday," Todd said. "Bryan probably knows more about grants than I do."

King asked for more information to "start down the rabbit hole" to try and find out whether Cooks Venture would have to return any remaining grant funds.

"This is on them," Todd said of Cooks Venture, "but at the end of the day, it comes down to money. Government agencies are running out of money. I don't know for sure what's going to be appropriated in January. I doubt very seriously it will be a full appropriation. It all depends on the (federal) farm bill. I wish I had better news."

Todd reminded the group that cash flow is “the big thing. You’ve got to be able to show some cash flow because ... it’s not going to come from poultry anymore.”

Darren Swofford, a former Cooks Venture farmer, asked, “How long do you think it’s going to take [Farm Service Agency] to get us all compensated?”

“To get you all compensated?” Todd said. “To get your debt paid? Never. I don’t think they’re going to come in here and relieve all your debt. They might restructure your loan, but I do not think they’re gonna come in and take away all your debt.”

“I understand not all of it,” Swofford said. “Some of it.”

Swofford told The Record the state had sent more than a dozen trucks to his farm to exterminate his flock. “The state boys pulled up 14 trucks in a row. Stand back! My birds were 14 days old. I had plenty of feed for another week and a half. They foamed them.”

Todd reiterated that “money is tight on a [federal] level” and he wished he had “better news. We at Arkansas Farmers Union are trying to do all we can to help you out. I could very well be sitting right out there where you are.”

Letter sent to growers

The growers received the following letter from Cooks Venture on Nov. 17 from Blake Evans, executive vice president. The Record obtained the letter through a Freedom of Information Act request.

“To our Valued Grower Partners,

“We are writing to inform you of a significant development at Cooks Venture.

“The company is experiencing financial difficulty. The Board of the Company is continuing to work to find a solution to save the company — including speaking with a potential purchaser who may be able to take over the company and prevent a company shutdown.

“Unfortunately, if the potential sale of the Company does not occur, we will need to shut down the company and close its facilities sometime between November 20 and 30, 2023. If this happens, we are committed to winding down the company responsibly. All outstanding fees for services already rendered will be paid as part of this process.

“We want to express our deepest gratitude for the work you have done for Cooks Venture over the years. Your partnership has been a critical part of our business, and it is with a heavy heart that we find ourselves in this position.

Meeting grows tense

Fisk spoke after Todd. “I’m sorry you guys are having to go through all this, it’s a horrible thing. I got a phone call the Wednesday before Thanksgiving that the company was walking away. My purpose was to make sure the birds weren’t given away or sold, we’ve got an outbreak right now. I got a call on Thanksgiving saying the company can’t feed these birds, asking what [the state] can do? Friday, I got several calls from growers, saying their birds were off feed or completely rationed, they had shut out the lights and were just trying to get the birds to the next day.”

After more phone calls, "the decision was made, we decided to step in from a humanitarian standpoint," Fisk said, explaining the birds would have starved otherwise. "My agreement with Cooks was, they were to dispose of these birds themselves, they were taking that responsibility. What I'm hearing now is that some of that's not being done."

In answer to a question, Fisk said he did not obtain in writing that Cooks Venture would dispose of the birds.

In text messages obtained through the FOIA request by The Record, Fisk told state Agriculture Secretary Wes Ward on Nov. 22, "FYI: I just got a request from Cooks for assistance to depop the birds next week."

Ward responded, "OK, had a feeling that was coming."

Fisk wrote back, "Well they can't find anyone to help. They did it to themselves and now they're paying for it."

On Nov. 24, Fisk texted Ward an update: "We'll be dropping 1.3 mil birds next week. I've got staff working up the plan. I think we can get enough foam: these type farms will need more foam than what we are used to - there will be a lost of waist [sic]. Getting water located ... and getting details of each farm ... we'll get trucks rolling 1st thing Monday morning. I've already got some equipment staged in the area now. This will deplete our foam supply so this will cost us a bit to restock. I'll get you the est cost later today."

