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

November 9, 1995

UNITED STATES OF AMERICA, Complainant,	)	
v.	)	8 U.S.C. 1324c Proceeding
	)	OCAHO Case No. 95C00061
NANCY MUBARAKI, Respondent.	)	

ORDER GRANTING COMPLAINANT'S MOTION FOR SUMMARY DECISION AND DENYING RESPONDENT'S CROSS-MOTION FOR SUMMARY DECISION

Procedural Background

On July 25, 1994, respondent was served with a single-count Notice of Intent to Fine (NIF), YUM-274C-94-0004. In that citation, the Immigration and Naturalization Service (INS or complainant) charged Nancy Mubaraki (respondent) with having violated Section 274C(a)(3) of the Immigration and Nationality Act (INA or Act), 8 U.S.C. § 1324c(a)(3), which prohibits the use or attempted use, after November 29, 1990, of any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of satisfying a requirement of the Act. The complainant sought a civil money penalty of $250, the statutorily-mandated minimum assessment for such an infraction, 8 U.S.C. § 1324c(d()3)(A).

In that NIF, respondent was advised of her right to request a hearing before an administrative law judge (ALJ) assigned to this Office, provided she filed such a request with INS within 60 days of her receipt of that citation.

In a letter dated September 8, 1994, attorney Jack V. Bournazian (respondent's counsel or Mr. Bournazian) indicated that "[p]ursuant to Section 274C(d)(2)(A), Respondent Nancy Mubaraki, through counsel, respectfully requests a hearing before an Administrative Law Judge." Letter from Bournazian to U.S. Border Patrol of 9/8/94, at 1.

On March 31, 1995, complainant filed the one (1)-count Complaint at issue with this Office, alleging that respondent knowingly used and attempted to use an Alien Registration Receipt Card (Form I-551) bearing the number A41 533 890, lawfully issued to one IRANI, Dolly Boman, A#41 533 890, and did so after November 29, 1990, for the purpose of satisfying a requirement of the INA. Complainant reasserted its request for a $250 civil money penalty, as well as an Order to Cease and Desist from violating Section 274C(a)(3) of the Act, 8 U.S.C. § 1324c(a)(3).

On April 4, 1995, this Office received a pleading captioned Withdrawal as Attorney of Record, dated January 31, 1995, from respondent's counsel, Mr. Bournazian, which recited that respondent had been ordered by the INS's Western Service Center to depart the United States by November 17, 1994, and that respondent had done so on November 29, 1994, arriving in Bombay, India on December 1, 1994. Resp't's Withdrawal Att'y R. at 1. Respondent's counsel indicated he "must withdrawal [sic] as attorney of record . . . because [his] client is no longer within the jurisdiction of the United States and [he is] no longer able to communicate with her." Id.

On April 10, 1995, a Notice of Hearing on Complaint Regarding Civil Document Fraud, together with a copy of the Complaint were served upon respondent and respondent's counsel.

On April 13, 1995, the undersigned issued a Notice of Acknowledgment, advising respondent's counsel that in view of the fact that that Notice had been served upon him and his client, he had 30 days in which to respond to the Complaint by filing a responsive pleading.

On May 3, 1995, the undersigned issued an order denying respondent's counsel's Motion to Withdraw as Attorney. That Order advised Mr. Bournazian that an attorney cannot unilaterally withdraw from a proceeding pending in this Office without previously having obtained the required permission of the presiding administrative law judge in order to do so. May 3, 1995 Order at 1; see 28 C.F.R. § 68.33(c).

The May 3, 1995 Order further stated that:

> In prior proceedings before this Office, motions of counsel to withdraw have been denied where, as here, the party's counsel of record is the only person authorized to receive documents on a respondent's behalf and/or where that counsel's law office is the only address to which documents subsequently intended for respondent can be delivered. See, e.g., United States v. Midtown Fashions, Inc., 4 OCAHO 657 (1994); United States v. K & M Fashions, Inc., 3 OCAHO 411 (1992).

Id. Because Mr. Bournazian was the only person authorized to receive documents on respondent's behalf, and because only he was amenable to nationwide service given respondent's November departure to India, respondent's motion to withdraw was denied. Id. at 2.

