

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

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. §1324a Proceeding
) Case No. 91100078
)
SEA DART TRADING CORP.,)
Respondent.)
_____)

ORDER TO SHOW CAUSE
(June 4, 1991)

The Immigration and Naturalization Service (INS), filed its Complaint in this case on May 8, 1991, alleging violations by Respondent corporation of 8 U.S.C. §1324a(a)(1)(A) and/or §1324a(a)(2), prohibition against unauthorized employment, and of 8 U.S.C. §1324(a)(1)(B), paperwork verification requirements. The Complaint demanded a total of \$24,750 in civil money penalties and issuance of a cease and desist order.

By Notice of Hearing (Notice) issued May 9, 1991, Respondent was cautioned that failure to answer the Complaint within 30 days of receipt of that Notice, with the Complaint enclosed, might result in a default entered by the administrative law judge. The parties were advised by the Notice that I was the assigned judge to hear this case.

On May 9, 1991 the docket section of this Office mailed the Notice, with the Complaint enclosed, to Respondent, addressed as follows: Anthony Vasile, President, Sea Dart Trading Corporation, 2767 Flatbush Avenue, Brooklyn, NY 11234. The Notice and Complaint were mailed to the address provided by INS as Respondent's service address in its transmittal letter to the Chief Administrative Hearing Officer and on its underlying Notice of Intent to Fine (NIF). The Postal Service returned the Notice and accompanying Complaint to this Office endorsing the wrapper, "Moved Not Forwardable."

Service of the Complaint and Notice of Hearing has been frustrated by the inability to reach Respondent by mail. This Order invites INS to take one of several actions:

(1) INS may move to dismiss the Complaint without prejudice.

(2) INS may effect service, and file a certificate attesting to that fact, in accordance with the Rules of Practice and Procedure in cases before administrative law judges, 28 C.F.R. §68.3(a), including, for example, service on the "registered agent for service of process" of Respondent.

(3) If INS is able to locate the principal office or place of business of Respondent it may be able to effect service and to so certify in accord with 28 C.F.R. §68.3(b).

INS will be expected to advise me of its completed actions by an appropriate pleading to be filed not later than June 26, 1991. I will expect an explanatory pleading; to simply file a return of service will not be treated as compliance with this Order. Failing effective service or an appropriate motion to dismiss, I will consider dismissal, without prejudice, sua sponte.

SO ORDERED.

Dated this 4th day of June, 1991.

MARVIN H. MORSE
Administrative Law Judge