Ward responded: "Ok, sounds good and sounds like a lot of work!"

Linda Sparks, a Madison County grower, told Fisk she stopped the state from killing her birds until she got an agreement from Cooks Venture to come and do the cleanup. "I said, 'Don't you kill a single bird. I'm not picking up those dead birds.'" She asked Fisk why the growers couldn't give the birds away to people who would eat them.

"We can't allow that," Fisk said, explaining the birds would have to be tested for avian flu. "That is a regulation, any birds that left the property would have to be tested."

Richard Butterbaugh, who helped organize the growers' meeting, told Fisk his birds were not tested.

Fisk reiterated that Cooks Venture would be held responsible for the cleanup. "This is their deal, it's their birds, they can do whatever they want. But we're not holding you responsible for the dead birds, obviously. They're on the hook."

King told Fisk, "You never called me one time to tell me what's going on."

"It's not my responsibility to tell you," Fisk replied.

King argued the state did have a responsibility to tell the public what was happening, and received applause from the audience. "I've been in this business far longer than you have," King told Fisk.

"No, you haven't," Fisk replied.

"Oh, no?" King shot back.

"We can stop now," Fisk told him. "I can make a phone call tonight, and you'll be responsible."

"I'll stand up for you, Bryan," Swofford said, rising from his chair. "Absolutely."

Leslie Harp, a former Cooks Venture grower in Clifty, told Fisk she had plenty of feed for her chickens, but the state came in and foamed them in her chicken houses.

Others told Fisk they too had sufficient feed for the chickens. A man questioned Fisk's credentials. "I'm the director of the poultry department," Fisk told him. Another man asked whether Fisk had had trouble contacting Cooks Venture. Fisk appeared not to understand the question. "Contacting who? Cooks?" he asked.

"I think that's what we're all here for," the man told him.

"I'm not trying to be smart, sir," Fisk replied. "I've had limited contact with Cooks. Seriously, I did what I thought was best. Whether that was right or wrong, I couldn't allow those birds to starve."

"They were not starving in situations where there was plenty of feed," King replied. "Absolutely," Swofford said.

King said, "I emailed Secretary Ward asking him to email me the statutes you've been [acting under], and I haven't received them."

"There is no statute for that," Fisk said, referring to his decision to euthanize the chickens. "If the birds would have left, yes, but for this situation, no, I took it upon myself. I'm responsible, not the secretary."

"No, [Ward] is responsible," King replied.

King asked Fisk whether the growers would be held accountable for animal cruelty. "No," Fisk replied.

"That's your opinion, not a prosecutor's," King replied. "It could be these people."

"That's not how the state looks at this," Fisk said.

King pressed him again on the statute that was followed for euthanizing the chickens. "Not for this situation as far as welfare but as far as disease control, yes," Fisk said, again explaining he did not follow any statutes as there were none that applied to euthanizing.

King said the state crews that were depopulating chicken houses might have run the risk of spreading avian flu by "running around to all these farms." Fisk replied the crews were supposed to be wearing Personal Protective Equipment. Some in the audience laughed, saying most of the crews wore civilian clothes.

Butterbaugh told Fisk something else could have been done with the chickens. "They could have been processed and given to homeless shelters," he said. King agreed other options should have been explored.

"I stand up here in full blame," Fisk said, "but I didn't see a choice in this. The company requested the depopulation of the birds."

"So were we not supposed to sign off on the state just demolishing them?" Swofford asked. "Any agreements? No documentation saying Swofford said 'OK' or 'no' and they did it anyway? They came in

like a bunch of damned soldiers, and by God, you didn't know what in the world they were going to do to you. It was horrible."

"I apologize for that experience," Fisk told him.

"There's no apology to be accepted," Swofford replied.

"I know, but we had a huge job to do," Fisk said.