On May 25, 1995, Mr. Bournazian filed a pleading captioned Answer of Respondent Nancy Mubaraki to Complaint, in which he asserted three (3) affirmative defenses. The first stated that the "Court lacks jurisdiction over Respondent because she left the territory of the United States pursuant to an order issued by Complainant before the complaint was filed with the Court and before it was served on Respondent." Answer at 2.

The second affirmative defense urged that "Complainant has voluntarily and knowingly waived any and all causes of action against Respondent because she left the territory of the United States pursuant to an order issued by Complainant before the complaint was filed with the Court and before it was served on Respondent." Id.

The third affirmative defense argued that complainant had failed to state sufficient facts to constitute a cause of action against respondent. Id. at 3.

On June 9, 1995, this Office received a letter containing a change of address for respondent. The letter was not signed, nor was there any indication as to the sender's identity, but it provided respondent's new address, one in Bombay, India.

On August 10, 1995, complainant filed a Motion for Summary Decision, alleging that no genuine issue of material fact existed as to the cause of action, and disputing respondent's three (3) affirmative defenses.

Respondent's counsel thereafter requested an unopposed extension of time in which to file his response to that dispositive motion, and filed

a pleading captioned Respondent's Response and Counter Motion for Summary Decision on September 15, 1995.

On September 25, 1995, complainant filed an unopposed Motion for an Extension of Time to File a Response to Respondent's Cross-Motion for Summary Decision, and on October 3, 1995 filed Complainant's Response to Respondent's Counter Motion for Summary Decision.

Respondent's Cross-Motion for Summary Decision

In his September 15, 1995 cross-motion for summary decision, Mr. Bournazian requests that the undersigned "grant summary decision in [respondent's] favor by dismissing this action for lack of jurisdiction due to insufficient service or for complainant's waiver of the cause of action." Resp't's Resp. & Countermot. Summ. Decision at 1. In his motion, respondent's counsel specifically raises two (2) issues attacking the appropriateness of these proceedings: (1) that respondent had not been properly served with notice of these proceedings; and (2) that complainant had waived any cause of action against respondent by having required her to leave the United States. We will address these two (2) issues prior to considering complainant's Motion for Summary Decision.

(1) Was Service of Process Properly Effectuated Upon Respondent?

Respondent's counsel indicates that on November 30, 1994, he "sent by certified mail a Withdrawal as Attorney of Record . . . to complainant's representative, Yuma Sector Counsel, Scott Jefferies." Resp't's Resp. & Countermot. Summ. Decision, P. & A. at 2, 4. Mr. Bournazian further indicates that he sent similar notices to Officer Cordoba at the INS's San Diego Investigations Unit and to Patrick Kane at the INS's District Office in Phoenix, Arizona. Id. at 2, 5-6, Ex. G.

While Mr. Bournazian did not receive a response from either Officer Cordoba or Mr. Kane, he did receive a letter from Mr. Jefferies indicating receipt of Mr. Bournazian's "request for withdrawal as attorney of record" and informing him that "I [Mr. Jefferies] have no authority to rule on this request and grant or deny withdrawal." Id. at 6, Ex. F. Mr. Jefferies advised respondent's counsel that upon INS' Complaint having been filed and assigned to an administrative law judge, Mr. Bournazian's request to withdraw should have been directed instead to that judge. Id. at Ex. F.

Allegedly as early as January 31, Mr. Bournazian also attempted to notify this Office of his wish to withdraw. Id. at 6-7. Although respondent's counsel refers to several attempts on his part to notify our Office, such notice was not received by this Office until April 4, 1995, or four (4) days after the Complaint was filed on March 31, 1995. Id. at 7.

Mr. Bournazian's request to withdraw resulted in a written reply, dated April 10, 1995, from the Chief Administrative Hearing Officer (CAHO), who advised Mr. Bournazian that the latter's request for a hearing before an administrative law judge in response to the INS's Notice of Intent to Fine is considered a notice of appearance by Mr. Bournazian on behalf of the respondent. Id. at Ex. N. The CAHO further added that if Mr. Bournazian "desire[d] to withdraw from representation of the respondent(s) prior to this matter's conclusion, [he] must request permission from the Administrative Law Judge (ALJ) to whom this case has been assigned." Id.

