

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 FOR JOINT STATUS REPORT AND SCHEDULING
THIRD PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

On January 26, 2024, 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) 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 (NIF) 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.

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 68.¹ *United States v. SUMAJ, LLC*, 21 OCAHO no. 1648, 3–4 (2025).²

Also, on March 10, 2025, the Court 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 for 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 Program 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).

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. *See United States*

¹ 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, which generally govern these proceedings, are available in the Electronic Code of Federal Regulations. *See* <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

² 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>.

v. SUMAJ, LLC, 21 OCAHO no. 1648b (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 to the OCAHO Settlement Officer Program 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.³ *Id.* at 4. The Court then 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 April 22, 2025, and continuing through June 23, 2025. *Id.* at 4–6. The Court found no need to stay procedural deadlines during the referral period. *Id.* at 5.

On June 23, 2025, the assigned Settlement Officer, OCAHO ALJ John A. Henderson, requested a thirty-day extension of this 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. He represented that the parties consented to a thirty-day referral.

Also, on June 23, 2025, the Court issued an Order Extending Referral to the OCAHO Settlement Officer Program. *See United States v. SUMAJ, LLC*, 21 OCAHO no. 1648c (2025). Through that Order, the Court extended the referral period to the OCAHO Settlement Officer Program through July 24, 2025, and reminded the parties that, should they reach a settlement agreement during the referral period, they must file a joint notice of settlement and agreed motion to dismiss compliant with 28 C.F.R. § 68.14(a)(2). *Id.* at 3–4. In the event the parties could not reach a settlement agreement during the referral period, the Court advised the parties that the Settlement Officer would refer them back to the undersigned for further proceedings, and that the Court would request status reports and set new case deadlines. *Id.* at 4. The Settlement Officer later advised the Court that the parties were continuing fruitful settlement negotiations beyond the thirty-day extension.

On February 3, 2026, the Settlement Officer advised the Court that the parties were continuing to work toward a settlement. On February 5, 2026, the Court issued an Order for Status Reports ordering both parties to file a status report on the update of their settlement agreement no later than March 9, 2026.

On March 26, 2026, Complainant filed a Settlement Negotiation Update and advised that the parties' "mediation was cut short due to the serious medical

³ EOIR PM 20-16 established the OCAHO Settlement Officer Program. Chapter 4.7 of the OCAHO Practice Manual, which is part of the Executive Office for Immigration Review's Policy Manual, outlines the OCAHO Settlement Officer Program and is available on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho>.

condition of the Respondent's manager." Complainant's Settlement Negot. Update 1. Complainant's counsel represented that, on August 12, 2025, Respondent's counsel informed him that Respondent's manager died. *Id.* Complainant explained that it had determined that the Respondent-business was still operational, but using the name "Suma Plus Solutions LLC." *Id.* at 2. Further, Complainant indicated that Angela Anissa Avendano was managing the business. *Id.* Complainant explained that it wanted to continue the parties' settlement negotiations and asked the Court for an additional thirty days to seek a settlement with Respondent's new management. *Id.*

On April 9, 2026, the Court issued an Order for Status Report from Respondent, Scheduling Second Prehearing Conference, and Notice Regarding OCAHO Portal. *See United States v. SUMAJ, LLC*, 21 OCAHO no. 1648d (2026). The Court again ordered Respondent to file a status report, informed the parties of the new requirement to utilize the OCAHO Portal for filings, and scheduled a second prehearing conference for Tuesday, April 21, 2026. *Id.* at 4–5. The Court directed OCAHO to add Ms. Avendano to the service list and serve the Order on her at the Respondent business. *Id.* at 5. The Court put Respondent on notice that, if it failed to respond to the Court's orders, the Court may deem its request for hearing abandoned pursuant to 28 C.F.R. § 68.37(b)(1) and issue an order of dismissal, rendering the NIF the final agency order. *Id.* at 4–5, 7.

On April 16, 2026, Respondent's counsel filed a Motion to Withdraw as Counsel. In his motion, counsel asserted that, to the best of his knowledge, the Respondent business was "wound-down, no longer operates, no longer has any employees, and has no successor in interest." Mot. Withdraw 1. Respondent's counsel attached to the motion: (a) a copy of a death certificate for Ivan Fernando Avendano issued by the Department of State Health Services, Vital Statistics for the State of Texas on August 22, 2025; and (b) an Application to Determine Heirship and for Letters of Administration – Intestate filed by Angela Anissa Avendano in the Travis County, Texas, Probate Court on October 10, 2025, in the Estate of Ivan Fernando Avendano.