"They came in like a SWAT team," Swofford continued. "It was like, 'Get back, sir!' You couldn't tell them no. They were gonna do it anyway."

King told Fisk he wanted "to be clear right now, you're going to email me your reasoning for doing what you're doing? I've heard nothing in three days."

"Well, I'll get it to you," Fisk replied.

Fisk was asked if anyone on a state level "got out of the office" to go out and "check the feed levels."

"When a company calls us for assistance, that's what we do," Fisk said.

King took the floor to explain that Fisk "didn't call me. It's common courtesy to call the state senator. When you're going through a process like this, there are a lot of opportunities that should have been exhausted first. Fisk talks about assisting the company, but he didn't talk about assisting in other ways."

He said that "in Little Rock, the integrators run the day. We had options but [the state] didn't want to hear it. They only want to listen to one side. It's gonna be you that gets stuck. You are losing your check and taking care of these birds and all the time you know you're not gonna get paid. I would have stuck up for you."

Tray Kitchens, a lawyer from a Little Rock law firm, told the group that he would be glad to explore the situation to see if anyone has a legal case, and provided contact information for his firm.

Growers hung out to dry

Posted Wednesday, December 13, 2023

By Dan Marsh, Record Editor

Thursday night's meeting in Green Forest of former growers for Cooks Venture was interesting, to say the least. About 50 such farmers gathered at the Train Depot to try and find a way to "heal," as coordinator Richard Butterbaugh put it, but also try and get answers to their somewhat bewildering and in many ways shocking situation. Those answers ranged from helpful to puzzling to downright infuriating.

As most readers will by now know, Cooks Venture notified its chicken growers that it would close effective Nov. 30, essentially cutting its growers (and their birds) loose. The chickens are still Cooks Venture property, but the company apparently decided it was cheaper (for itself) to have the state poultry division send in teams to euthanize the birds in the chicken houses — on the former growers' property, basically sticking the farmers with the task (and expense) of cleaning up hundreds of thousands of pounds of dead meat.

This is a horrible situation for these farmers. Many of them told The Record the same story, that the notification of Cooks Venture going out of business came from out of nowhere, that the birds were to be destroyed immediately, and that no one has a clue A) why this is happening or B) what kind of financial responsibility the company is willing to accept. Many of them also said the same things at the meeting. No matter how you look at it, or who you talk to, these farmers have been hung out to dry.

What's the state's role in all this? It's still unclear at this point, though Patrick Fisk, the state's Poultry and Livestock director, made two rather bold admissions Thursday night: 1) that he alone was responsible for making the decision to destroy the birds rather than find some other solution that might benefit the farmers instead of sticking them with a big cleanup bill, and 2) that he was not acting on any state statutes as far as making that decision.

He offered to instruct his people to stop destroying the birds "immediately" if that was the will of the folks gathered in the Train Depot, but how would that have helped those who'd already been paid a visit by the foaming teams? That seemed like a random, almost desperate offer to me.

What a mess. Thursday night's meeting grew heated, and it took a lot of courage on Fisk's part to show up. State Sen. Bryan King got hot, as did many of those in attendance. They should have. So far as I understand it, this is a travesty on the part of both the state and a company that, as Fisk put it, decided to "walk away."

Two questions: What is Gov. Sarah Huckabee Sanders' stance in all this, and what will the Governor's Office do to help these folks?

Former grower for Cooks Venture says he has run out of feed for his chickens

Posted Wednesday, December 27, 2023

By Dan Marsh, Record Editor

A former chicken grower for Cooks Venture in Carroll County said thousands of his chickens are eating each other after going more than a week with little or no feed.

Dustin Maybee said he still hasn't heard from Cooks Venture about whether he will be paid for his birds or who will ultimately be responsible for removing the carcasses from his houses.

"I absolutely feel wronged and angry," Maybee said. "I will try to pursue the legal option. It's my only option, really."