Mr. Bournazian in his Counter Motion for Summary Decision argues that, even if his prior attempts to withdraw were ineffective, his notice to this Office, prior to the issuance of a Notice of Hearing, was, at the very least, a valid action effectuating withdrawal. Id. at 8. In support of his argument, respondent's counsel relies upon the ruling in United States v. Flat Knitting Mills, 2 OCAHO 317, at 4 (1991) and contends:

> 'In contrast to the Equal Employment Opportunity Commission in Irwin [Irwin v. Veterans Admin., 111 S. Ct. 453 (1990)] and to OCAHO in Koamerican, by the time OCAHO issued its Notice of Hearing in the present case it was on notice from the INS that the attorney had already "indicated" she was withdrawing from representation.' [Id. (quoting Flat Knitting, 2 OCAHO, at 4 (1991))]. Likewise, in the present case, the OCAHO was on notice that respondent's counsel had withdrawn before it issued its Notice of Hearing on April 10, 1995.

Id.

Mr. Bournazian's reliance on Flat Knitting, however, is inappropriate. As complainant indicates in its Response, Flat Knitting predates the most recent amendment of this Office's applicable procedural rules and regulations. Complainant's Resp. Resp't's Countermot. Summ. Decision at 4; see 56 Fed. Reg. 50049 (1991) (codified at 28 C.F.R. pt. 68). Effective October 3, 1991, Section 68.33 of the rules, which deals with appearances and representation of a party, was

> revised to indicate that a request for hearing, filed by an attorney pursuant to sections 274A or 274C of the INA . . . shall be considered a notice of appearance. This revision was implemented to expedite and simplify the proceedings before an [ALJ] and also to allow the [CAHO] to serve a complaint and notice of hearing on the respondent's

attorney where the attorney has clearly stated in the request for hearing that he or she represents the respondent in this matter.

56 Fed. Reg. 50049, 50051 (1991) (emphasis added).

In his letter requesting a hearing, Mr. Bournazian clearly stated that "[p]ursuant to Section 274C(d)(2)(A), Respondent Nancy Mubaraki, through counsel, respectfully requests a hearing before an Administrative Law Judge." Letter from Bournazian to U.S. Border Patrol of 9/8/94, at 1. He further directed the "Officer in Charge" to contact his office "if [he] ha[s] any questions." Id.

By having clearly stated in his request for a hearing that he represented respondent, Mr. Bournazian effectively entered a notice of appearance, thus "allow[ing] the [CAHO] to serve a complaint and notice of hearing on [him]." 56 Fed. Reg. 50049, 50051 (1991).

While admittedly the rules are not clear as to who has the authority to entertain a motion to withdraw as counsel of record prior to the filing of the Complaint, this issue need not be resolved because Mr. Bournazian's withdrawal, filed with this Office on April 4, 1995, was not received by this Office until after receipt of the Complaint on March 31, 1995.

Even in the event that Mr. Bournazian had been successful in filing his notice of withdrawal prior to the Complaint having been filed, the undersigned is nevertheless of the general opinion that an "appearance," per se, which is effectuated either by filing a request for a hearing or otherwise, as discussed in the pertinent section of the procedural rules, constitutes an "appearance" before this Office and thus submits the requesting attorney to the accompanying rule regarding withdrawal or substitution of an attorney, namely that such action "may be permitted by the Administrative Law Judge upon written motion." 28 C.R.F. § 68.33(a)(5), (c). At the least, prior to assignment of the matter to an ALJ by the CAHO, the CAHO has the authority to act on such motions. See 28 C.F.R. § 68.11(a) (stating that the CAHO "is authorized to act on non-adjudicatory matters relating to a proceeding prior to the appointment of an [ALJ].")

Perhaps anticipating a potential role within this dispute of the undersigned's May 3, 1995 Order denying respondent's counsel's Motion to Withdraw, Mr. Bournazian further argues that the motion was not properly before the undersigned for several reasons, including (1) failure to include a proper number of copies; (2) an improper caption; and (3) the fact that it was received by the CAHO before an

ALJ had been assigned, and thus under 28 C.F.R. Section 68.11 (a), it was within the CAHO's, and not the ALJ's, authority to act on the notice. Resp't's Resp. & Countermot. Summ. Decision, P. & A. at 9. According to Mr. Bournazian's argument, because the notice/motion was not properly before the undersigned due to the above defects, the May 3, 1995 Order "should, therefore, not be considered evidence that Mr. Bournazian had failed to withdraw from these proceedings." Id.

