

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. 2026A00043
JORGE MATA, LLC,	)	
D/B/A EL SOMBRERO,	)	
	)	
Respondent.	)	
	)	

Appearances: Kenneth R. Knapp, Esq., for Complainant
Jorge Mata, LLC, Respondent¹

NOTICE AND ORDER TO SHOW CAUSE

I. PROCEDURAL HISTORY

This case arises under the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. 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) on April 13, 2026. Complainant alleges that Respondent, Jorge Mata, LLC, doing business as El Sombrero, failed to ensure that employees properly completed section 1 and/or failed to properly complete section 2 or 3 of the Employment Verification Form (Form I-9) for fifteen employees, or, in the alternative, failed to prepare in a timely manner the Forms I-9 for fifteen employees (Count I), in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl. ¶¶ 4–11.

Complainant attached to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) that it personally served on Respondent on October 16, 2025, at an address in Rapid City, South Dakota, through Mr. Jorge Mata, who

¹ Should Respondent retain counsel in this matter, its counsel shall file a notice of appearance in accordance with 28 C.F.R. § 68.33(f).

was identified as the business owner. Compl. Ex. A. Through the NIF, DHS sought a fine of \$36,480 for Respondent's alleged violations. *Id.* The NIF put respondent on notice of its right to contest the fine by submitting a written request for a hearing before an Administrative Law Judge (ALJ) to DHS "within 30 days from the service of this [NIF]." *Id.* Also attached to the complaint was a letter dated October 31, 2025, signed by Ms. Ivy J. Stager who identified herself as a senior accounting associate with the Black Hills CPA Group, LLP, in which she stated that "Jorge is requesting a hearing concerning Notice of Intent to Fine" (request for hearing). *Id.* Ex. B. Neither the letter nor the complaint indicated when DHS received the letter. A footnote in the complaint explained that, although "[n]o Notice of Entry of Appearance (Form G-28) accompanied this request ... DHS will accept this as a Request for Hearing" and give Respondent "the benefit of the doubt." *Id.* ¶ 2 n.1.

Pursuant to 28 C.F.R. § 68.7(b)(5),² Complainant asked OCAHO to serve the complaint on Respondent's owner, Mr. Jorge Mata, at the address in Rapid City, South Dakota, identified for the business in the NIF. Compl. 8; *id.* Ex. A.

On April 15, 2026, using the United States Postal Service's (USPS) certified mail service, OCAHO mailed Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), the complaint, the NIF, and Respondent's request for hearing (together, the "complaint package"). Through the NOCA, OCAHO's Deputy Chief Administrative Hearing Officer (Deputy CAHO) informed Respondent that these proceedings would be governed by OCAHO's Rules of Practice and Procedure for Administrative Hearings and applicable case law. Notice of Case Assignment ¶ 2. The NOCA included links to OCAHO's Rules and its Practice Manual,³ along with contact information for OCAHO. *Id.* The Deputy CAHO directed Respondent to answer the complaint within thirty days in accordance with 28 C.F.R. § 68.9(a). *Id.* ¶ 4. The Deputy CAHO cautioned Respondent that its failure to file an answer could lead the Court to enter a judgment by default and all appropriate relief pursuant to 28 C.F.R. § 68.9(b). *Id.*

Per its standard practice, OCAHO requested a tracking number for the complaint package and proof of service through a USPS Domestic return Receipt Form (PS Form 3811) ("return receipt"). The USPS certified mail tracking information for the complaint package mailed to Respondent's business address

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

³ The OCAHO Practice Manual, which is part of the EOIR Policy Manual, outlines the procedures and rules applicable to cases before OCAHO. It is likewise available on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho>.

indicated that it was “picked up at the post office” in Rapid City, South Dakota, on April 29, 2026. OCAHO also received a USPS return receipt for the delivery confirming a delivery date of April 29, 2026, with the printed name and signature of Jorge Mata-Diaz. To date, Respondent has not filed an answer to the complaint.

II. NOTICE OF ELECTRONIC FILING THROUGH OCAHO PORTAL

OCAHO has implemented a web-based electronic filing system for cases filed with OCAHO under 8 U.S.C. §§ 1324a, 1324b, and 1324c, namely, the OCAHO Portal. The system is the result of a successful pilot program to test electronic filing by email, which launched in 2014 and was extended indefinitely in 2015. All litigants can use the OCAHO Portal for their cases for filing and receipt of decisions and orders.

