

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

DEPARTMENT OF JUSTICE
2010 JUL -8 PM 2:01
CHIEF ADMINISTRATION
HEARING OFFICE

UNITED STATES OF AMERICA,

COMPLAINANT,

v.

GARLAND SALES, INC.,

RESPONDENT.

8 U.S.C. § 1324b PROCEEDING

OCAHO CASE NO. _____

STATEMENT PURSUANT TO 28 C.F.R. §§ 68.3, 68.7(b)(5)

Pursuant to 28 C.F.R. §§ 68.3 and 68.7(b)(5), the United States hereby provides the Office of the Chief Administrative Hearing Office the following service information in the above-captioned matter:

Katherine A. Baldwin, Esq.
Deputy Special Counsel
Elizabeth I. Hack, Esq.
Special Litigation Counsel
C. Sebastian Aloat, Esq.
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration-Related
Unfair Employment Practices
950 Pennsylvania Ave., N.W
Washington, DC 20530
Tel: (202) 616-5594
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Counsel for the Complainant, United States of America

COPY

J. Tracy Ward, Esq.
Sponcler & Tharpe, LLC
225 W King Street
Dalton, Georgia 30720
Telephone: (706) 278-5211
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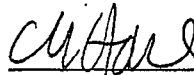
Counsel for the Respondent, Garland Sales, Inc.

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division



KATHERINE A. BALDWIN
Deputy Special Counsel
Office of Special Counsel for Immigration-Related
Unfair Employment Practices



ELIZABETH I. HACK
Special Litigation Counsel
Office of Special Counsel for Immigration-Related
Unfair Employment Practices



C. SEBASTIAN ALOOT
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Unfair Employment Practices
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Telephone: (202) 616-5594
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Dated: July 8, 2010

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

UNITED STATES OF AMERICA,)
Complainant,)
) 8 U.S.C. § 1324b PROCEEDING
)
v.)
) OCAHO CASE NO. _____
)
GARLAND SALES, INC.) COMPLAINT
Respondent.)
_____)

COPY

COMPLAINT

Complainant, the United States of America, alleges as follows:

1. This action is brought on behalf of the Office of Special Counsel for Immigration Related Unfair Employment Practices (“Office of Special Counsel”) to enforce the provisions of the Immigration and Nationalization Act relating to immigration-related unfair employment practices pursuant to 8 U.S.C. § 1324b (“INA”).
2. This suit arises out of the discriminatory conduct by Garland Sales, Inc. (“Respondent” or “Garland”) in violation of the anti-discrimination provisions of the INA, 8 U.S. § 1324b(a)(6) with regard to the discriminatory treatment of certain individuals in the employment eligibility verification process.

JURISDICTION

3. Pursuant to 8 U.S.C. § 1324b(c)(2) and (d)(1), the Office of Special Counsel is charged with investigating charges, initiating investigations and prosecuting complaints alleging immigration-related unfair employment practices.
4. [REDACTED] (“Charging Party”) is a U.S. citizen authorized to work in the United States, and is protected under 8 U.S.C. § 1324b(a)(3).

5. Respondent, a Georgia corporation based in Dalton, Georgia engaged in the manufacture and sale of rugs, is a person or entity within the meaning of 8 U.S.C. § 1324b(a)(1), and employed more than three employees on the date of the alleged immigration-related unfair employment practices described below.
6. On July 14, 2009, 53 days after the Charging Party was subjected to prohibited unfair employment practices within the meaning of 8 U.S.C. § 1324b by Respondent, the Office of Special Counsel accepted as complete a charge of citizenship status discrimination from the Charging Party against Respondent.
7. On November 13, 2009, the Charging Party received notice (Attachment "A"), by certified mail, that the Office of Special counsel was continuing its investigation of the charge and that the Charging Party had the right to file his own complaint before an Administrative Law Judge. Accordingly, the time within which the Charging Party could have filed a complaint with OCAHO expired on February 11, 2010.
8. On February 4, 2010 (Attachment "B"), March 18, 2010 (Attachment "C"), April 28, 2010 (Attachment "D"), and June 3, 2010 (Attachment "E"), Respondent executed Stipulations extending the time within which OSC might file a complaint with OCAHO from February 11, 2010, to July 11, 2010, in order to "increase judicial efficiency by allowing additional time to resolve the charge."

