

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

April 11, 2019

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 19A00007
)	
HRK INVESTMENTS, INC.)	
d/b/a 7-ELEVEN STORE 23309,)	
Respondent.)	
_____)	

ORDER DENYING MOTION TO DISMISS

On March 6, 2019, Respondent filed a Motion to Dismiss Complaint. Complainant filed a response to the motion on March 18, 2019. On April 9, 2019, the undersigned held a prehearing conference and gave an oral ruling denying the motion to dismiss.

In the motion, Respondent argued that the Court should dismiss the Complaint because the Complaint does not comply with the requirements of 28 C.F.R. § 68.4. Section 68.4 provides the rules for filing complaints regarding unfair immigration-related employment practices under 8 U.S.C. § 1324b. Section 68.4 does not apply to employer sanctions complaints under § 1324a. Complainant alleges violations under § 1324a. Therefore, § 68.4 does not apply to this matter. As such, Respondent’s Motion to Dismiss is **DENIED**.

Furthermore, in its response, Complainant conceded that the statute of limitations bars the charges regarding Marrela Mancebo and Iverlande Petit Jeune. As such, the alleged violations against Marrela Mancebo and Iverlande Petit Jeune in Count II are **DISMISSED**.

SO ORDERED.

Dated and entered on April 11, 2019.

Thomas P. McCarthy
Administrative Law Judge