

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No D-12-387
)
)
Pasqual A. Leone dba)
P.A. Leone Livestock)
)
Respondent) Decision Without Hearing by
) Reason of Consent

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) instituted by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, charging that Pasqual A. Leone dba P.A. Leone Livestock (Respondent) willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (Rules of Practice) applicable to this proceeding (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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Pasqual A. Leone dba P.A. Leone Livestock (Respondent), is an individual with a business address of 5721 Eureka Road, Rome, NY 13440.

2. Respondent, at all times material to this Complaint, was:

a. Engaged in the business of buying and selling livestock in commerce as a dealer,

b. Engaged in the business of a market agency buying livestock in commerce on a commission basis, and

c. Registered with the Secretary of Agriculture as a dealer, and as a market agency to buy livestock in commerce on a commission basis.

Conclusions

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

Order


Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is hereby assessed a civil penalty of eight thousand five hundred dollars (\$8,500).


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

- (a) altering or fabricating purchase invoices from livestock auctions
- (b) presenting altered or fabricated purchase invoices to the purchasers of livestock, and
- (c) creating false business records showing the origin or purchase price of livestock.

The provisions of this Order shall become final and effective upon issuance (7 C.F.R. § 1.138).



Pasqual Leone


Mallorie A. Carbone, Esq.
Attorney for Respondent


Jonathan Gordy, Esq.
Attorney for Complainant

Done at Washington, DC

this 15th day of April 2012


Administrative Law Judge