STATEMENT OF FACTS

9. On the morning of May 22, 2009, the Charging Part went to the Respondent's Dalton, Georgia facility for the purpose of obtaining employment as a general laborer.
10. Since at least May 22, 2009, if not significantly earlier, it has been Garland's policy and practice that applicants for employment as general laborers are required to line up at the gate to the Dalton facility in the order of their arrival, and [REDACTED], Garland's Human Resources Director, selects for employment the number of applicants

necessary to fill that day's number of vacancies, based on the applicants' (1) position in the line and (2) ability to produce two forms of identification.

11. On May 22, 2009, Garland needed to fill seven positions for general laborer.
12. On May 22, 2009, the Charging Party was among the first seven applicants in line at the gate to the Respondent's Dalton facility.
13. Consistent with Garland's hiring policy described in Paragraph 10, above, [REDACTED] required the Charging Party to produce two forms of identification before allowing him to enter Garland's Dalton facility to complete the "new hire package."
14. The Charging Party produced his then-current Georgia state driver's license and his unrestricted Social Security card.
15. Based on his national origin and perceived citizenship status, [REDACTED] asked the Charging Party to also produce his Green Card, I-551, issued by the Department of Homeland Security ("DHS").
16. Upon being advised by the Charging Party that he was a U.S. citizen and did not possess a Form I-551, [REDACTED] allowed the Charging Party to enter the facility to complete a "new hire package" and begin his employment.
17. Because of the Charging Party's limited English proficiency, [REDACTED] assigned [REDACTED], a Spanish-speaking employee, to assist him in completing the "new hire package," including an Employment Eligibility Verification (I-9) form.
18. [REDACTED] assisted the Charging Party in completing Section 1 of the Form I-9, including the Section's attestation portion wherein the Charging Party certified, under penalty of perjury, that he was a U.S. citizen.
19. [REDACTED] completed the "Preparer and/or Translator Certification" portion of Section 1 of the Charging Party's Form I-9, certifying, under penalty of perjury, that she "had assisted in the completion of this form and that to the best of [her] knowledge the

information is true and correct.”

20. For the purpose of completing Section 2 of his Form I-9, the Charging Party produced his then-current Georgia state driver's license and his unrestricted Social Security card, which [REDACTED] relied upon in completing Section 2 of the Charging Party's Form I-9.
21. Despite the legal sufficiency of the documents produced by the Charging Party to establish his identity and work authorization for the purpose of completing Section 2 of the Form I-9, [REDACTED] asked him to produce his Form I-551.
22. The Charging Party advised [REDACTED] that he did not possess a Form I-551 because he is a U.S. citizen.
23. [REDACTED] told the Charging Party that he should bring his passport or certificate of naturalization the next day to preserve his job.
24. The Charging Party voiced objection to [REDACTED] demand for additional documents beyond those he had already produced, and advised Garland of his intent to seek intervention by appropriate law enforcement entities should Garland persist in requesting a Form I-551.
25. Immediately after the Charging Party voiced his objection, Garland withdrew its offer of employment to the Charging Party.
26. The Charging Party suffered a loss of earnings and other employment benefits as a result of being denied employment by Garland.
27. Between December 22, 2008 and February 28, 2010, Garland hired 180 individuals other than the Charging Party, and Garland completed a Form I-9 for each of these hires.
28. Of the 59 completed Forms I-9 for U.S. citizens other than the Charging Party who, during the period December 22, 2008, to February 28, 2010, 58 produced only the minimum number of documents required under 8 U.S.C. § 1324a to establish his or her identity and work authorization. The only U.S. citizen who produced more than the minimum

documents was a limited-English-proficient Hispanic employee.

29. Garland has admitted in writing to the Office of Special Counsel on two occasions that it has a policy requiring non-U.S. citizens to produce a Department of Homeland Security document to establish their work authority.
30. Of the 122 non-U.S. citizens who completed I-9 Forms between December 22, 2008, and February 28, 2010, all were required to produce more than the minimum number of documents required under 8 U.S.C. §1324a to establish his or her identity and work authorization, and all were required to produce a Form I-551 or a Form I-766 Employment Authorization Document (commonly known as a “work permit”).