Use of the OCAHO Portal for all filings in OCAHO cases is mandatory for attorneys and authorized representatives. *See* 28 C.F.R. § 68.6(b)(1). Registration requires a valid email address for electronic service. *See id.* § 68.6(c)(3). A certificate of service is required on filings made through the Portal. *See id.* § 68.6(c)(1). Parties may register for the OCAHO Portal and log into their account to file by visiting the OCAHO filing page on the United States Department of Justice’s website: <https://ocaho.eoir.justice.gov/>. The parties should contact the technical support desk for the Executive Office for Immigration Review (EOIR) if they need assistance registering for the OCAHO Portal. Should the parties encounter difficulties viewing the Court’s orders and decisions through the OCAHO Portal, or need to confirm the Court’s receipt of a filing, they may contact OCAHO directly.

If both parties are filing through the OCAHO Portal, the Portal will effectuate service by providing notification of each filing to all parties via email. *See* 28 C.F.R. § 68.6(c)(1). The filing party must include a certificate of service for each filing stating that “all parties are using OCAHO’s electronic filing application and, therefore, no separate service was completed.” *Id.* If one party is not using the OCAHO Portal or if the Portal is unavailable, the parties shall serve their filings by one of the means specified in 28 C.F.R. § 68.6(c)(2).

Regardless of which filing method is used, the Court will accept courtesy copies of the parties’ filings by email to OCAHO.

III. REGULATORY AND LEGAL STANDARDS

OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2026), generally govern these proceedings. OCAHO’s Rules explain that the filing of a complaint commences an adjudicatory proceeding before OCAHO. 28 C.F.R. § 68.2. However, “the formal stage

of a case actually does not begin (the time deadlines do not start) until the OCAHO serves the original complaint on the respondent employer.” *United States v. Arnold*, 1 OCAHO no. 119, 781, 785 (1989) (internal citations omitted).⁴

OCAHO’s Rules require Complainant to identify “the party or parties to be served by the Office of the Chief Administrative Hearing Officer with notice of the complaint pursuant to [28 C.F.R.] § 68.3.” 28 C.F.R. § 68.7(b)(5). Complainant must include this information in a statement accompanying the complaint. *Id.* After receiving this information, OCAHO will serve the complaint through one of the following methods:

- (1) By delivering a copy to the individual, party, partner of a party, officer of a corporate party, registered agent for service of process of a corporate party, or attorney or representative of record of a party;
- (2) By leaving a copy at the principal office, place of business, or residence of a party;
- (3) By mailing to the last known address of such individual, partner, officer, or attorney or representative of record; or
- (4) By delivering a copy or providing notification by email to such individual, party, partner of a party, officer, registered agent for service of process, or attorney or representative of record of a party.

Id. § 68.3(a)(1–4). Whichever method is chosen, “[s]ervice of the complaint . . . is complete upon receipt by the addressee.” *Id.* § 68.3(b).

⁴ 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>.

IV. DISCUSSION AND ANALYSIS

As an initial matter, the Court addresses the issue of service of the complaint package on Respondent. Using the address provided by Complainant, OCAHO sent the complaint package to Respondent via USPS certified mail to the attention of its owner, Mr. Jorge Mata. The USPS tracking information reflected that the complaint package was picked up at the United States post office in Rapid City, South Dakota, on April 29, 2026. Further, OCAHO received a dated and signed USPS return receipt reflecting receipt on April 29, 2026, of the complaint package addressed to the Respondent-business by Mr. Jorge Mata-Diaz. The Court therefore finds that OCAHO perfected service of the complaint package on Respondent on April 29, 2026, in accordance with 28 C.F.R. §§ 68.3(a)(3), 68.3(b).

After service of the complaint, OCAHO's Rules provide a respondent thirty days to file an answer. *See* 28 C.F.R. § 68.9(a). The Deputy CAHO explained this requirement to Respondent in the NOCA. *See* Notice of Case Assignment ¶ 4. As service was perfected on April 29, 2026, Respondent's answer was due no later than May 29, 2026. *See* 28 C.F.R. §§ 68.3(b), 68.9(a). Respondent has failed to file an answer to the complaint and has not contacted OCAHO regarding the case.