Assuming arguendo that Mr. Bournazian is correct in his assertion that the CAHO, and not the undersigned, had the requisite authority to act on his purported withdrawal, the CAHO, in response to Mr. Bournazian's notice of withdrawal, explicitly directed him to file his request with the "Administrative Law Judge to whom this case has been assigned." Letter from Perkins, CAHO, to Bournazian of 4/10/95, at 1. It is difficult to see how such an action can be viewed as inappropriate in light of the CAHO's authority to act on non-adjudicatory matters and the assigned ALJ's authority to grant or deny motions to withdraw. 28 C.F.R. § 68.11, 68.33(c).

Regardless, once the Complaint had been filed on March 31, 1995, this Office had express authority to deal with Mr. Bournazian's April 4, 1995 "motion" as it saw fit, which is exactly what the CAHO did when assigning this matter to the undersigned for a ruling. That ruling, as set forth in the May 3, 1995 Order denying Mr. Bournazian's "motion" to withdraw, remains in full force and effect.

To allow Mr. Bournazian to request a hearing on his client's behalf and then unilaterally withdraw prior to that hearing, especially where, as here, his client had in the meantime become unavailable for nationwide service of process, would result in the frustration of the stated intention that Section 68.33 "expedite and simplify the proceedings" before this Office. 56 Fed. Reg. 50049, 50051 (1991). Such a predicament cannot result.

Accordingly, because service of the Complaint and other relevant documents in these proceedings was accomplished "[b]y delivering a copy to the . . . attorney of record of [respondent]", one of the methods listed as appropriate in Section 68.3(a), service of process was properly effectuated upon Mr. Bournazian, as respondent's counsel, and, pursuant to service upon Mr. Bournazian, was also properly effectuated as to respondent herself. 28 C.F.R. § 68.3(a)(1). Thus, as to respondent's first argument for dismissal, it is found that this Office properly exercised jurisdiction over the instant proceeding.

(2) Did Complainant Waive Its Cause of Action Against Respondent by Requiring Her to Depart From the U.S.?

Respondent's second argument is that "[c]omplainant waived any cause of action against respondent when complainant required respondent to depart from the United States." Resp't's Resp. & Countermot. Summ. Decision, P. & A. at 11.

Specifically, respondent's counsel contends that:

> complainant's removal of respondent has seriously prejudiced respondent in these proceedings . . . Respondent had a right under law to contest complainant's allegations in the Notice of Intent to Fine. The fact that respondent requested a hearing signifies that she had an issue to contest. . . . complainant has made it physically impossible and logistically difficult [for respondent] to participate in the hearing which she had the right to request. Thus, the removal of the respondent by the complainant amounts to the denial of respondent's right to a hearing. On these grounds, complainant should be held to have waived any cause of action against respondent.

Id. at 12-13.

As complainant indicates, respondent's counsel's waiver argument is not persuasive. Prior cases have dealt with similar arguments regarding "waiver" of the INS's ability to assess civil penalties for violations of the Immigration and Nationality Act:

> Respondent misconstrues the authority of complainant to impose civil fines on respondent . . . The pertinent provision of the INA, 8 U.S.C. § 1324c(d)(3), mandates that a civil money penalty be imposed upon each person or entity who is found to have violated the document fraud provision of the Act.

United States v. Makilan, 4 OCAHO 610, at 6 (1994).

While the undersigned is aware of the difficulties inherent within "long-distance" representation, such problems cannot be held to constitute a "waiver" of the Congressional mandate that a person who violates Section 274C(a)(3) of the INA is required "to cease and desist from such violations and to pay a civil penalty in an amount of (A) not less than $250." 8 U.S.C. § 1324c(d)(3).

Further, respondent's counsel's unsubstantiated scenarios of the many ways respondent's presence in the U.S. would or might have affected these proceedings, i.e., that respondent "possibly" was not advised by her public defender that a guilty plea to the criminal charges against her might render her deportable, and that she thus "might" be able to attack her conviction, or, if she were still in the United States, she "might be able to bring an action to vacate[] her

conviction," or, if she were in the U.S. she might move for the suppression of her admissions (relied upon by complainant in its Motion for Summary Decision) "under a theory of duress or coercion," are not convincing. Resp't's Resp. & Countermot. Summ. Decision at 12.