**COUNT I
DOCUMENT ABUSE AGAINST [REDACTED] AND
OTHER SIMILARLY SITUATED PARTIES**

31. Complainant incorporates by reference the allegations set forth in paragraphs 1 through 30 as if fully set forth herein.
32. Respondent knowingly and intentionally committed document abuse discrimination against the Charging Party, and other similarly situated individuals, when it required actual or perceived non-U.S. citizens to provide for employment eligibility verification purposes a document issued by INS or DHS in order to verify their employment eligibility.
33. Respondent’s actions constitute an unfair immigration-related employment practice in violation of 8 U.S.C. § 1324b(a)(6).

**COUNT II
PATTERN OR PRACTICE OF DOCUMENT ABUSE
IN THE HIRING AND EMPLOYMENT ELIGIBILITY
VERIFICATION PROCESS**

34. Complainant incorporates by reference the allegations set forth in paragraphs 1 through 33, above as if fully set forth herein.

35. The pattern of discriminatory documentary practices described in Paragraphs 9-33, above, is not exhaustive but is illustrative of a pattern of discriminatory documentary practices that existed prior to May 22, 2009, and that continues to the present time.
36. Garland has relied upon, and continues to rely upon, documentary policies in connection with its determinations of employment eligibility under 8 U.S.C. §1324a that discriminate against individuals based on citizenship status, and that impose additional burdens on some employees because of their actual or perceived citizenship status as non-U.S. citizens, in violation of the anti-discrimination provision of the Immigration and Nationality Act, 8 U.S.C. § 1324b(a)(6). Garland has implemented this pattern or practice, among other ways, through:
- a. Requiring that all actual or perceived non-U.S. citizen applicants produce a Form I-551 before they are allowed to complete Garland's employment application process for general laborer positions; and
 - b. Requiring that all actual or perceived non-U.S. citizens produce a Form I-551, in addition to other documents, in connection with Garland's completion of the Employment Eligibility Verification (I-9) form required under the INA.
37. The hiring policies and practices of Garland described above constitute a pattern or practice of document abuse in violation of 8 U.S.C. §1324b(a)(6) depriving actual or perceived non-U.S. citizens of their right to equal employment opportunities without discrimination based on citizenship status or national origin. This pattern or practice is of such a nature and is intended to deny the full exercise of rights secured by 8 U.S.C. §1324b. Unless restrained by order of this Court, Garland will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

**COUNT III
RETALIATION**

36. Complainant incorporates by reference the allegations set forth in paragraphs 1 through 33, above, as if fully set forth herein.
37. The Charging Party's actions described in Paragraph 24, above, constituted "protected activity" within the meaning of 8 U.S.C. 1324b(a)(5).
38. Garland's withdrawal of its offer of employment described in Paragraph 25, above, solely because the Charging Party engaged in "protected activity" constituted illegal retaliation in violation of 8 U.S.C. §1324b(a)(5).
39. All conditions precedent to the filing of suit have been performed or have occurred.

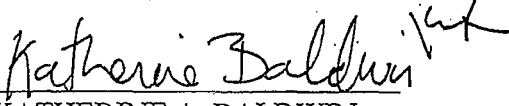
WHEREFORE, the United States prays for the following relief:


1. Order Garland to refrain from discriminating on the basis of national origin and/or citizenship status in violation of 8 U.S.C. § 1324b, in particular by ceasing its reliance upon discriminatory documentary practices at all stages of its employment process.
2. Order Garland to make whole the Charging Party, and each other injured person entitled to individual relief under 8 U.S.C. §1324b.
3. Order Garland to pay a civil penalty of \$1,100 with respect to the Charging Party, and each other protected individual who was injured or otherwise improperly burdened by Respondent's unlawful pattern or practice of discriminatory documentary practices in violation of 8 U.S.C. §1324b(a)(6).
4. Order Garland to pay a civil penalty of \$3,200 with respect to the Charging Party, and each other person who was subjected to retaliation in violation of 8 U.S.C. §1324b(a)(5).

