

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH AIELLO AND SONS, INC.

Defendant.

Civil Action No.: 1:17-cv-00562-FJS-CFH

CONSENT DECREE

WHEREAS, the United States commenced this action under the Perishable Agricultural Commodities Act, 1930 (PACA), 7 U.S.C. § 499a *et seq.*, alleging that Joseph Aiello and Sons, Inc. (Aiello), has purchased and sold perishable agricultural commodities in interstate commerce without holding a valid and effective PACA license.

WHEREAS, Aiello acknowledges that it is and has at all times alleged in the complaint been subject to the PACA, and that it violated the PACA as alleged in the complaint.

WHEREAS, Aiello's president, Joseph J. Aiello (Mr. Aiello), represents that (i) the PACA's requirements as they apply to Aiello have been explained to him by counsel, (ii) he understands the PACA's requirements, and (iii) he recognizes that it is his responsibility to ensure that Aiello complies with the PACA.

WHEREAS, the undersigned agree that settlement of this action is in the public interest.

WHEREAS, Aiello waives formal service of the complaint and summons as set forth in Rule 4 of the Federal Rules of Civil Procedure.

NOW THEREFORE, with the consent and agreement of the undersigned parties,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:


1. That the Court has jurisdiction of the subject matter pursuant to the PACA, 7 U.S.C. §§ 499c(a), 499h(d), and 499l, and 28 U.S.C. §§ 1331, 1345, and 1355.

2. That Aiello, its owners, associates, agents, employees, servants, and assigns, and all persons in active concert or participation with Aiello, hereby are permanently enjoined and restrained from engaging in, or carrying on, or operating in the produce business as a dealer, broker or commission merchant in interstate or foreign commerce within the meaning of such terms as they are defined in the PACA without holding a license that is valid and effective under it.

3. That Aiello pay to the United States of America a \$5,000 civil penalty within 10 days of the entry of this Consent Decree.

4. That this Court shall retain jurisdiction for the purpose of enforcing this decree and for the purpose of granting such additional relief as may hereafter appear necessary or appropriate.

IT IS SO ORDERED this 30th day of May, 2017.



Frederick J. Scullin, Jr.
Senior U. S. District Judge

Entry Consented to:

For the United States of America:

RICHARD S. HARTUNIAN
United States Attorney

For Joseph Aiello and Sons, Inc.:

MAZZOTTA, SHERWOOD &
VAGIANELIS, P.C.

By: /s/ Adam J. Katz
ADAM J. KATZ (Bar No. 517894)
Assistant United States Attorney

By: 
JOHN F. HAYKO (Bar No. 2175966)
Of Counsel