In the NOCA, the Deputy CAHO warned Respondent that if it failed to file a timely answer, the Court could deem it to have waived its right to appear and contest the allegations of the complaint and that a judgment by default and other appropriate relief could follow. *See* Notice of Case Assignment ¶ 4 (citing 28 C.F.R. § 68.9(b)). "If a default judgment is entered, the request for hearing is dismissed, AND judgment is entered for the complainant without a hearing." *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004). The "long-established practice" of OCAHO is "to issue an order to show cause before entering a default." *United States v. Road Masters IG, LLC*, 22 OCAHO no. 1694, 4 (2026); *see also United States v. Shine Auto Serv.*, 1 OCAHO no. 70, 444 (1989). In *Shine Auto Service*, the acting CAHO explained:

Respondent must justify [in its response to the order to show cause] its failure to respond in a timely manner. Based on the Respondent's reply, the [ALJ] shall determine whether the respondent has met the threshold for good cause. If the [ALJ] determines that the Respondent possessed the requisite good cause for failing to file a timely answer, then the [ALJ] may allow the Respondent to file a late answer.

Shine Auto Serv., 1 OCAHO no. 70, at 445–46. The Court will follow the same practice in this case and now issues this Notice and Order to Show Cause.

The Court now “orders Respondent to file a response to this Notice and Order to Show Cause in which it must proffer facts sufficient to show good cause for its failure to file a timely answer to the complaint.” *Road Masters IG, LLC*, 22 OCAHO no. 1694, at 5. The Court also orders Respondent to file an answer to the complaint along with its filing showing good cause. *See id.* The answer must comport with 28 C.F.R. § 68.9. *See id.*

Respondent’s response to the Notice and Order and Show Cause and its answer must be filed no later than twenty-one days from the date of this Order, being June 25, 2026.⁵ Upon receipt of Respondent’s filings, the Court will determine if Respondent has demonstrated the requisite good cause for failing to file a timely answer to the complaint and will decide whether to allow its untimely answer. *See Road Masters IG, LLC*, 22 OCAHO no. 1694, at 5.

If Respondent does not file an answer and response, the Court may find that Respondent has waived its right to appear and contest the allegations raised in the complaint. 28 C.F.R. § 68.9(b). The Court may also enter a default judgement. *Id.*

If Respondent fails to respond to the Court’s orders, “the Court will find that it has abandoned its request for hearing and dismiss its request pursuant to 28 C.F.R. § 68.37(b)(1).” *See Road Masters IG, LLC*, 22 OCAHO no. 1694, at 5; *see also United States v. Steidle Lawn & Landscape, LLC*, 17 OCAHO no. 1457c, 2 (2023) (finding that the respondent abandoned its request for a hearing when it failed to respond to the ALJ’s orders). “A final order of dismissal based on abandonment is analogous to entry of a default judgment under the Federal Rules of Civil Procedure.” *United States v. Vilardo Vineyards*, 11 OCAHO no. 1248, 4 (2015). “Abandonment will result in DHS’s NIF becoming the final order.” *United States v. DJ’s Transp.*, 18 OCAHO no. 1488a, 5 (2024).

V. ORDERS

IT IS ORDERED that, within twenty-one days of the date of this Order, being June 25, 2026, Respondent, Jorge Mata, LLC, doing business as El Sombrero, shall file a response with the Court in which it must provide facts sufficient to show good cause for its failure to answer the complaint in this case.

IT IS FURTHER ORDERED that, within twenty-one days of the date of this Order, Respondent shall file with the Court an answer to the complaint that comports with 28 C.F.R. § 68.9.

⁵ Pleading are deemed filed when received by OCAHO or the assigned Administrative Law Judge. 28 C.F.R. § 68.8(b).

The Court puts Respondent on notice that its failure to file an answer and a response to this Notice and Order to Show Cause “may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint” and the Court may enter a default judgment against Respondent as to both liability and penalties. 28 C.F.R. § 68.9(b). If Respondent fails to respond to the Court’s orders, the Court shall conclude that Respondent has abandoned its request for a hearing and issue an order of dismissal. *Id.* § 68.37(b). The NIF will be rendered the final agency order.

SO ORDERED.

Dated June 4, 2026.

Honorable Carol A. Bell
Chief Administrative Law Judge