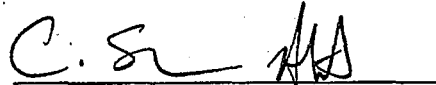
5. Order such additional relief as justice may require.

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division


KATHERINE A. BALDWIN
Deputy Special Counsel
Office of Special Counsel for Immigration Related
Unfair Employment Practices


ELIZABETH I. HACK
Special Litigation Counsel
Office of Special Counsel for Immigration Related
Unfair Employment Practices


C. SEBASTIAN ALOOT
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration
Related Unfair Employment Practices (NYA)
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Telephone: (202) 305-9349
Facsimile: (202) 616-5509

Dated: July 8, 2010

Attachment “A”



U.S. Department of Justice
Civil Rights Division


*Office of Special Counsel for Immigration Related
Unfair Employment Practices - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530*

November 10, 2009

BY CERTIFIED MAIL



Re: Discrimination Charge Filed Against Garland Sales, Inc.
Charge Number 197-19-141

Dear Mr. 

This letter is to inform you of the status of our investigation concerning your discrimination charge. The Office of Special Counsel has not yet determined whether there is reasonable cause to believe the charge is true or whether to file a complaint before an administrative law judge based on the charge. Therefore, we are continuing our investigation.

You may now file your own complaint with an administrative law judge at the Office of the Chief Administrative Hearing Officer (OCAHO). If you do so, you must file the complaint within 90 days of your receipt of this letter. During this additional 90-day period, the Office of Special Counsel may also file a complaint with OCAHO or seek to intervene in any proceedings that may result from your complaint.

If you wish to file a complaint, you must do so with the:

Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041

For more information, including specific filing requirements, you may contact that office at 703-305-0872 or 703-305-0864, or www.usdoj.gov/eoir/OcahoMain/Howtofilea274Bcomplaint.htm. We have enclosed a copy of the federal regulations that apply to the filing of complaints and related proceedings before OCAHO. Please note that your complaint must be in writing and in English.

The filing of a complaint with the OCAHO is similar to filing a private lawsuit, and requires that you present your allegations to an administrative law judge through written papers and/or oral testimony. Before filing your own complaint, you may wish to consider contacting a


private attorney, at your own expense. Your local bar association may be able to assist you in this regard. You may contact the State Bar of Georgia, 104 Marietta St. NW Suite 100 Atlanta, GA 30303, tel. (404) 527-8700, or visit its website at www.gabar.org.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned Equal Opportunity Specialist] at 1-800-255-7688 (toll free) or directly at (202) 514-0817. Thank you for your cooperation during the investigation of this charge.

Sincerely,

Katherine A. Baldwin
Deputy Special Counsel

By:



Dimitar Barzakov
Equal Opportunity Specialist

Enclosure

cc: Office of the Chief Administrative Hearing Officer (w/o encl.)



U.S. Department of Justice
Civil Rights Division


*Office of Special Counsel for Immigration Related
Unfair-Employment Practices - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530*

10 noviembre del 2009

POR-CORREO CERTIFICADO



Ref: Cargo de discriminación contra Garland Sales, Inc.
Número de cargo 197- 19-141

Estimado Sr. 

Sírvase la presente carta para informarle sobre el estado de nuestra investigación acerca de su demanda por discriminación. Hasta la fecha, la Oficina del Consejero Especial sigue sin determinar si es que existe razón procedente de creer que la demanda es meritoria o si debe presentar una demanda ante un juez administrativo en base a dicha demanda. Por lo tanto, proseguiremos con nuestra investigación.

Usted puede ahora presentar su propia queja ante un juez administrativo de la Oficina del Director de Audiencias Administrativas (OCAHO por sus siglas en inglés). Si decide presentar dicha queja, usted debe presentarla en el lapso de los 90 días que siguen a la fecha en que usted recibió esta carta. Durante este plazo de extensión de 90 días, la Oficina del Consejero Especial puede también presentar una queja ante la OCAHO o intervenir en cualquier procedimiento que radique en su queja.

