

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

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| UNITED STATES OF AMERICA,                 | ) |                             |
|                                           | ) |                             |
| Complainant,                              | ) |                             |
|                                           | ) | 8 U.S.C. § 1324a Proceeding |
| v.                                        | ) |                             |
|                                           | ) | OCAHO Case No. 2023A00064   |
| MENDOZA MAINTENANCE                       | ) |                             |
| GROUP, INC.,                              | ) |                             |
|                                           | ) |                             |
| Respondent.                               | ) |                             |
| <hr style="width: 40%; margin-left: 0;"/> | ) |                             |

Appearances: Oscar J. Montemayor, Esq., for Complainant  
Jaime Mendoza, pro se Respondent

ORDER MEMORIALIZING SECOND PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

This case arises under the employer sanctions provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a. 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) on June 6, 2023. 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 (Count I) and failed to ensure proper completion of Forms I-9 for seventeen individuals (Count II), 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).<sup>1</sup> On January 25, 2024, Respondent, through

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<sup>1</sup> 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

Mr. Jaime Mendoza,<sup>2</sup> filed an Answer to Complaint (Answer), an Amended Motion to Dismiss on Grounds of Violations of Procedures (Amended Motion to Dismiss), and a filing entitled “Responses for failure to answer complaint in timely manner” (Response). Due to filing deficiencies, OCAHO staff rejected these filings on the date of receipt. Respondent remedied the deficiencies, and on March 5, 2024, it re-filed its Answer, Amended Motion to Dismiss, and Response.

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 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). On February 12, 2026, the Court issued an Order Extending Referral to the OCAHO Settlement Officer Program. *See United States v. Mendoza Maint. Grp., Inc.*, 18 OCAHO no. 1516e (2026). On April 8, 2026, the Settlement Officer advised the Court that the parties were in the process of finalizing a settlement agreement resolving the allegations in this case.

On April 7, 2026, Complainant filed a Notice of Filing that attached a copy of the settlement agreement between the parties. On April 9, 2026, Complainant filed a Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i).

On April 9, 2026, the Court issued an Order for Status Reports and Notice Regarding OCAHO Portal. Through that Order, the Court directed the parties to either file status reports addressing the status of their settlement agreements by April 30, 2026, or, if the parties had settled the case, to make the necessary filings pursuant to 28 C.F.R. 68.14. Apr. 9, 2026 Order Status Reports 5–6.

On April 10, 2026, the Court issued an Order on Complainant’s Notice for Voluntary Dismissal and Scheduling Second Prehearing Conference (Order

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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>.

<sup>2</sup> Mr. Jaime Mendoza has identified himself as Mr. Javier Mendoza’s brother. Complainant has identified Mr. Javier Mendoza as the president of the Respondent business.

Voluntary Dismissal). The Court found that “[b]ecause Respondent has filed an answer to the complaint in this case, Complainant cannot avail itself of Rule 41(a)(1)(A)(i) and voluntarily dismiss this case without a court order.” Apr. 10, 2026 Order Voluntary Dismissal 3. The Court scheduled a second prehearing conference with the parties on April 14, 2026, “to discuss the parties’ filings and decision to exit the forum either by consent findings or dismissal.” *Id.* at 4.

## II. SECOND PREHEARING CONFERENCE

On April 14, 2026, the Court held a second telephonic prehearing conference on this matter. During the conference, the Court discussed the parties’ voluntary motion to dismiss, methods for the parties to exit the forum pursuant to OCAHO’s Rules of Practice and Procedure for Administrative Hearings, and the parties’ settlement agreement.

The Court explained that the purpose of the prehearing conference was to discuss the status of this case, including settlement discussions. The Court first addressed Complainant’s Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i). The Court informed Complainant that, as it had explained in its April 10, 2026, Order, voluntary dismissal through Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure was not available to Complainant because Respondent had filed an answer in the case. Complainant’s counsel indicated that he thought that voluntary dismissal might have been available to Complainant and referred to the untimely filed answer in this case. He agreed, however, with the Court’s finding that, since an answer had been filed, voluntary dismissal under Rule 41(a)(1)(A)(i) was not appropriate.

