

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. 2023A00058
PJ'S OF TEXAS, INC.,	)	
	)	
Respondent.	)	
	)	

Appearances: Oscar J. Montemayor, Esq., for Complainant
Kevin R. Lashus, Esq., for Respondent

ORDER MEMORIALIZING THIRD PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

On May 9, 2023, Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, PJ's of Texas, Inc. The complaint alleges that Respondent violated the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. On June 21, 2023, Respondent filed a Special Appearance, Special Exceptions, and Answer.

On January 30, 2026, the parties submitted the following filings: (a) Joint Motion for Leave to File and Approve Sett[l]ement, Consent Findings and Dismissal; (b) Settlement Agreement; (c) Consent Findings, and (d) Joint Motion to Approve Consent Findings. On February 9, 2026, the Court granted, in part, the Joint Motion for Leave to File and Approve Sett[l]ement, Consent Findings and Dismissal and accepted the parties' filings as filings in the case. *United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524g, 5–6 (2026).¹ The Court, however, explained that the parties'

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 page in that volume where the decision begins; the pinpoint citations which

settlement materials were insufficient to meet the requirements for dismissal based on consent findings provided in 28 C.F.R. § 68.14. *Id.* at 5. The Court scheduled a prehearing conference with the parties on February 17, 2026, pursuant to 28 C.F.R. §§ 68.13(1), (2)(ix). *Id.* at 6. The Court then rescheduled the prehearing conference for February 18, 2026. Feb. 12, 2026 Ord. Rescheduling Prehr’g Conf. 2.

II. THIRD PREHEARING CONFERENCE

During the prehearing conference on February 18, 2026, which the Court conducted pursuant to 28 C.F.R. §§ 68.13(1), (2)(ix), the Court addressed the parties’ January 30, 2026, filings. The Court said that it had reviewed the parties’ filings in this matter and accepted them as filings in this case.

The Court reminded the parties that proceedings in this case are generally governed by OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. pt. 68 (2025).² Although the parties’ motions did not identify any specific regulation, the Court noted that the relevant regulation was 28 C.F.R. § 68.14. The Court explained that 28 C.F.R. § 68.14 described the two avenues for leaving the forum when the parties have entered into a settlement agreement. Namely, the parties either may submit consent findings or a filing seeking dismissal. 28 C.F.R. § 68.14(a).

The Court first addressed the parties’ settlement agreement. After noting that the copy of the settlement agreement on file with the Court had not been signed by Complainant,³ the Court asked the parties whether they had executed the agreement.

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 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 Specifically, the settlement agreement contained a blank signature line for the Acting Special Agent in Charge of Homeland Security Investigations, United States Immigration and Customs Enforcement, DHS.

Counsel for both parties notified the Court that they had reached a full settlement and that both parties had signed the settlement agreement. Complainant's counsel then moved the Court for leave to file the parties' fully executed settlement agreement. Pursuant to 28 C.F.R. § 68.11, the Court granted Complainant's oral motion for leave to file the settlement agreement and directed Complainant's counsel to file the settlement agreement via email during the prehearing conference. Complainant then electronically filed the agreement. After reviewing it, the Court directed Complainant's counsel to re-file the settlement agreement with a certificate of service in compliance with the rules governing OCAHO's Electronic Filing Pilot Program.⁴

The Court again directed the parties' attention to OCAHO's Rules of Practice and Procedure for Administrative Hearings and explained that the parties, having notified the Court that they had reached a full settlement, should proceed pursuant to 28 C.F.R. § 68.14(a) by either seeking consent findings or by jointly moving for dismissal of this action. Counsel for both parties then confirmed their agreement to dismiss this action and jointly moved the Court for dismissal without prejudice, pursuant to 28 C.F.R. § 68.14(a)(2). The Court said that it would grant the parties' joint oral motion and issue a final order of dismissal in this case.

Based on its review of the settlement agreement, the Court explained that the final order would address two provisions within the agreement. First, the Court directed the parties' attention to paragraph 10 of the settlement agreement which stated that "[t]he Final Order will order Respondent to ... cease and desist from violations of [8 U.S.C. § 1324a]." Settlement Agreement ¶ 10. Citing two OCAHO cases,⁵ the Court explained that the cease-and-desist remedy of 8 U.S.C. § 1324a(e)(4) applies only to violations which refer to hiring, recruiting, or referral (Counts I–II of the amended complaint), and not to "paperwork" violations of the employment verification system (Counts III–VI of the amended complaint). See 8 U.S.C. § 1324a(e)(4)(a). Complainant's counsel agreed that the agreement's cease-and-desist language was overly broad.

⁴ Complainant refiled the fully executed settlement agreement with a signed certificate of service on February 18, 2026, after the prehearing conference.

⁵ The Court cited *United States v. Vasquez*, 15 OCAHO no. 1403, 2–3 (2021), and *United States v. Torres Mexican Food, Inc.*, 4 OCAHO no. 596, 88, 89 (1994).

Second, the Court explained that paragraphs 7 and 10 of the settlement agreement stated that the Final Order would be “a final and unappealable order pursuant to [8 U.S.C. § 1324a(e)(3)(B)].” Settlement Agreement ¶¶ 7, 10. However, the Court explained that administrative review of the final order of dismissal would be available. *See* 8 U.S.C. § 1324a(e)(7); 28 C.F.R. § 68.55(c); *United States v. Bread Alone, Inc.*, 20 OCAHO no. 1604, 3 (2024) (“Because a hearing was requested, administrative review by the Chief Administrative Hearing Officer and the Attorney General are available.”). Complainant’s counsel expressed his agreement with this analysis. After confirming that the parties had no further questions or issues that they wanted to discuss, the Court adjourned the conference.

SO ORDERED.

Dated and entered on March 5, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge