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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) Docket No - 12-0387  
)  
)  
)  
Pasqual A. Leone dba )  
P.A. Leone Livestock )  
)  
Respondent ) Complaint

There is reason to believe that the Respondent, Pasqual A. Leone dba P.A. Leone Livestock, has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.)(Act); therefore, this Complaint is issued alleging the following:

I.

- (a) Pasqual A. Leone dba P.A. Leone Livestock (Respondent), is a individual with a business address of 5721 Eureka Road, Rome, NY 13440.
- (b) Respondent, at all times material to this Complaint, was:
  - (1) Engaged in the business of buying and selling livestock in commerce as a dealer,
  - (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis, and
  - (3) Registered with the Secretary of Agriculture as a dealer, and as a market agency to buy livestock in commerce on a commission basis.

II.

(a) On or about the dates and in the transactions set forth below,

Respondent purchased livestock on behalf of Marcho Farms Inc. on an \$8 per head commission basis, and Respondent altered or fabricated invoices from livestock auctions by increasing the amounts paid for cattle, to falsely inflate the prices to

Marcho Farms Inc.:

Purchased From	Invoice Date	Purchase Price	Falsified Invoice	Falsified Price	Difference
Empire Livestock, LLC - Gouverneur, NY	2/9/2009	\$ 367.80	Northern NY Farmers' Marketing Coop., Inc.	\$ 586.90	\$ 219.10
Northern NY Farmers' Marketing Coop., Inc.	2/9/2009	\$ 40.75	Northern NY Farmers' Marketing Coop., Inc.	\$ 247.30	\$ 206.55
Northern NY Farmers' Marketing Coop., Inc.	2/12/2009	\$ 370.90	Northern NY Farmers' Marketing Coop., Inc.	\$ 695.40	\$ 324.50
Empire Livestock, LLC - Gouverneur, NY	2/12/2009	\$ 198.35	Northern NY Farmers' Marketing Coop., Inc.	\$ 335.10	\$ 136.75
Northern NY Farmers' Marketing Coop., Inc.	2/16/2009	\$ 673.60	Northern NY Farmers' Marketing Coop., Inc.	\$ 753.80	\$ 80.20
Empire Livestock, LLC - Gouverneur, NY	2/16/2009	\$ 233.00	Northern NY Farmers' Marketing Coop., Inc.	\$ 490.85	\$ 257.85
Northern NY Farmers' Marketing Coop., Inc.	2/16/2009	\$ 412.80	Northern NY Farmers' Marketing Coop., Inc.	\$ 713.45	\$ 300.65
Northern NY Farmers' Marketing Coop., Inc.	2/19/2009	\$ 448.10	Northern NY Farmers' Marketing Coop., Inc.	\$ 792.80	\$ 344.70
Empire Livestock, LLC - Gouverneur, NY	2/19/2009	\$ 198.00	Northern NY Farmers' Marketing Coop., Inc.	\$ 376.60	\$ 178.60
Empire Livestock, LLC - Gouverneur, NY	2/23/2009	\$ 230.10	Northern NY Farmers' Marketing Coop., Inc.	\$ 407.60	\$ 177.50

Northern NY Farmers' Marketing Coop., Inc.	2/23/2009	\$ 464.65	Northern NY Farmers' Marketing Coop., Inc.	\$ 836.10	\$ 871.45
Empire Livestock, LLC - Gouverneur, NY	2/26/2009	\$ 220.20	Northern NY Farmers' Marketing Coop., Inc.	\$ 428.40	\$ 208.20
Northern NY Farmers' Marketing Coop., Inc.	2/26/2009	\$ 343.30	Northern NY Farmers' Marketing Coop., Inc.	\$ 687.70	\$ 344.40
Empire Livestock, LLC - Gouverneur, NY	3/2/2009	\$ 271.40	Northern NY Farmers' Marketing Coop., Inc.	\$ 516.50	\$ 245.10
Northern NY Farmers' Marketing Coop., Inc.	3/2/2009	\$ 428.65	Northern NY Farmers' Marketing Coop., Inc.	\$ 769.95	\$ 416.40
Empire Livestock, LLC - Gouverneur, NY	3/5/2009	\$ 170.00	Northern NY Farmers' Marketing Coop., Inc.	\$ 339.70	\$ 169.70
Northern NY Farmers' Marketing Coop., Inc.	3/5/2009	\$ 486.45	Northern NY Farmers' Marketing Coop., Inc.	\$ 858.25	\$ 371.80
Empire Livestock, LLC - Gouverneur, NY	3/16/2009	\$ 243.65	Northern NY Farmers' Marketing Coop., Inc.	\$ 511.15	\$ 270.50
Northern NY Farmers' Marketing Coop., Inc.	3/16/2009	\$ 516.80	Northern NY Farmers' Marketing Coop., Inc.	\$ 983.30	\$ 421.50
Seymour's Commission Sale	3/18/2009	\$ 258.13	Seymour's Commission Sale	\$ 398.18	\$ 140.05
Empire Livestock, LLC - Gouverneur, NY	3/19/2009	\$ 57.00	Northern NY Farmers' Marketing Coop., Inc.	\$ 102.60	\$ 45.60
Northern NY Farmers' Marketing Coop., Inc.	3/19/2009	\$ 181.70	Northern NY Farmers' Marketing Coop., Inc.	\$ 417.40	\$ 235.70
<b>Totals</b>		<b>\$7255.33</b>			<b>\$5551.80</b>

(b) Respondent falsified the records of his business that documented the transactions described in paragraph II(a) above.

### III.

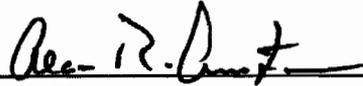
By reason of the facts alleged in paragraph II, Respondent willfully violated sections 312 and 401 of the Act (7 U.S.C. §§ 213, 221).

**WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter "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, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:**

- 1. That unless Respondent fails to file an answer within the time allowed, or file 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 Respondent to cease and desist from the violations of the Act found to exist, suspending Respondent as a registrant under the Act, and assessing such civil penalties against Respondent as is authorized by the Act and warranted in the circumstances.**

Done at Washington, D.C.  
this 23 day of April, 2012



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

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