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

September 3, 2026

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2024A00015
	)	
ZARCO HOTELS INCORPORATED,	)	
	)	
Respondent.	)	
	)	

Appearances: Jodie Cohen, Esq., for Complainant
Kian Zarrinnam, pro se Respondent

PREHEARING ORDER ONE - ORDER SETTING PARAMETERS OF HEARING AND ORDERING PREHEARING STATEMENTS

On May 24, 2026, the Court issued an Order Granting Respondent's Motion for Summary Decision, in Part, and Ordering Complainant to Show Cause. *See United States v. Zarco Hotels Inc.,* 18 OCAHO no. 1518l (2026). [1] Within that Order, the Court made Findings of Fact based on reliable evidence presented. The Court then found no liability on some, but not all, of the allegations brought by Complainant.[2]

[1] Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database "FIM OCAHO," the LexisNexis database "OCAHO," and on the United States Department of Justice's website: https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions.

[2] As further detailed below, the Court concluded that it was unclear whether Respondent presented six Forms I-9 at issue timely.

On June 24, 2026, the Court issued a Final Order finding no liability for the remaining allegation, doing so after evaluating the additional evidence presented by Complainant. Specifically, on the proffer provided by Complainant, the Court concluded Complainant had not demonstrated it could meet its burden on that remaining issue at hearing (the timely presentation of the six Forms I-9). *See United States v. Zarco Hotels Inc.,* 18 OCAHO no. 1518m (2026).

On July 24, 2026, the Deputy Chief Administrative Hearing Officer (Deputy CAHO) issued her Order By the Deputy Chief Administrative Hearing Officer Vacating the Administrative Judge's Final Order and Remanding the Case for Further Proceedings.

The purpose of this Prehearing Order One is to provide clarity to the parties as to the parameters of the hearing (substantively), set forth the requirements for Prehearing Statements, and ensure parties are aware of OCAHO regulations which explain the standards of conduct in the forum.

As to the parameters of the hearing (substantively), the Deputy CAHO's Order states:

> On May 4, 2026, the ALJ issued an Order Granting Respondent's Motion for Summary Decision, in Part, and Ordering Complainant to Show Cause. *See United States v. Zarco Hotels Inc.*, 18 OCAHO no. 1518l (2026). In the order, the ALJ granted the Respondent's motion for summary decision with respect to the three individuals with an ownership interest in the Respondent business, consistent with previous OCAHO case law. See id. at 10. Additionally, the ALJ found that the Respondent was not liable for any potential Form I-9 violations generated by CPE, the third-party entity that was considered the employer of the employees in question from 2003 to 2010. *See id.* at 11.
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> After resolving those issues, the sole remaining issues before the ALJ concerned the Forms I-9 for the other six individuals named in the First Amended Complaint that were prepared (or should have been) in 2010. With respect to those Forms I-9, the ALJ found that all sections of those Forms (attached as Exhibit 1 to the Respondent's Motion for Summary Decision) were fully and properly completed, and accordingly granted the Respondent's motion for summary decision in part, in that the Respondent would not be held liable for "failure to prepare" the Forms I-9 in question. [footnote omitted] *See id.* at 12.
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> Crucially, the ALJ noted that a question remained as to whether the six Forms I-9 that were properly completed were also presented to the DHS auditor at the time of inspection. On this question, the ALJ noted that the record established that 51 Forms I-9 were presented to the DHS auditor during his inspection, which appears to have occurred on August 19, 2019. See id. at 8, 12. However, the ALJ observed that the record did not make clear whether the six Forms I-9 in question were included in the 51 Forms I-9 originally presented to the DHS auditor. Id. at 12 ("It is possible these six Forms I-9 were included in the 51 presented Forms. It is also possible they weren't.").

United States v. Zarco Hotels Inc., 18 OCAHO no. 1518n, 3-4 (2026).

As part of her review, the Deputy CAHO indicated she would not "disturb [the findings of the ALJ]… [regarding] three theories of liability."[3] *Id*. at 11-2. The Deputy CAHO also declined to "disturb… [the ALJ's findings that] Respondent was not liable for violations related to the Forms I-9 for Individuals 7, 8, and 9 of the First Amended Complaint because those individuals 'have an ownership interest in the Respondent business.'" *Id*. at 12; *citing United States v. Zarco Hotels Inc.*, 18 OCAHO no. 1518l, 10 (2026).

The Deputy CAHO concluded "**[t]he only remaining alleged violations at issue in the ALJ's final order (and thus in this administrative review) were the allegations that the Respondent failed to present Forms I-9 for Individuals 1 through 6 in the First Amended Complaint.**" *Id*. at 12 (emphasis added).

The Court now requires prehearing statements as this case formally advances to hearing.[4] The hearing should be understood as the time for Complainant to present evidence to meet its burden on liability and on penalty. Respondent may also present evidence on liability and penalty at hearing.