Cooks Venture unexpectedly declared it would close by Nov. 30. The state poultry department foamed 1.3 million chickens in houses owned by the growers who had lost their jobs. In many cases, the state left the chickens to compost or rot, tasking the growers with removing the carcasses at their own expense.

The growers received the following letter from Cooks Venture on Nov. 17 from Blake Evans, executive vice president. The Record obtained the letter through a Freedom of Information Act request.

"To our Valued Grower Partners,

"We are writing to inform you of a significant development at Cooks Venture.

"The company is experiencing financial difficulty. The Board of the Company is continuing to work to find a solution to save the company — including speaking with a potential purchaser who may be able to take over the company and prevent a company shutdown.

"Unfortunately, if the potential sale of the Company does not occur, we will need to shut down the company and close its facilities sometime between November 20 and 30, 2023. If this happens, we are committed to winding down the company responsibly. All outstanding fees for services already rendered will be paid as part of this process.

"We want to express our deepest gratitude for the work you have done for Cooks Venture over the years. Your partnership has been a critical part of our business, and it is with a heavy heart that we find ourselves in this position."

'Complete disaster'

Maybee said he feels Cooks Venture is "waiting me out" to see how many chickens die before making any kind of decision about payment or removal.

He said the state "has no interest" in foaming his birds, though a crew from the Arkansas Department of Poultry and Livestock showed up on his property a couple of weeks ago on two occasions to foam the chickens. They left both times without euthanizing them.

Maybee owns five chicken houses on 7 acres of family property. He said he was growing his second flock for Cooks Venture when he was notified the poultry company would be closing. Shortly after receiving notice, he was told the state would be euthanizing his 75,000 birds, which are the property of Cooks Venture. The birds still haven't been euthanized but have received only small amounts of feed from the company over the past week.

"They're dying like flies," Maybee said of the birds. "I went six full days without feed and they came and gave me just a little dabble, I mean, not enough to fill the feed lines completely. They came back the next day with another little dabble.

"They're eating each other, they're eating the backs off each other's heads," Maybee said. "It's a disgusting sight, and situation. You can imagine the mortality in that many birds without food.

"From my understanding, the state wasn't interested in [euthanizing] anymore," Maybee continued. "That's what Cooks told me. I talked to whoever is left at Cooks and they said the state wasn't really wanting to do it anymore. They said they would reach out and find someone else to do it, so they could still dispose of the birds. If that conversation has been had, I've been out of the loop."

Dist. 28 State Sen. Bryan King said the state should at least "pay for the cleanup. They have taken on the private debt of a company."

King was referring to state Agriculture Secretary Wes Ward's response to his request for the Governor's Office to declare an emergency in the areas where Cooks Venture was having the state depopulate its chickens. Ward responded that the state could not assume private debt obligations.

"That's exactly what they've done," King said, noting that he does not know whether the state is continuing its depopulation program.

"I have never seen anybody less accountable," King said. "I'm not getting any answers on anything."

King confronted Patrick Fisk, director of the Poultry and Livestock Commission, about the decision to euthanize Cooks Ventures' birds, at a Dec. 7 meeting with growers in Green Forest. Fisk took full responsibility for the decision, saying he could not allow the birds to starve after Cooks Ventures' decision to go out of business.

"Mine was the last farm left" for euthanizing, Maybee said, "and it still hasn't happened. I don't know what is going on, I haven't heard anything."

King said it was a "complete disaster" for the state to euthanize smaller birds at other farms where there was still plenty of feed and save farms like Maybee's for last. Farms with young chickens "could have waited two weeks, now they are costing [Maybee]."

King said Maybee has gotten a couple of feed deliveries but "a ton [of feed] won't last two hours for birds that age.

"I'm not getting answers," King said. "[The state] is not answering to anyone."

Maybee said he is still supplying his own labor to "check the houses to make sure there are no leaks, because [the houses are still] my investment. I'm keeping them with fresh water and a controlled environment. That's all I can afford."