On April 21, 2026, the Court conducted a second prehearing conference pursuant to 28 C.F.R. §§ 68.13(a)(1), (a)(2)(i), (a)(2)(v), (a)(2)(viii). Apr. 22, 2026 Order Memorializing Second Prehr'g Conf. The Court addressed the parties' settlement negotiations, the parties' filings, and Respondent's counsel's Motion to Withdraw as Counsel. *Id.* at 4–6. The parties agreed that Mr. Avendano, the sole owner of SUMAJ, LLC, died without a will and that there was an open intestate probate case in the State of Texas in which Mrs. Avendano applied, through different counsel, to be the administrator of Mr. Avendano's estate. *Id.* at 5. Respondent's counsel also represented that there was no successor for the LLC. *Id.* The parties agreed that DHS can still pursue its claims against Respondent because Respondent is a separate legal entity and Mr. Avendano's sole ownership interest in the business

passed to his estate upon his death. *Id.* Complainant’s counsel indicated Mrs. Avendano was operating the Respondent-business as “Suma Plus Solutions LLC” and that he planned to amend the complaint to add “Suma Plus Solutions LLC” as a successor in interest. *Id.*

II. DISCUSSION

A. Joint Status Report

Given the issues raised in the parties’ recent filings and the second prehearing conference, the parties shall file a joint status report with the Court no later than June 22, 2026, addressing the status of these proceedings in light of the death of the owner of the Respondent business. The parties shall attach to the joint status report any relevant filings from the probate proceedings in the State of Texas.

B. Third Prehearing Conference

The Court will hold a telephonic prehearing conference with the parties on Tuesday, June 30, 2026, at 11:30 a.m. Eastern Time,⁴ to discuss next steps in this litigation and Respondent’s counsel’s Motion to Withdraw as Counsel. *See* 28 C.F.R. §§ 68.13(a)(1), (a)(2)(viii), (a)(2)(ix). At the conference, the parties should be fully prepared and have authority to discuss any questions regarding the case. *See* 28 C.F.R. § 68.13. The parties will have the opportunity to discuss any problems confronting them.

The Court puts Respondent on notice that it may deem the request for hearing abandoned if Respondent fails to respond to the Court’s orders or fails to appear at the prehearing conference. *See* 28 C.F.R. § 68.37(b)(1).

Because Complainant has identified a new manager for the Respondent-business, *see* Complainant’s Settlement Negot. Update 2, OCAHO shall issue this Order both to Respondent’s counsel of record via electronic mail and to Ms. Avendano at the mailing address for the Respondent-business on file with OCAHO. Should Respondent’s preferred address differ from the address on file, Respondent shall file a timely notice with the Court updating the address. *See* Notice Case Assignment ¶ 2 (explaining that “[a]ll representatives and parties are also required to maintain a current address with OCAHO and to timely file a notice of a change of

⁴ If the parties need to reschedule the prehearing conference, at least five business days before the conference, they shall provide the Court with a joint written notice of a minimum of three proposed agreed dates and times for the rescheduled conference. The Court will confirm the date and time for the rescheduled conference either telephonically or in writing as soon thereafter as practicable.

address with the presiding Administrative Law Judge ... and must also serve such notice on the opposing party.”).

III. ORDERS

IT IS SO ORDERED that the parties shall file a joint status report no later than June 22, 2026, addressing the status of these proceedings given the death of the owner of the Respondent business and ongoing probate proceedings.

IT IS FURTHER ORDERED that, pursuant to 28 C.F.R. §§ 68.13(a)(1), (a)(2)(viii), (a)(2)(ix), a telephonic prehearing conference with the parties will be held on Tuesday, June 30, 2026, at 11:30 a.m. Eastern Time. Both parties shall attend the prehearing conference by calling telephone number [x-xxx-xxx-xxxx] and entering the meeting number ([xxx xxx xxx]) and password ([xxxx]).

The Court puts Respondent on notice that its failure to respond to the Court’s orders may result in the matter being deemed abandoned pursuant to 28 C.F.R. § 68.37(b)(1). The Court will then issue an order of dismissal, and the NIF will be rendered the final agency order. *Id.*

SO ORDERED.

Dated April 28, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge