

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. 2023A00064
MENDOZA MAINTENANCE	)	
GROUP, INC.,	)	
	)	
Respondent.	)	
	)	

Appearances: Oscar J. Montemayor, Esq., for Complainant
Mendoza Maintenance Group, Inc., Respondent

ORDER EXTENDING REFERRAL TO THE OCAHO SETTLEMENT
OFFICER PROGRAM

I. PROCEDURAL HISTORY

This case arises under 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. On June 6, 2023, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Mendoza Maintenance Group, Inc. Complainant alleges that Respondent, Mendoza Maintenance Group, Inc., failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for nine individuals and failed to ensure proper completion of Forms I-9 for seventeen individuals, all in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl. ¶ 6.

After Respondent failed to file an answer to the complaint, the Court issued an Order to Show Cause on January 11, 2024. *See United States v. Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516 (2024).¹ On March 5, 2024, Respondent filed

¹ 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

Respondent's Answer to Complainant's Complaint Regarding Unlawful Employment Practices. On June 18, 2025, the Court issued an Order Accepting Untimely Answer and Response and Discharging Order to Show Cause. *See United States v. Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516a (2025).

On June 18, 2025, the Court issued an Order to File Complete Notice of Intent to Fine. *See United States v. Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516b (2025). It ordered Complainant to file the complete Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) with the attachment detailing the factual allegations against Respondent and the provisions of law that it asserted Respondent violated. *Id.* at 3.

Also, on June 18, 2025, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference. On July 22, 2025, the Court held an initial prehearing conference in this matter with both parties, pursuant to 28 C.F.R. § 68.13,² and later issued an Order Memorializing Prehearing Conference (Order Prehr'g Conf.). During the prehearing conference, the Court set a schedule for the case, including dates for the close of discovery, the filing of dispositive motions and responses, and a contested hearing in Laredo, Texas. Order Prehr'g Conf. 7. Further, the Court discussed the OCAHO Settlement Officer Program, and both parties affirmed that they understood the program's policies and procedures and were interested in a referral to the program. *Id.* at 5–6. The Court found that the case was appropriate for a referral to the program. *Id.* at 6. If the parties wished to participate in the program, the Court explained that they should file a jointly signed motion consenting to participate in the OCAHO Settlement Officer Program. *Id.*

On July 29, 2025, Complainant filed The United States Department of Homeland Security's Initial Disclosures and Prehearing Statement. It attached the

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 the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

² OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2025), generally govern these proceedings and 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>.

NIF as Exhibit A. Also, on July 29, 2025, DHS Deputy Chief Counsel (DCC) Oscar J. Montemayor filed a Notice of Appearance and Motion for Substitution. Through the filing, DHS DCC Montemayor entered his appearance in this matter and moved the Court to substitute him as Complainant's lead counsel. Notice Appearance & Mot. Substitution 1.

On July 29, 2025, the parties filed The United States Department of Homeland Security's Joint Request for Settlement Officer Program Referral (Joint Request Referral). Through the motion, which was signed by Complainant's counsel and Mr. Jaime Mendoza on behalf of Respondent, the parties represented that they "have informally engaged in settlement discussions but are unable to resolve this matter and remain at an impasse." Joint Request Referral 2, 4.³ The parties then requested a referral to the OCAHO Settlement Officer Program "to mediate and assist with a resolution of this matter." *Id.* at 2.

On August 19, 2025, the Court issued an Order on Complainant's Notice of Appearance and Motion for Substitution. *See United States v. Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516c (2025). Also, on August 19, 2025, the Court issued an Order on Electronic Filing.

Further, on August 19, 2025, the Court issued an Order Granting Joint Motion to Refer Matter to a Settlement Officer, Referring Case to the Settlement Officer Program, and Designating Settlement Officer (Order Referring Case to Settlement Officer Program). *See United States v. Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516d (2025). Through that Order, the Court found that the parties' joint motion satisfied the Executive Office for Immigration Review (EOIR) Policy Memorandum (PM) 20-16's requirement that no referral be made without "receipt of written confirmation of consent" from both parties and noted that, during the initial prehearing conference, both parties had affirmed their understanding of the program's governing policies and procedures. *Id.* at 3. The Court then found that the case met the eligibility requirements for the OCAHO Settlement Officer Program, as set out in Section I.C.1–2 of PM 20-16 and Chapter 4.7(a)(3)(A)–(B) of the OCAHO Practice Manual, and was appropriate for a referral. *Id.* In making this finding, the Court considered Respondent's pro se status and its representative's consent to the use of the program's procedures in accordance with Chapter 4.7(a)(3)(B) of the OCAHO Practice Manual. *Id.* The Court then granted the parties' motion, appointed an OCAHO Administrative Law Judge (ALJ) as the Settlement Officer, and ordered that the case be referred to the OCAHO Settlement Officer Program for sixty days beginning on September 2, 2025, and continuing through November 3, 2025. *Id.* at 4–5. The Court found that no procedural deadlines needed to be stayed during the

³ Pinpoint citations to The United States Department of Homeland Security's Joint Request for Settlement Officer Program Referral are to the page numbers of the PDF version of the motion on file with the Court.

referral period. *Id.* at 4. The parties did not resolve the case during the referral period.

On February 11, 2026, the assigned Settlement Officer, OCAHO ALJ Andrea Carroll-Tipton, requested a thirty-day extension of the case's initial referral to the OCAHO Settlement Officer Program. The Settlement Officer explained that, with the parties' consent, she was seeking this additional time to enable the parties to pursue a resolution of this case through mediation.

II. DISCUSSION

The assigned Settlement Officer, in her discretion, 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. The Court finds that the requested thirty-day extension of the Settlement Officer Program referral is reasonable and appropriate given the Settlement Officer's representations that additional time is needed and the parties' consent to a thirty-day extension for purposes of engaging in settlement discussions. *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 refers this case to the Settlement Officer Program for thirty days from February 17, 2026, through March 19, 2026. All case deadlines are stayed during the extended referral period.

As the Court explained during the initial prehearing conference and in its August 19, 2025, Order Referring Case to Settlement Officer Program, should the parties reach a settlement agreement through the program, they may request that the Court dismiss this matter through one of the methods provided in 28 C.F.R. § 68.14. *See Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516d, at 4–5. 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. The parties should specify in any such filing whether they are requesting dismissal with or without prejudice. *See id.*

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 that the parties file status reports and may schedule a prehearing conference to set additional deadlines in this case.

III. ORDERS

IT IS SO ORDERED that, pursuant to 28 C.F.R. § 68.28(a) and EOIR Policy Memorandum 20-16, Sections II.C and II.D.2, the Settlement Officer's request for an extension of time is GRANTED, and this case is referred to the OCAHO Settlement Officer Program for settlement negotiations for thirty days from February 17, 2026, through March 19, 2026;

IT IS FURTHER ORDERED that, during the referral period, all case deadlines are STAYED; and

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

SO ORDERED.

Dated February 12, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge