

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

April 15, 1999

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 98A00085
	)	
GRIFONE RESTAURANT CORP.,	)	
d/b/a GRIFONE RISTORANTE	)	
Respondent.	)	
_____	)	

FINAL DECISION AND ORDER  
GRANTING JOINT MOTION TO DISMISS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Immigration and Naturalization Service (INS) is the Complainant and Grifone Restaurant Corp., d/b/a Grifone Ristorante is the respondent. INS filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) to which a timely answer was filed. Discovery was undertaken and on April 12, 1999, the parties filed a Joint Motion to Dismiss, together with a Settlement Agreement signed by both parties which agreement resolves all issues raised by the complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure<sup>1</sup>:

(a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

(1) Submit to the presiding Administrative Law Judge:

- (I) The proposed agreement containing consent findings; and
- (ii) A proposed decision and order;

or (emphasis added)

(2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who

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<sup>1</sup> Rules of Practice and Procedure for Administrative Hearings, 64 Fed. Reg. 7066 (1999)(to be codified at 28 C.F.R. Part 68) (hereinafter cited as 28 C.F.R. § 68).

may require the filing of the settlement agreement.  
28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and find that its terms are appropriate and that the Motion to Dismiss should be, and it hereby is, granted and the action is dismissed.

SO ORDERED.

Dated and entered this 15<sup>th</sup> day of April, 1999.

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Ellen K. Thomas  
Administrative Law Judge

#### Appeal Information

This order dated April 15, 1999 shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. Part 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. Part 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.

CERTIFICATE OF SERVICE

I hereby certify that on this 15<sup>th</sup> day of April, 1999, I have served copies of the foregoing Final Decision and Order Granting Motion to Dismiss on the following individuals at the addresses indicated:

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