

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 06-0010
)	
Sam Mazzola, an individual, d/b/a))	
World Animal Studios, Inc., a))	
former Ohio domestic corporation,)))	
and Wildlife Adventures of Ohio,))	
Inc., a former Florida domestic))	
stock corporation currently))	
licensed as a foreign corporation))	
in Ohio,))	
)	
Respondent))	
)	
	and	
)	
In re:)	AWA Docket No. D-07-0064
)	
Sam Mazzola,))	Order Vacating Order Denying
)	Petition to Reconsider and Ruling
Petitioner))	Denying Motion for Oral Argument

I issued a Decision and Order in the instant proceeding on November 24, 2009. *In re Sam Mazzola*, ___ Agric. Dec. ___ (Nov. 24, 2009). On December 2, 2009, the Hearing Clerk served Mr. Mazzola with the Decision and Order.¹ The rules of practice applicable

¹United States Postal Service Domestic Return Receipt for article number 7007 0710 0001 3860 8668.

to the instant proceeding² provide that a petition to reconsider the Judicial Officer's decision must be filed within 10 days after the date of service of the decision. Therefore, Mr. Mazzola was required to file a petition to reconsider no later than December 14, 2009; however, Mr. Mazzola requested and I granted two extensions of time within which to file a petition to reconsider.³ On January 25, 2010, Mr. Mazzola filed a petition to reconsider *In re Sam Mazzola*, ___ Agric. Dec. ___ (Nov. 24, 2009). On February 19, 2010, I denied Mr. Mazzola's petition to reconsider on the ground that Mr. Mazzola's petition to reconsider was untimely.

On February 24, 2010, Mr. Mazzola informed me, by telephone, that my January 6, 2010, Informal Order Extending Time To File Petition To Reconsider, which extends Mr. Mazzola's time for filing a petition to reconsider to January 22, 2010, does not reflect the extension I agreed to in my January 6, 2010, telephone conversation with him. Instead, Mr. Mazzola recalls that on January 6, 2010, he requested an extension to January 28, 2010, and that I had orally agreed to that extension. I give Mr. Mazzola the benefit of the doubt and hereby vacate my February 19, 2010, Order Denying Petition to

²The rules of practice applicable to the instant proceeding are the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-.151).

³See December 9, 2009, Informal Order Extending Time To File Petition To Reconsider in which I extend Mr. Mazzola's time for filing a petition to reconsider to January 8, 2010; and January 6, 2010, Informal Order Extending Time To File Petition To Reconsider in which I extend Mr. Mazzola's time for filing a petition to reconsider to January 22, 2010.

Reconsider and Ruling Denying Motion for Oral Argument and find Mr. Mazzola's January 25, 2010, petition to reconsider timely. Accordingly, I will consider the merits of Mr. Mazzola's petition to reconsider and issue an appropriate order in a future filing.

For the foregoing reason, the following Order is issued.

ORDER

1. Mr. Mazzola's January 25, 2010, petition to reconsider is deemed timely.
2. The Judicial Officer's February 19, 2010, Order Denying Petition to Reconsider and Ruling Denying Motion for Oral Argument is vacated.

Done at Washington, DC

March 1, 2010

William G. Jenson
Judicial Officer