

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 STATUS REPORT AND RESCHEDULING
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. On February 27, 2024, Respondent filed an answer to the complaint.

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 referral to the OCAHO Settlement Officer Program. *United States v. SUMAJ, LLC*, 21 OCAHO no. 1648a, 4 (2025).¹ 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 v. SUMAJ, LLC*, 21 OCAHO no. 1648b (2025).

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

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 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>.

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. *Id.* at 3–9.

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).² 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 Ms. 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 Ms. 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.*

On April 28, 2026, the Court issued an Order for Joint Status Report and Scheduling Third Prehearing Conference. *See United States v. SUMAJ, LLC*, 21 OCAHO no. 1648e (2026). The Court ordered the parties to file a joint status report by June 22, 2026, addressing the status of the proceedings given the death of the owner of the Respondent business and the probate proceedings. *Id.* at 6. Further, pursuant to 28 C.F.R. §§ 68.13(a)(1), the Court scheduled a telephonic prehearing conference for June 30, 2026. *Id.*

On June 19, 2026, Respondent’s counsel filed an Amicus Position Statement. Through that filing, he indicated that “an uncontested determination of heirship . . . to address the outstanding estate and to assign a trustee” was scheduled for June 30, 2026. Amicus Position Statement 1. He also represented that Ms. Avendano’s attorney was withdrawing as counsel in the probate proceedings. *Id.* Lastly, he

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, 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>.

advised that he had updated Complainant's counsel as to the probate proceedings, and that Complainant's counsel was not opposed to a sixty-day continuance of this case. *Id.*

II. DISCUSSION

A. Request for Continuance

Through Respondent's Amicus Position Statement, Respondent moves the Court for "a 60 [day] continuance of the case." Amicus Position Statement 1. Respondent's counsel represents that the continuance is necessary given the ongoing probate proceedings in the State of Texas to determine heirship and to assign a trustee for the estate of Mr. Avendano, the sole owner of SUMAJ, LLC. *Id.* Further, Respondent's counsel notes that Mrs. Avendano's counsel is withdrawing from those proceedings. *Id.*

Under OCAHO's Rules of Practice and Procedure for Administrative Hearings, "[c]ontinuances shall only be granted in cases where the requester has a prior judicial commitment or can demonstrate undue hardship, or a showing of other good cause." 28 C.F.R. § 68.27(a). When considering whether to grant a party's request to reschedule a prehearing conference, this Court has "consider[ed] the agreed nature of the requests ... the length of the extension of time ... being sought," and whether the "requested extensions are reasonable and appropriate[.]" *United States v. Muniz Concrete & Contracting, Inc.*, 19 OCAHO no. 1535b, 5 (2024).³

On June 29, 2026, in accordance with 28 C.F.R. § 68.27(d), the Court notified the parties that it had reviewed Respondent's Amicus Position Statement and would reschedule the third prehearing conference. The Court finds Respondent's request to continue these proceedings for sixty days to be reasonable and appropriate and supported by good cause. Given the death of Mr. Avendano, the Court awaits the designation of a trustee with authority to hire legal counsel to represent SUMAJ,

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LLC, in this case. *See* Fed. R. Civ. P. 25(c). In finding good cause for the requested continuance, the Court has considered that Complainant's counsel does not oppose Respondent's request, *see* Amicus Position Statement 1, this is Respondent's first request to reschedule a setting in this matter, the amount of time it seeks is reasonable, and the request was timely made at least five business days in advance of the prehearing conference as instructed by the Court. *See SUMAJ, LLC*, 21 OCAHO no. 1648e, at 5 n.4.

B. Status Report

Given the issues raised in the parties' recent filings and during the second prehearing conference, the parties shall file a status report with the Court no later than August 31, 2026, addressing the status of these proceedings given the death of Mr. Avendano, the owner of the Respondent business. The parties shall attach to the status report any relevant filings, orders, or docket entries from the probate proceedings in the State of Texas.

C. Rescheduled Third Prehearing Conference

The third prehearing conference scheduled for June 30, 2026, is canceled. The Court now reschedules the third telephonic prehearing conference with the parties for Tuesday, September 9, 2026, at 11:30 a.m. Eastern Time,⁴ to discuss next steps in this litigation. *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).

III. ORDERS

IT IS SO ORDERED that Respondent's unopposed request for a sixty-day continuance of this case, including the third prehearing conference, is GRANTED, and the prehearing conference scheduled for June 30, 2026, is CANCELED.

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.

IT IS FURTHER ORDERED that the parties shall file a status report no later than August 31, 2026, addressing the status of these proceedings given the death of the owner of the Respondent business and the ongoing probate proceedings in the State of Texas, including any designation of a trustee or legal counsel for SUMAJ, LLC.

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, September 9, 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 ([xxxxxxx]) 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 Notice of Intent to Fine Pursuant to Section 274A of the INA served on Respondent on August 8, 2023, seeking a fine of \$789,681.20 for the alleged violations, *see* Compl. Ex. A, will be rendered the final agency order. *See* 28 C.F.R. § 68.37(b)(1).

SO ORDERED.

Dated June 30, 2026.

Honorable Carol A. Bell
Chief Administrative Law Judge