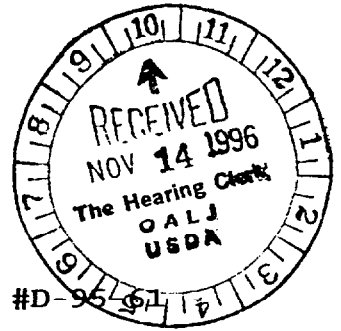


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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In Re:

Little Joe Livestock-Meats )  
Inc., and Joseph Pagliuso, )  
Jr., )  
Respondents )

P. & S. Docket #D-95-61

Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § et seq.) by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents wilfully violated the Act. The decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint in this matter and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision

Findings of Fact

1. Respondent Little Joe Livestock-Meats, Inc., hereinafter referred to as the corporate respondent, is a New York corporation whose business mailing address is 6808 North Slocum Road, Ontario, NY 14519.

2. The corporate respondent is, and at all times material herein was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and for the accounts of others.

(b) Engaged in the business of a market agency buying livestock on a commission basis; and

(c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

3. Respondent Joseph Pagliuso, Jr., hereinafter referred to as the individual respondent, is an individual whose business mailing address is 6808 North Slocum Road, Ontario, NY 14519.

4. The individual respondent is, and at all times material herein was:

(a) President and owner of 100 percent of the stock of the corporate respondent;

(b) Responsible for the direction, management and control of the corporate respondent;

(c) The alter ego of the corporate respondent; and

(d) A dealer and a market agency within the meaning of these terms under the Act and subject to the Act.

#### Conclusions

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

ORDER

Respondent Little Joe Livestock-Meats, Inc., its officers, directors, agents, employees, successors and assigns, and respondent Joseph Pagliuso, Jr., his agents and employees, directly or through any corporate or other device, in connection with their operations as a dealer and market agency, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock;
  2. Failing to pay the full purchase price of livestock;
- and
3. Issuing checks in payment for livestock without sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented.

Respondents are suspended as registrants under the Act for a period of 5 years. Provided, however, that upon application to Packers and Stockyards Programs, GIPSA, a supplemental order may be issued terminating the suspensions at any time after the expiration of the initial 90 days of the suspension term upon demonstration by respondents that all livestock sellers identified in the complaint in this proceeding have been paid in full. Provided further, that this order may be modified upon application to the Packers and Stockyards Programs, GIPSA, to permit the salaried employment of respondent Joseph Pagliuso, Jr., by another registrant or packer after the expiration of the initial 90 days of this suspension term and upon the demonstration of circumstances warranting modification of the order.

The provisions of this order shall become effective on the sixth day after service of this decision on the respondents. Copies of this decision shall be served upon the parties.

LITTLE JOE LIVESTOCK-MEATS, INC.,

By: *Joseph Pagliuso, Jr.*  
JOSEPH PAGLIUSO, JR., President

*Joseph Pagliuso, Jr.*  
JOSEPH PAGLIUSO, JR.  
Respondent

*Eric Paul*  
ERIC PAUL  
Attorney for Complainant

Issued this 17<sup>th</sup> day of  
November, 1996

*Daniel G. Baker*  
Administrative Law Judge