Si decide presentar una queja, diríjase a la siguiente dirección:

Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041

Para más información, incluyendo los requisitos específicos para presentar una queja, se debe poner en contacto con dicha oficina en:

703-305-0872 ó 703-305-0864, ó visite el sitio Internet en

www.usdoj.gov/eoir/OcahoMain/Howtofilea274Bcomplaint.htm. Hemos incluido una copia del

reglamento federal que se debe seguir para la presentación de quejas y otros procedimientos relacionados ante la organización OCAHO. Se ruega tome nota que su queja debe hacerse por escrito y en idioma inglés.

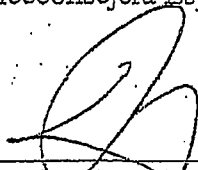
La presentación de una queja ante la OCAHO es similar a la de interponer una demanda privada, requiriendo que usted exponga sus alegatos ante el juez administrativo por escrito y mediante testimonio oral. Antes de presentar su propia queja, usted debe considerar la posibilidad de consultar con un abogado privado a cargo suyo. La asociación de abogados de su vecindario puede servirle de ayuda en este sentido. Puede ponerse en contacto con State Bar Of Georgia, 104 Marietta St. NW, Suite 100, Atlanta, GA 30303, tel. (404) 527-8700, o visitar el sitio Internet denominado www.gabar.org.

Si tiene alguna pregunta sobre este asunto, por favor, póngase en contacto con el Especialista en la Igualdad de Oportunidades] que firma esta carta, puede llamar al 1-800-255-7688 (línea gratuita), ó al (202) 514-0817 (línea directa). Le agradecemos su cooperación durante nuestra investigación.

Atentamente,

Katherine A. Baldwin
Viceconsejera Especial

Por:



Dimitar Barzakov
Especialista en la Igualdad de Oportunidades

Anexo

cc: Office of the Chief Administrative Hearing Officer (sin anexo)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



2. Article Number
(Transfer from service label)

7001 2510 0005 9158 1340

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Redacted Signature] Agent
 Addressee

B. Received by (Printed Name): [Redacted Name] C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type:

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

102595-02-M-1035

Attachment “B”

STIPULATION TO EXTEND CHARGE INVESTIGATION PERIOD AND
TO ESTABLISH COMPLAINT FILING DEADLINE

WHEREAS, the Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") is currently investigating charge number 197-19-141, filed by [REDACTED] ("Charging Party") alleging that Garland Sales, Inc. ("Respondent") engaged in activity prohibited by 8 U.S.C. § 1324b.

WHEREAS, 8 U.S.C. §1324b(d)(1) provides an initial 120-day period from the date OSC receives a complete charge of discrimination for OSC to investigate the charge, determine whether there is reasonable cause to believe the charge is true, and decide whether to file a complaint with an administrative law judge with the Office of the Chief Administrative Hearing Officer ("OCAHO").

WHEREAS, 8 U.S.C. §1324b(d)(2) provides that if OSC has not filed a complaint with an OCAHO administrative law judge within the initial 120-day charge investigation time period, OSC shall notify the Charging Party of OSC's determination not to file a complaint during that 120-day period, and that the Charging Party may file a complaint directly with an OCAHO administrative law judge within 90 days following the Charging Party's receipt of the notice.

WHEREAS, the Charging Party received such notice from OSC regarding the above- referenced charge on November 13, 2009. The Charging Party's complaint filing deadline is therefore February 11, 2010.

WHEREAS, OSC and the Respondent agree that extending the charge investigation time period identified and described in the preceding paragraphs will increase judicial efficiency by allowing additional time to resolve the charge.

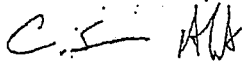
NOW, THEREFORE, OSC and the Respondent stipulate and agree to extend the charge investigation time period identified and discussed above until March 19, 2010. Consequently, OSC and the Respondent agree that OSC may file a complaint with an OCAHO administrative law judge on or before March 19, 2010.

OSC and the Respondent agree that this stipulation to extend the charge investigation time period and to establish a complaint filing deadline does not result in any harm or prejudice to the Respondent. In addition, the Respondent will not assert that any complaint filed on or before March 19, 2010, is untimely.

This Stipulation may be executed in multiple counterparts, each of which together shall be considered an original but all of which shall constitute one agreement. OSC and the Respondent agree to be bound by facsimile signatures.

