

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, DC 20436**

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<b>In the Matter of</b>	)	
	)	
<b>CERTAIN POINT OF SALE TERMINALS</b>	)	<b>Inv. No. 337-TA-524</b>
<b>AND COMPONENTS THEREOF</b>	)	<b>(Sanctions Proceeding)</b>
	)	
	)	

**ORDER**

On June 7, 2005, the presiding administrative law judge (“ALJ”) issued Order No. 48 imposing, *sua sponte*, monetary sanctions on complainant Verve LLC (“Verve”) of Austin, Texas, its principals, and its counsel in the amount of one million dollars to be paid within ten days from issuance of the order. On June 13, 2005, Verve filed a motion to stay enforcement of Order No. 48, pending its appeal of the order to the Commission.

On June 8, 2005, the ALJ issued an initial determination (“ID”) (Order No. 49) granting Verve’s motion for withdrawal of the complaint and termination of the investigation. The Commission determined to treat Order No. 48 and Order No. 49 as having issued concurrently. *See* Commission Rule 210.25 (explaining that parties may petition under Commission Rule 210.43(b) for review of sanctions orders that issue concurrently with the final initial determination). On July 8, 2005, the Commission issued notice that it had determined not to review Order No. 40, denying the respondents’ motion for sanctions, and Order No. 49, terminating the investigation. It also granted Verve’s motion to stay enforcement of Order No. 48, pending its appeal of that order to the Commission.

On February 28, 2006, the Commission issued an Opinion and Order in which it clarified

the Commission's rules on sanctions, 19 C.F.R. 210.4(c)-(d), and remanded the matter to the ALJ for further proceedings consistent therewith.

The ALJ conducted further proceedings on remand, and on February 6, 2007, the ALJ issued Order No. 63 imposing sanctions of \$30,000 on Verve, the law firm of Simon, Galasso & Frantz, PLC ("SGF"), and Raymond Galasso, an attorney in the firm of SGF and a principal of Verve LLC. On March 23, 2007, Verve, SGF, and Mr. Galasso filed a petition for review. Hypercom and the IA filed responses. However, pursuant to a settlement agreement, Verve, SGF, and Mr. Galasso withdrew their petition for review on June 8, 2007.

Having considered Order No. 63 and the relevant portions of the record in this proceeding, the Commission hereby adopts the remand determination of the ALJ and

ORDERS that:

- (1) Complainant Verve, and the law firm of Simon, Galasso & Frantz, PLC and Raymond Galasso, who served as attorneys for Verve, shall forfeit and pay to the United States monetary sanctions in the amount of \$30,000. Verve, the law firm of Simon, Galasso & Frantz, PLC, and Raymond Galasso shall have joint and several liability for the payment of these monetary sanctions;
- (2) Payment shall be made by check payable to the United States Treasury to be delivered to the Secretary of the Commission. Such payment shall be made on or before October 26, 2007,  
and
- (3) The sanctions proceeding is hereby terminated.

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: September 25, 2007