Next, the Court reviewed OCAHO’s Rules of Practice and Procedure for Administrative Proceedings<sup>3</sup> which govern these proceedings. The Court highlighted the following rules: (1) the parties may notify the Administrative Law Judge that they have reached a full settlement and have agreed to dismissal, and the ALJ may dismiss the action, *see* 28 C.F.R. § 68.14(a)(2); and (2) the parties may make oral motions during prehearing conferences, *id.* § 68.11.

The Court granted the parties leave to make an oral motion to dismiss the proceedings pursuant to 28 C.F.R. § 68.11. Complainant’s counsel notified the Court that the parties had reached a full settlement and made an oral motion to dismiss this case pursuant to 28 C.F.R. § 68.14(a)(2). Complainant attested that the parties

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<sup>3</sup> 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>.

had resolved all issues in the case. Mr. Mendoza, on behalf of Respondent, then joined Complainant's counsel in notifying the Court that the parties had reached a full settlement and had agreed to dismissal of this case pursuant to 28 C.F.R. § 68.14(a)(2).

The Court then addressed the type of dismissal being sought by the parties. As it had in its April 10, 2026, Order, the Court explained to the parties the difference between a dismissal with prejudice and a dismissal without prejudice. The Court explained that a dismissal without prejudice would allow Complainant to refile the complaint against Respondent while a dismissal with prejudice would bar another prosecution based on identical facts. The Court then asked the parties if they had agreed to seek a particular type of dismissal. Complainant's counsel represented that the parties had agreed to seek a dismissal without prejudice. Mr. Mendoza acknowledged that that was the parties' agreement. The Court then accepted the parties' oral motion to dismiss without prejudice and indicated that it would issue a final order approving dismissal due to settlement pursuant to 28 C.F.R. § 68.14(a)(2).

Next, the Court addressed the settlement agreement between the parties. Both parties notified the Court that they had reached a full settlement of the issues in this case. The Court explained that it had reviewed the settlement agreement on file with the Court which had been signed by Mr. Javier Mendoza, Respondent's president. Complainant's counsel represented that Complainant was satisfied with the settlement agreement. Mr. Jaime Mendoza noted that he would sign the settlement agreement on behalf of Respondent after the prehearing conference and send it back to Complainant. The parties both represented that the settlement agreement on file with the Court was identical to the settlement agreement that Mr. Jaime Mendoza was signing. Given the parties' representation that the settlement agreement was identical, the Court said that it would not require the filing of the settlement agreement to be signed by Mr. Jaime Mendoza.

The Court said that it was satisfied with the parties' settlement agreement on file with the Court except for two paragraphs which it anticipated addressing in its final order. First, the Court explained that paragraph 7 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. 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). Second, the Court directed the parties' attention to paragraph 10 of the settlement agreement which stated that "[t]he Respondent will CEASE AND DESIST from any violations of [8 U.S.C. § 1324a]." Settlement Agreement ¶ 10. 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, and not to the "paperwork" violations of the employment verification system alleged in the complaint. *See* 8 U.S.C. § 1324a(e)(4)(a).

The Court then gave both parties an opportunity to ask questions and raise any other issues they wished to discuss with the Court. Complainant's counsel and Mr. Mendoza both stated that they did not have any questions or additional issues that needed to be addressed by the Court. Given Complainant's filings regarding settlement and the parties' representations during the prehearing conference, the Court noted that the parties did not need to file status reports pursuant to the Court's Order for Status Reports and Notice Regarding OCAHO Portal. After confirming that the parties had no further questions or issues that they wanted to discuss, the Court adjourned the conference.

SO ORDERED.

Dated April 16, 2026.

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Honorable Carol A. Bell  
Acting Chief Administrative Law Judge