Office of Special Counsel for Immigration
Related Unfair Employment Practices

By:

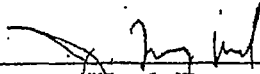


C. Sebastian Aloat

Date: 2/2/10

Garland Sales, Inc.

By:



J. Tracy Ward, Esq.
Counsel for Respondent

Date: 2-4-2010

Attachment “C”

**STIPULATION TO EXTEND CHARGE INVESTIGATION PERIOD AND
TO ESTABLISH COMPLAINT FILING DEADLINE**

WHEREAS, the Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") is currently investigating charge number 197-19-141, filed by [REDACTED] ("Charging Party") alleging that Garland Sales, Inc. ("Respondent") engaged in activity prohibited by 8 U.S.C. § 1324b.

WHEREAS, 8 U.S.C. §1324b(d)(1) provides an initial 120-day period from the date OSC receives a complete charge of discrimination for OSC to investigate the charge, determine whether there is reasonable cause to believe the charge is true, and decide whether to file a complaint with an administrative law judge with the Office of the Chief Administrative Hearing Officer ("OCAHO").

WHEREAS, 8 U.S.C. §1324b(d)(2) provides that if OSC has not filed a complaint with an OCAHO administrative law judge within the initial 120-day charge investigation time period, OSC shall notify the Charging Party of OSC's determination not to file a complaint during that 120-day period, and that the Charging Party may file a complaint directly with an OCAHO administrative law judge within 90 days following the Charging Party's receipt of the notice.

WHEREAS, the Charging Party received such notice from OSC regarding the above-referenced charge on November 13, 2009. The Charging Party's complaint filing deadline is therefore February 11, 2010.

WHEREAS, OSC and the Respondent agree that extending the charge investigation time period identified and described in the preceding paragraphs will increase judicial efficiency by allowing additional time to resolve the charge.

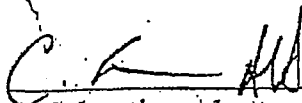
NOW, THEREFORE, OSC and the Respondent stipulate and agree to extend the charge investigation time period identified and discussed above until April 30, 2010. Consequently, OSC and the Respondent agree that OSC may file a complaint with an OCAHO administrative law judge on or before April 30, 2010.

OSC and the Respondent agree that this stipulation to extend the charge investigation time period and to establish a complaint filing deadline does not result in any harm or prejudice to the Respondent. In addition, the Respondent will not assert that any complaint filed on or before April 30, 2010, is untimely.

This Stipulation may be executed in multiple counterparts, each of which together shall be considered an original but all of which shall constitute one agreement. OSC and the Respondent agree to be bound by facsimile signatures.

Office of Special Counsel for Immigration
Related Unfair Employment Practices

By:

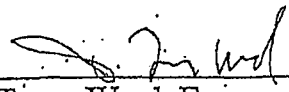


C. Sebastian Alost

Date: 3/15/10

Garland Sales, Inc.

By:



J. Tracy Ward, Esq.
Counsel for Respondent

Date: 3-18/2010

Attachment ‘D’

**STIPULATION TO EXTEND CHARGE INVESTIGATION PERIOD AND
TO ESTABLISH COMPLAINT FILING DEADLINE**

WHEREAS, the Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") is currently investigating charge number 197-19-141, filed by [REDACTED] ("Charging Party") alleging that Garland Sales, Inc. ("Respondent") engaged in activity prohibited by 8 U.S.C. § 1324b.

WHEREAS, 8 U.S.C. §1324b(d)(1) provides an initial 120-day period from the date OSC receives a complete charge of discrimination for OSC to investigate the charge, determine whether there is reasonable cause to believe the charge is true, and decide whether to file a complaint with an administrative law judge with the Office of the Chief Administrative Hearing Officer ("OCAHO").

WHEREAS, 8 U.S.C. §1324b(d)(2) provides that if OSC has not filed a complaint with an OCAHO administrative law judge within the initial 120-day charge investigation time period, OSC shall notify the Charging Party of OSC's determination not to file a complaint during that 120-day period, and that the Charging Party may file a complaint directly with an OCAHO administrative law judge within 90 days following the Charging Party's receipt of the notice.

