

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. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2024A00036
SUMAJ, LLC,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Ariel Chino, Esq., for Complainant
Kevin Lashus, Esq., for Respondent

ORDER EXTENDING REFERRAL TO THE OCAHO SETTLEMENT
OFFICER PROGRAM

I. PROCEDURAL HISTORY

On January 26, 2024, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent, SUMAJ, LLC, violated the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. §1324a. Complainant attached to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the INA it served on Respondent on August 8, 2023, seeking a fine of \$789,681.20 for the alleged violations, and Respondent's request, through counsel, for a hearing before OCAHO dated August 28, 2023. Compl. Exs. A–B. On February 27, 2024, Respondent filed an answer to the complaint.

On June 20, 2024, the Court issued an Order on Electronic Filing, permitting the parties to participate in OCAHO's Electronic Filing Pilot Program.¹

¹ OCAHO's Electronic Filing Pilot Program is described in detail in the Federal Register. *See* 79 Fed. Reg. 31143 (May 30, 2014).

On March 10, 2025, the Court issued an Order on Service of Complaint, finding that service of the complaint had been perfected on Respondent in accordance with OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024).² *United States v. SUMAJ, LLC*, 21 OCAHO no. 1648, 3–4 (2025).³ On that same date, the Court also issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference, through which it ordered the parties to make initial disclosures and file their prehearing statements by March 31, 2025, and set an initial prehearing conference on April 15, 2025.

On April 14, 2025, the parties filed a Joint Prehearing Statement. Also, on April 14, 2025, the parties filed a Joint Motion for and Consent to Referral to Settlement Officer Program, through which they moved the Court to refer this matter to the OCAHO Settlement Officer Program⁴ and “expressly consent[ed] to participation in the Settlement Officer Program and agree[d] to engage in settlement negotiations in good faith.” Joint Mot. Referral Consent 1.

On April 15, 2025, pursuant to 28 C.F.R. § 68.13, the Court conducted the initial telephonic prehearing conference and, after considering the parties' Joint Motion for and Consent to Referral to Settlement Officer Program, the Court found that this case was appropriate for a sixty-day referral to the OCAHO Settlement Officer Program. *United States v. SUMAJ, LLC*, 21 OCAHO no. 1648a, 4 (2025).

² OCAHO's Rules of Practice and Procedure for Administrative Hearings are available on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

³ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1 and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” the LexisNexis database “OCAHO,” or on OCAHO's homepage on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

⁴ EOIR Policy Memorandum 20-16 (PM 20-16) is available at <https://www.justice.gov/eoir/page/file/1300746/dl>. Chapter 4.7 of the OCAHO Practice Manual also discusses the OCAHO Settlement Officer Program and is available at <https://www.justice.gov/eoir-policy-manual/iv/4/7>.

On April 21, 2025, the Court issued an Order Granting Joint Motion for and Consent to Referral to the Settlement Officer Program, Referring Case to the OCAHO Settlement Officer Program, and Designating Settlement Officer (Order Referring Case Settlement Off. Program). Through that Order, the Court found that the parties' joint motion satisfied Policy Memorandum 20-16's requirement that no referral be made without "receipt of written confirmation of consent" from both parties and reiterated its determination during the prehearing conference that the case was appropriate for referral. Order Referring Case Settlement Off. Program at 4. The Court found no need to stay procedural deadlines during the referral period, appointed an OCAHO Administrative Law Judge as the Settlement Officer, and ordered that the case be referred to the OCAHO Settlement Officer Program for sixty days beginning on April 22, 2025, and continuing through June 23, 2025. *Id.* at 4–6.

On June 23, 2025, the assigned Settlement Officer requested a thirty-day extension of the case's referral to the OCAHO Settlement Officer Program. The Settlement Officer explained that he was seeking the extension of time at the parties' request to enable them to continue pursuing a resolution of this case through mediation.

II. DISCUSSION

The assigned Settlement Officer has requested a thirty-day extension of the referral period of this case to the OCAHO Settlement Officer Program. The Settlement Officer has explained that the parties are seeking additional time to attempt to resolve this matter through mediation. Given the Settlement Officer's representations that the parties consent to the requested extension and continue to engage in settlement discussions, the Court finds that the requested extension of the Settlement Officer Program referral is reasonable and appropriate. *See* PM 20-16, Section II.D.2; *see also Vega v. BFS Asset Holdings LLC*, 19 OCAHO no. 1534, 2 (2024) (finding an extension of the Settlement Officer Program referral period "reasonable and appropriate"); *United States v. DNT Constr., LLC*, 19 OCAHO no. 1529a, 3 (2024) (accord). The Court accordingly grants the requested extension and extends this case's referral to the Settlement Officer Program through July 24, 2025. The Court need not stay any procedural deadlines during the extended referral period. Discovery remains available to the parties during the referral period.

As the Court explained during the initial prehearing conference, should the parties reach a settlement agreement through the OCAHO Settlement Officer Program, they may request that the Court dismiss this matter through one of the methods provided in 28 C.F.R. § 68.14. *SUMAJ, LLC*, 21 OCAHO no. 1648a, at 4. The parties may file a joint notice of settlement with an agreed motion to dismiss the matter pursuant to 28 C.F.R. § 68.14(a)(2), and the Court may require that the

parties submit a copy of their settlement agreement for consideration. *See id.* at 4–5. The parties should specify in any such filing whether they are requesting dismissal with or without prejudice. *See id.* at 5.

If the parties do not reach a settlement agreement through the OCAHO Settlement Officer Program, the assigned Settlement Officer will refer this matter back to the undersigned for further proceedings. At that time, the Court may request status reports from the parties and schedule a prehearing conference to set additional deadlines in this case.

III. ORDERS

IT IS SO ORDERED that the Settlement Officer’s request for an extension of time is GRANTED, and this case’s referral to the OCAHO Settlement Officer Program for settlement negotiations is extended through July 24, 2025; and

IT IS FURTHER ORDERED that, should the parties reach a settlement, they shall proceed in accordance with 28 C.F.R. § 68.14.

SO ORDERED.

Dated and entered on June 23, 2025.

Honorable Carol A. Bell
Administrative Law Judge