

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. 2025A00053
SHG, INC., D/B/A SOUTHERN	)	
HOSPITALITY GROUP,	)	
	)	
Respondent.	)	
	)	

Appearances: Amery E. Abercrombie, Esq., for Complainant
Bruce E. Buchanan, Esq., for Respondent

FINAL ORDER OF DISMISSAL

I. PROCEDURAL HISTORY

On July 15, 2025, Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, SHG, Inc., doing business as Southern Hospitality Group, 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. Specifically, Complainant alleged that Respondent violated 8 U.S.C. § 1324a(a)(1)(B) by failing to prepare and/or present the Employment Eligibility Verification Forms (Forms I-9) for 1,787 individuals after being requested to do so by an authorized agency of the United States (Count I). Compl. ¶ 5.

Complainant attached to the complaint a Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) that it served on Respondent's counsel on April 15, 2025. Compl. Ex. A. Through the NIF, Complainant sought a fine of \$4,177,291.20 for the alleged violations of 8 U.S.C. § 1324a(a)(1)(B). *Id.*

Also attached to the complaint was a letter dated April 16, 2025, in which Respondent, through counsel, acknowledged receipt of the NIF and requested a hearing before an Administrative Law Judge (ALJ). Compl. Ex. B.

On July 21, 2025, OCAHO's Deputy Chief Administrative Hearing Officer mailed Complainant and Respondent the following documents: (a) the complaint, (b) a Notice of Case Assignment for Complaint Alleging Unlawful Employment, (c) the NIF, and (d) Respondent's request for a hearing before this Court.

On August 19, 2025, Bruce E. Buchanan filed a Notice of Appearance as Respondent's counsel and Respondent's Answer and Affirmative Defenses to Complaint.

On September 4, 2025, the Court issued an Order Setting Prehearing Conference and General Litigation Order. Through that Order, the Court scheduled an initial prehearing conference with the parties on October 15, 2025.¹ Sept. 4, 2025 Order Setting Prehr'g Conference 1.

On September 18, 2025, Respondent's counsel filed the Attorney/Participant Registration Form and Certification to participate in OCAHO's Electronic Filing Pilot Program. Complainant's counsel filed her form and certification on September 23, 2025.

On September 25, 2025, Respondent filed its Initial Prehearing Statement. Complainant filed its Initial Prehearing Statement on November 14, 2025.

On December 3, 2025, the Court issued a Notice of Reassignment, notifying the parties that the matter had been reassigned to the undersigned pursuant to 28 C.F.R. §§ 68.26 and 68.29.²

On January 28, 2026, the Court issued an Order on Electronic Filing, which ordered the parties to file all filings in accordance with OCAHO's Electronic Filing Pilot Program.³

¹ The initial prehearing conference was not held as scheduled due to the lapse in appropriations that began on October 1, 2025.

² OCAHO's Rules of Practice and Procedure for Administrative Hearings are the provisions contained in 28 C.F.R. part 68 (2026). OCAHO's Rules are available in the Electronic Code of Federal Regulations. See <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

³ OCAHO's Electronic Filing Pilot Program has since been replaced with a web-based electronic filing system (OCAHO Portal) through which litigants can file and receive decisions and orders in their cases. Attorneys and authorized representatives are

On February 12, 2026, Complainant's counsel filed a Notice of Change of Name. Through the Notice, counsel informed the Court that "her name [was] legally changed due to marriage" to Amery E. Abercrombie. Notice Name Change 1. Complainant's counsel attached proof of her name change, including a certification of marriage from the Bureau of Vital Statistics for the relevant state, copies of her updated Social Security card, United States passport, and driver's license, and documentation of her name change with the Mississippi Bar and her employer.⁴ *Id.* Tab A.

On February 12, 2026, the parties filed a Notice of Settlement and Joint Motion to Dismiss (Joint Motion to Dismiss). The parties attached a copy of their settlement agreement to their filing. Joint Mot. Dismiss Tab A.

II. LEGAL STANDARDS AND ANALYSIS

Under OCAHO's Rules of Practice and Procedure for Administrative Hearings, which generally govern these proceedings, there are two avenues for leaving the forum when the parties have entered into a settlement agreement. *See* 28 C.F.R. § 68.14. The parties may either submit an agreement containing consent findings or file a notice of settlement and seek dismissal. *Id.* § 68.14(a). 28 C.F.R. § 68.14(a)(2) requires the parties to notify the ALJ that they "have reached a full settlement and have agreed to dismissal of the action." The presiding ALJ may require the parties to file their settlement agreement and must approve dismissal of the action. *Id.* § 68.14(a)(2).

In this case, the parties have filed a Notice of Settlement and Joint Motion to Dismiss pursuant to 28 C.F.R. § 68.14(a)(2). They specify that they are seeking a dismissal without prejudice. Joint Mot. Dismiss 1. A copy of the parties' settlement agreement is attached. *Id.* Tab A (hereinafter "Settlement Agreement"). The Court finds that the parties' filing substantially conforms to the requirements of 28 C.F.R. § 68.14(a)(2). Specifically, the parties "give notice to this Court that the parties have reached a full settlement of this case and are in agreement to dismiss this action." *Id.*

required to register for and use the OCAHO Portal for filings in all cases. *See* 28 C.F.R. § 68.6(b)(1). Parties may register for and log in to the OCAHO Portal at <https://ocaho.eoir.justice.gov/>.

⁴ OCAHO has given effect to this Notice and updated the name of Complainant's attorney of record in this proceeding.