Parties can anticipate an in-person hearing. Parties are expected to appear in person, and all witnesses should anticipate testifying in person. The hearing will occur at an EOIR facility in the greater Los Angeles area with a default start time of 8:30am PT.[5]

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[3] The Deputy CAHO explained:

> The First Amended Complaint essentially alleges four possible theories of liability for the Forms I-9 at issue here – it alleges in the alternative that the Respondent: (1) failed to prepare the Forms I-9; (2) failed to present the Forms I-9; (3) failed to properly complete Section 2 of the Forms I-9; and/or (4) failed to correct technical failures on the Forms I-9. First Am. Compl. at 3. In her May 4, 2026, order granting in part the Respondent's motion for summary decision, the ALJ essentially granted summary decision to the Respondent on three of the four theories of liability, finding that the Respondent did prepare the Forms I-9 in question, see Zarco Hotels Inc., 18 OCAHO no. 1518l, at 11-12; fully completed the Forms I-9 (including Section 2), see id. at 12; and was "not liable for any violations arising from Forms I-9 generated by CPE (pre-2010)," id. at 11, clarifying in a footnote that to the extent it was the Forms I-9 generated by CPE that were the subject of the failure to correct technical failures charge, that charge therefore "cannot be sustained on this record[,]" id. at 11 n.18.

United States v. Zarco Hotels Inc., 18 OCAHO no. 1518n 11 (2026).

[4] "At any time prior to the commencement of the hearing, the Administrative Law Judge may order any party to file a prehearing statement." 28 C.F.R. § 68.12(a).

[5] "In cases under sections 274A and 274C of the INA, pursuant to sections 274A(e)(3)(B) and 274C(d)(2)(B) of the INA, hearings shall be held at the nearest practicable place to the place where the person or entity resides or to the place where the alleged violation occurred." 28 C.F.R. § 68.5(b).

Once the hearing duration is established, the Court will inform the parties of available locations with the understanding that it is Respondent who is in the best position to inform the Court as to the "nearest practicable place" where he resides or the business is located.

The Court now ORDERS Complainant and Respondent to file Prehearing Statements. These statements must include:

1. Proposed duration of the hearing;
2. Proposed exhibits including a brief description of each and an annotation indicating whether the exhibit was previously provided to the opposing party, and whether it was previously offered to the Court (i.e. attached to a Motion);
3. Proposed witness(es) including a proffer of anticipated testimony (substance and duration), and whether you seek to qualify that witness as an expert; and
4. "Any appropriate comments, suggestions, or information which might assist the parties or the Administrative Law Judge in preparing for the hearing or otherwise aid in the disposition of the proceeding." 28 C.F.R. § 68.12(b)(8).

Prehearing statements shall be submitted to the Court by **October 2, 2026**.

Parties should be aware that failure to identify exhibits or witnesses in the prehearing statement may impact a party's ability to present that exhibit or witness testimony at hearing.

After the Court receives the Prehearing Statements, it will provide further instructions regarding next steps and additional logistics information for the upcoming hearing (including potential dates and location).

Additionally, the Court places the parties on notice of the following:

1. Administrative Law Judges "shall have all appropriate powers necessary to conduct fair and impartial hearings, including, but not limited to… compel[ling] the production of documents and appearance of witnesses in control of the parties; [and] compel[ling] the appearance of witnesses by the issuance of subpoenas as authorized by law." 28 C.F.R. § 68.28(a)(3) and (4). Further, both parties and their witnesses are subject to the enforcement mechanism.[6]

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[6] The enforcement mechanism is described in OCAHO regulations:

> If any person in proceedings before an Administrative Law Judge disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the Administrative Law Judge responsible for the adjudication may, where authorized by statute or law, apply through appropriate counsel to the Federal District Court having jurisdiction in the place in which he/she is sitting to request appropriate remedies.

28 C.F.R. § 68.28(b).

2. Standards of Conduct in OCAHO proceedings require "all persons appearing in proceedings before and Administrative Law Judge… to act with integrity, and in an ethical manner." 28 C.F.R. § 68.35(a).[7]
3. **Settlement Officer Program**: OCAHO's Settlement Officer Program is a free mediation service available to parties.[8] Both parties must consent in writing before the case can enter the program. Parties may make a request for referral "at any time while proceedings are pending up to 30 days prior to the date scheduled for a hearing in the matter." OCAHO Practice Manual Ch. 4.7(b)(4)(A).

SO ORDERED.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

[7] Note that deviations from these standards may cause the Administrative Law Judge to:

> [E]xclude from proceedings parties, witnesses, and their representatives for refusal to comply with directions, continued use of dilatory tactics, refusal to adhere to reasonable standards of orderly and ethical conduct, failure to act in good faith, or violation of the prohibition against *ex parte* communications. The Administrative Law Judge shall state in the record the cause for barring an attorney or other individual from participation in a particular proceeding. The Administrative Law Judge may suspend the proceeding for a reasonable time for the purpose of enabling a party to obtain another attorney or representative.

28 C.F.R. § 68.35(b).

[8] Rules regarding enrollment and participation in the Settlement Officer Program can be found in Chapter 4.7 of OCAHO's Practice Manual. Chapter 4.7 of the Practice Manual can be found here: https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho/chapter-4-7.