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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D- 97-0018
)
Prindle Leasing Co., Inc. d/b/a Joseph)
Latella & Sons and Peter A. Latella, Sr.,)
) Consent Decision as to respondent Prindle
Respondents) Leasing Co. d/b/a Joseph Latella & Sons

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a Complaint and Notice of Hearing filed by the Acting Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.). This decision against respondent Prindle Leasing Co. d/b/a Joseph Latella & Sons is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Prindle Leasing Co. d/b/a Joseph Latella & Sons admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing, 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.

The complainant agrees to the entry of this decision.

Findings of Fact

- (1) Prindle Leasing Co., d/b/a Joseph Latella & Sons is a corporation whose mailing address is 85 Prindle Road, West Haven, Connecticut 06516.
- (2) Respondent Prindle Leasing Co., d/b/a Joseph Latella & Sons is, and at all times

material herein was:

- (a) Engaged in the business of buying livestock in commerce for purposes of slaughter; and
 - (b) A packer within the meaning of and subject to the provisions of the Act.
- (3) On February 6, 1996, respondent Prindle Leasing Co., d/b/a Joseph Latella & Sons filed a petition under Chapter 11 of the Bankruptcy Code (11 U.S.C. § 1101) in the United States Bankruptcy Court, District of Connecticut, Division of New Haven.

Conclusions

Respondent Prindle Leasing Co., d/b/a Joseph Latella & Sons, having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

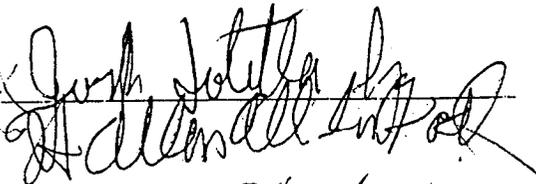
Respondent Prindle Leasing Co., d/b/a Joseph Latella & Sons, its officers, directors, agents, employees, successors and assigns, individually or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:

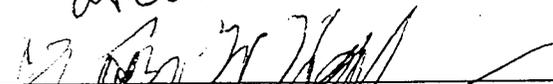
1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay for the full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

The provisions of this order shall become effective on the sixth day after service of this order on respondent Prindle Leasing Co., d/b/a Joseph Latella & Sons.

Copies of this decision shall be served upon the parties.

PRINDLE LEASING CO.
D/B/A JOSEPH LATELLA & SONS

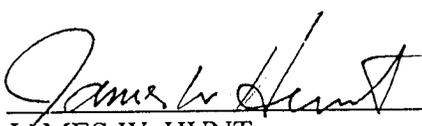
By: 


MARTIN W. HOFFMAN, ESQ.
Attorney for Respondent Prindle Leasing Co. *DIP*
d/b/a Joseph Latella & Sons


ANDREW Y. STANTON, ESQ.
Attorney for Complainant

Issued this 23rd day of

April, 1998.


JAMES W. HUNT
Administrative Law Judge