WHEREAS, the Charging Party received such notice from OSC regarding the above-referenced charge on November 13, 2009. The Charging Party's complaint filing deadline expired on February 11, 2010.

WHEREAS, OSC and the Respondent agree that extending the charge investigation time period identified and described in the preceding paragraphs will increase judicial efficiency by allowing additional time to resolve the charge.

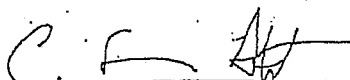
NOW, THEREFORE, OSC and the Respondent stipulate and agree to extend the charge investigation time period identified and discussed above until June 11, 2010. Consequently, OSC and the Respondent agree that OSC may file a complaint with an OCAHO administrative law judge on or before June 11, 2010.

OSC and the Respondent agree that this stipulation to extend the charge investigation time period and to establish a complaint filing deadline does not result in any harm or prejudice to the Respondent. In addition, the Respondent will not assert that any complaint filed on or before June 11, 2010, is untimely.

This Stipulation may be executed in multiple counterparts, each of which together shall be considered an original but all of which shall constitute one agreement. OSC and the Respondent agree to be bound by facsimile signatures.

Office of Special Counsel for Immigration
Related Unfair Employment Practices

By:

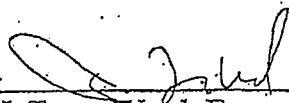


C. Sebastian Aloat

Date: 4/28/10

Garland Sales, Inc.

By:



J. Tracy Ward, Esq.
Counsel for Respondent

Date: 4-28-2010

Attachment "E"

**STIPULATION TO EXTEND CHARGE INVESTIGATION PERIOD AND
TO ESTABLISH COMPLAINT FILING DEADLINE**

WHEREAS, the Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") is currently investigating charge number 197-19-141, filed by [REDACTED] ("Charging Party") alleging that Garland Sales, Inc. ("Respondent") engaged in activity prohibited by 8 U.S.C. § 1324b.

WHEREAS, 8 U.S.C. §1324b(d)(1) provides an initial 120-day period from the date OSC receives a complete charge of discrimination for OSC to investigate the charge, determine whether there is reasonable cause to believe the charge is true, and decide whether to file a complaint with an administrative law judge with the Office of the Chief Administrative Hearing Officer ("OCAHO").

WHEREAS, 8 U.S.C. §1324b(d)(2) provides that if OSC has not filed a complaint with an OCAHO administrative law judge within the initial 120-day charge investigation time period, OSC shall notify the Charging Party of OSC's determination not to file a complaint during that 120-day period, and that the Charging Party may file a complaint directly with an OCAHO administrative law judge within 90 days following the Charging Party's receipt of the notice.

WHEREAS, the Charging Party received such notice from OSC regarding the above-referenced charge on November 13, 2009. The Charging Party's complaint filing deadline expired on February 11, 2010.

WHEREAS, OSC and the Respondent agree that extending the charge investigation time period identified and described in the preceding paragraphs will increase judicial efficiency by allowing additional time to resolve the charge.

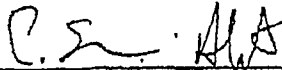
NOW, THEREFORE, OSC and the Respondent stipulate and agree to extend the charge investigation time period identified and discussed above until July 11, 2010. Consequently, OSC and the Respondent agree that OSC may file a complaint with an OCAHO administrative law judge on or before July 11, 2010.

OSC and the Respondent agree that this stipulation to extend the charge investigation time period and to establish a complaint filing deadline does not result in any harm or prejudice to the Respondent. In addition, the Respondent will not assert that any complaint filed on or before July 11, 2010, is untimely.

This Stipulation may be executed in multiple counterparts, each of which together shall be considered an original but all of which shall constitute one agreement. OSC and the Respondent agree to be bound by facsimile signatures.

Office of Special Counsel for Immigration
Related Unfair Employment Practices

By:

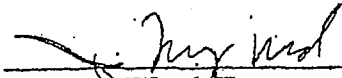


C. Sebastian Aloat

Date: 6/2/10

Garland Sales, Inc.

By:



J. Tracy Ward, Esq.
Counsel for Respondent

Date: 6-3-2010