

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES DEPARTMENT OF
JUSTICE, IMMIGRATION AND
NATURALIZATION SERVICE

Complainant

vs.

8 U.S.C. 1324a Proceedings
OCAHOCase No. 96A00063

Judge Joseph E. McGuire

N. PICCO & SONS CONTRACTING
CO.. INC.

Respondent

DECISION AND ORDER

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

(1) The document entitled Consent Findings contained in the Motion to approve Consent Findings, submitted by the parties, including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as fully set out herein.

(2) The parties have agreed that Respondent admits the allegations set forth in the Complaint thereby conceding violations of section 274A(a)(1)(B) of the Immigration and Nationality Act (hereinafter the "Act"), 8 U.S.C. section 1324(a)(1)(B). I conclude that the document entitled Consent Findings is fair and satisfactory and there is no reason not to accept it, within contemplation of 28 C.F.R. section 68.14.

(3) On the basis of the Consent Findings, I find and conclude that N. Picco & Sons Contracting Co., Inc. has violated section 274(a)(1)(B) of the Act, 8 U.S.C. section 1324a(a)(1)(B) with regard to the employment of the individuals referred to in the Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED:

(1) that the motion to approve the Consent Findings is granted;

(2) that Respondent pay a civil monetary penalty of two thousand two hundred fifty (\$2,250.00) payment to be made by cashier's or certified check upon approval of the Consent Findings.

(3) that each party bear its own attorney fees, costs and other expenses incurred by such party in connection with these proceedings;

(4) that this Decision and Order has the same force and effect as a Decision and Order made after a full administrative hearing;

(5) that the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing and the Consent Findings;

(6) that the parties have waived any further procedural steps before the Administrative Law Judge;

(7) that this Decision and Order is final and unappealable and that the parties have waived any and all right to challenge or contest the validity of this Decision and Order in any forum; and

(8) that the hearing in this case is canceled.

SO ORDERED

Dated this 9th day of January, 1997.

Honorable Joseph E. McGuire
Administrative Law Judge