The Court now exercises its discretion pursuant to 28 C.F.R. § 68.14(a)(2) and considers the parties' settlement agreement. *See United States v. Torres Mexican Food, Inc.*, 4 OCAHO no. 596, 88, 89 (1994)⁵ (explaining that 28 C.F.R. § 68.14(a)(2) neither requires nor precludes ALJs from reviewing parties' settlement agreements). The agreement bears the signatures of both parties and their counsel.⁶ Settlement Agreement 5–6. It reflects a clear resolution of the violations of 8 U.S.C. § 1324a alleged in the complaint against Respondent, a staffing business incorporated in Tennessee. *Id.* ¶ 1. Respondent has admitted that it violated 8 U.S.C. § 1324a(a)(1)(B) and has agreed to pay a specific civil monetary penalty for the admitted violations. *Id.* ¶¶ 4, 6. It has agreed to withdraw its written request for a hearing and waive its right to request a hearing before an ALJ. *Id.* ¶ 5.

The Court is satisfied with the form and substance of the parties' settlement agreement and accepts it apart from portions of paragraph seven. First, paragraph seven of the settlement agreement states that HSI "will issue a Final Order" that "is a final and unappealable order pursuant to [8 U.S.C. § 1324a(e)(3)(B)]." Settlement Agreement ¶ 7. However, the Court has explained that "8 U.S.C. § 1324a(e)(3)(B) allows for 'a final and unappealable order' only '[i]f no hearing is ... requested.'" *United States v. PJs of Tex.*, 18 OCAHO no. 1524j, 7 (2026) (quoting 8 U.S.C. § 1324a(e)(3)(B)). "Because Respondent requested a hearing before OCAHO, 'administrative review by the Chief Administrative Hearing Officer [CAHO] and the Attorney General are available.'" *Id.* (quoting *United States v. Bread Alone, Inc.*, 20 OCAHO no. 1604, 3 (2024)). The Court has attached to this Final Order of Dismissal appellate information concerning administrative review by OCAHO's CAHO and the Attorney General, *see* 8 U.S.C. §§ 1324a(e)(7); 28 C.F.R. §§ 68.54(a)(1),

⁵ 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 the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

⁶ The agreement reflects the signature of the Special Agent in Charge (SAC) of ICE's Homeland Security Investigations (HSI) on page five, followed by another copy of page five containing the signatures of both the HSI SAC and the owner of the Respondent-business. *Id.* at 5. The signatures of the parties' counsel follow on page six. *Id.* at 6.

68.55, as well as petitions for review in the United States Court of Appeals for the appropriate circuit. *See* 8 U.S.C. §§ 1324a(e)(8); 28 C.F.R. § 68.56.

Second, paragraph seven of the settlement agreement states that the “Final Order will order Respondent ... to cease and desist from violations of [8 U.S.C. § 1324a], now and in the future.” Settlement Agreement ¶ 7. However, the Court has explained that “8 U.S.C. § 1324a only provides a cease and desist order for hiring violations and not for paperwork violations.” *PJ’s of Tex.*, 18 OCAHO no. 1524j, at 6 (citing 8 U.S.C. § 1324a(e)(4)(a)); *see also United States v. Vasquez*, 15 OCAHO no. 1403, 2–3 (2021) (incorporating cease and desist remedy into final order only for hiring violations); *Torres Mexican Food, Inc.*, 4 OCAHO no. 596, at 89 (explaining that a cease and desist order is not available for paperwork violations). This case involves only paperwork violations arising under 8 U.S.C. § 1324a(a)(1)(B). Therefore, the Court does not approve the cease and desist remedy in the parties’ settlement agreement and it is not incorporated into the Final Order of Dismissal. *See* 8 U.S.C. § 1324a(e)(4)(a); *see also United States v. Elsinore Mfg., Inc.*, 1 OCAHO no. 5, 13, 16 (1998) (explaining that DHS “is not entitled to a cease and desist order [in cases solely involving paperwork violations] in light of the clear statutory distinction[.]”), *modified on other grounds*, 1 OCAHO no. 13, 44 (1988).

Lastly, the parties move the Court to dismiss this case without prejudice, despite their entry into a settlement agreement which appears to resolve the allegations in the complaint. Joint Mot. Dismiss 1. “A dismissal without prejudice allows a complainant to refile a complaint as if it had never been filed.” *United States v. A-1 Roofing & Constr., Co.*, 21 OCAHO no. 1657b, 4 (2025) (citations omitted). In contrast, a dismissal with prejudice “would bar another prosecution based on identical facts.” *Id.* at 5 (citation omitted). Although a dismissal without prejudice could lead to Complainant refiling the complaint, “Respondent is represented by counsel,” and “[t]he parties’ understanding is clear.” *PJ’s of Tex., Inc.*, 18 OCAHO no. 1524j, at 7; *see also A-1 Roofing & Constr., Co.*, 21 OCAHO no. 1657b, at 5 (granting dismissal without prejudice when “the parties’ intent and agreement are clear”). Indeed, the parties’ settlement agreement includes several provisions describing the parties’ rights and obligations should Respondent fail to comply with the terms of the settlement agreement. *See* Settlement Agreement ¶¶ 11–15, 19 (addressing potential enforcement in court, the furnishing of business and financial records, authorization of debt collection, and recovery of reasonable costs and attorney’s fees for enforcement). Although not discussed in the settlement agreement, the Court infers that a dismissal without prejudice was part of the parties’ agreed resolution of the allegations in the complaint against Respondent. The Court shall give effect to that agreement and now dismisses this case without prejudice.

III. ORDERS

IT IS SO ORDERED that the February 12, 2026, Notice of Settlement and Joint Motion to Dismiss filed by Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, and Respondent, SHG, Inc., doing business as Southern Hospitality Group, is GRANTED; and

IT IS FURTHER ORDERED that, pursuant to 28 C.F.R. § 68.14(a)(2), this case, namely OCAHO Case No. 2025A00053, is DISMISSED without prejudice.

SO ORDERED.

Dated March 31, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.