Thus, respondent's counsel's arguments concerning his theory that complainant has somehow "waived" its cause of action against respondent by allowing her to voluntarily depart the United States, and thus avoid enforced deportation are unavailing since a waiver simply did not result.

Having denied both of Mr. Bournazian's bases for summary decision, the undersigned will now consider complainant's August 10, 1995 Motion for Summary Decision.

Complainant's Motion for Summary Decision

On August 10, 1995, complainant filed its Motion for Summary Decision, in which it requested that summary decision be granted in its favor as to both the single violation alleged in the March 31, 1995 Complaint and the minimum $250 civil money penalty sought.

The pertinent procedural rule governing motions for summary decision in document fraud cases provides that "[t]he Administrative Law Judge may enter a summary decision for either party if the pleadings, affidavits, and material obtained by discovery or otherwise, or matters officially noticed show that there is no genuine issue as to any material fact and that a party is entitled to summary decision." 28 C.F.R. §68.38(c).

Section 68.38(c) is similar to and based upon Rule 56(c) of the Federal Rules of Civil Procedure, which provides for the entry of summary judgment in federal court cases. For this reason, federal case law interpreting Rule 56(c) is instructive in determining whether summary decision under Section 68.38 is appropriate in proceedings before this Office. Mackentire v. Ricoh Corp., 5 OCAHO 746, at 3 (1995); Alvarez v. Interstate Highway Constr., 3 OCAHO 430, at 7 (1992).

The purpose of summary adjudication is to avoid an unnecessary hearing when there is no genuine issue as to any material fact, as shown by the pleadings, affidavits, discovery, and any other judicially noticed matters. United States v. Anchor Seafood Distribs., Inc., 5 OCAHO 742, at 4 (1995); United States v. Goldenfield Corp., 2 OCAHO 321, at 3 (1991). "Summary judgment procedure is properly regarded

not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed 'to secure the just, speedy and inexpensive determination of every action.'" Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986) (quoting Schwarzer, Summary Judgment Under the Federal Rules: Defining Genuine Issues of Material Fact, 99 F.R.D. 465, 467 (1984)).

An issue of material fact is genuine only if it has a real basis in the record. Matsushita Elec. Indus. Co. v. Zenith Radio, 475 U.S. 574, 586-87 (1986). A genuine issue of fact is material if, under the governing law, it might affect the outcome of the suit. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986); United States v. Primera Enters., Inc., 4 OCAHO 615, at 2 (1994). In determining whether there is a genuine issue as to a material fact, all facts and reasonable inferences to be derived therefrom are to be viewed in the light most favorable to the non-moving party. Matsushita, 475 U.S. at 587; Primera, 4 OCAHO 615, at 2.

Rule 56(c) of the Federal Rules of Civil Procedure further permits, as the basis for summary judgment, the consideration of any admissions on file. Fed. R. Civ. P. 56(c).

In Count I, complainant alleged that respondent, Nancy Mubaraki, knowingly used and attempted to use an Alien Registration Receipt Card (Form I-551) issued to Dolly Boman Irani, A#41 533 890, and did so after November 29, 1990, for the purpose of satisfying a requirement of the Immigration and Nationality Act, 8 U.S.C. § 1324c(a)(3).

In order to prove the violation alleged in Count I, complainant must show that:

(1) respondent knowingly used or attempted to use the document described therein, said document having been lawfully issued to a person other than respondent (including a deceased individual);

(2) after November 29, 1990; and did so

(3) for the purpose of satisfying a requirement of the INA.

In its Motion for Summary Decision, complainant indicates that respondent has already been criminally prosecuted for these charges. Complainant's Mot. Summ. Decision at 3. As part of the investigation for that criminal complaint, Officer William J. Robbins of the INS received the testimony of respondent on July 14, 1994, and preserved that testimony within a document entitled "Record of Sworn Statement." Id. at Attach. 3. According to that sworn statement,

respondent admits that she last entered the U.S. on January 24, 1994, and began to work at "the Jack-In-Box Restaruant [sic] on 16th Street west of Avenue B in Yuma, Arizona" about one month after her arrival. Id. at Attach. 3, at (1)-(2). Thus, element (2) above has been established.

Respondent has also admitted that she filled out a Form I-9 when she began working at the restaurant, and that she used her mother's, Dolly Boman [Irani]'s, name and "green card" in order to complete that form and gain employment. Id. at Attach. 3, at (3). Respondent indicates that she knew she could not work in the U.S. with the type of visa she had been issued, a B-2 "visitor's visa," and that she "knew [her conduct] was illegal." Id. at Attach. 3, at (1)-(3). Thus, element (1) has also been demonstrated.

A copy of the Form I-9 respondent admits to having completed is attached to complainant's motion, and visual inspection reveals that the box for "Lawful Permanent Resident" is check marked, and the number A 41533890 is supplied in the corresponding blank labeled "Alien #." Id. at Attach. 2. The Immigration Reform and Control Act of 1986 (IRCA), provides for an employment verification system which mandates that in order to gain lawful employment in the United States, and comply with the INA, an individual must establish both identity and employment eligibility. 8 U.S.C. § 1324a(b)(1). By knowingly using her mother's, Dolly Boman [Irani]'s, resident alien card to complete her Form I-9 to gain employment, respondent did so for the purpose of complying with the INA. Therefore, complainant in its Motion for Summary Decision has established the final element of Count I.

As the party seeking summary decision, complainant assumes the burden of demonstrating to the trier of fact the absence of a genuine issue of material fact. See Celotex Corp., 477 U.S. at 323. Once complainant has carried this burden, respondent must then come forward with "specific facts showing that there is a genuine issue for trial." Fed. R. Civ. P. 56(e); Matsushita, 475 U.S. at 587.

The procedural rule governing motions for summary decision in OCAHO proceedings explicitly provides that "a party opposing the motion may not rest upon the mere allegations or denials of such pleading. Such response must set forth specific facts showing that there is a genuine issue of fact for the hearing." 28 C.F.R. § 68.38(b).

Respondent's counsel, apparently relying upon the arguments in his cross-motion that the pending charge be dismissed, has failed to allege the existence of any specific facts which contradict any of the facts set forth in complainant's Motion for Summary Decision, and thus has failed to show, as required, "that there is a genuine issue of fact for the hearing." 28 C.F.R. § 68.38(b).

Accordingly, complainant has persuasively demonstrated that respondent knowingly used or attempted to use the document described therein, namely an Alien Registration Receipt Card (Form I-551), bearing the number A41 533 890, lawfully issued to a person (Dolly Boman Irani) other than the possessor (Nancy Mubaraki), for the purpose of satisfying a requirement of the INA, and in doing so, that she has violated the provisions of 8 U.S.C. § 1324c(a)(3), as alleged.

Because complainant has established that there is no genuine issue of material fact regarding the violation alleged in Count I of the Complaint, and has also shown that it is entitled to decision as a matter of law with respect to that violation, and further because respondent has failed to offer specific facts showing that there is a genuine issue of material fact with regard to her liability for the single violation set forth in Count I, complainant's August 10, 1995 Motion for Summary Decision is hereby granted.

Accordingly, it is hereby found that respondent has violated the pertinent provisions of the INA in the manners alleged in Count I of complainant's March 31, 1995 Complaint.

Civil Money Penalty

All that remains at issue, therefore, is a determination of the appropriate civil money penalty to be assessed for that violation.

The INA provides for civil money penalties for individuals who violate the document fraud provisions of 8 U.S.C. Section 1324c, and for first-time offenders those fines range from a statutorily mandated minimum of $250 to a maximum of $2,000 for each instance of use, acceptance, or creation. 8 U.S.C. § 1324c(d)(3)(a).

Since complainant has requested the statutory minimum amount of $250 for the single violation at issue, it is found that complainant has acted most reasonably, if not leniently, in having done so.

Order

It is ordered that the appropriate civil money penalty assessment for the single violation alleged in Count I is $250.

It is further ordered that respondent cease and desist from further violations of 8 U.S.C. § 1324c(a)(3).

JOSEPH E. MCGUIRE
Administrative Law Judge

Appeal Information

This Order shall become the final order of the Attorney General unless, within 30 days from the date of this Order, the Chief Administrative Hearing Officer shall have modified or vacated it. Both administrative and judicial review are available to respondent, in accordance with the provisions of 8 U.S.C. §§ 1324c(d)(4); 1324c(d)(5), and 28 C.F.R. § 68.53.