

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. 2020A00017
)	
CAPITAL FIREPROOF DOOR,)	
Respondent.)	
)	

Appearances: Nancy Torrellas, Esq., for Complainant
Maury Josephson, Esq., for Respondent

FINAL DECISION AND ORDER

This case arises under the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. On November 20, 2019, Complainant, the Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Capital Fireproof Door, alleging violations of 8 U.S.C. § 1324a. Respondent filed an answer to the Complaint on December 30, 2019.

On May 13, 2022, the Court issued a stay of proceedings pursuant to Complainant’s request for a stay because settlement was nearing, and the parties anticipated filing a motion to approve consent findings.

On June 29, 2022, the parties jointly filed Consent Findings pursuant to 28 C.F.R. § 68.14 and a Proposed Order of Approval of Consent Findings. 28 C.F.R. § 68.14(a)(1) provides that when parties have entered a settlement agreement, they shall submit “[t]he agreement containing consent findings; and [a] proposed decision and order” to the presiding Administrative Law Judge (ALJ). 28 C.F.R. § 68.14(b) lists the requirements of an agreement with consent findings and a proposed decision and order.

The Court finds that the parties’ filings substantially conform to the requirements of 28 C.F.R. §§ 68.14(a)(1) and 68.14(b). Specifically, the Consent Findings reflect the parties’ intention to resolve this matter fully and their agreement pursuant to 28 C.F.R. §§ 68.14(b)(1)–(4) that:

The parties agree that any order entered into in accordance with these Consent Findings shall, pursuant to 28 C.F.R. § 68.14(b)(1), have the same force and effect as an order made after a full hearing.

The parties agree that the entire record upon which any final orders in this matter may be based shall, pursuant to 28 C.F.R. § 68.14(b)(2), consist solely of the Complaint, the Answer, the Notice of Hearing, Consent Findings, and Order of Approval of Consent Findings.

Respondent states that any and all further procedural steps available to Respondent before an Administrative Law Judge and any rights to challenge or contest the validity of these Consent Findings or any order issued pursuant thereto are waived, pursuant to 28 C.F.R. § 68.14(b)(3) and (4).

Consent Findings ¶¶ 6–8.

The Court is satisfied with the timeliness, form, and substance of the parties' Consent Findings and accepts the parties' agreement containing their agreed consent findings as the Court's findings in this case and hereby incorporates those findings by reference, the same as if they were set forth herein at length.

Based on the evidence in the record, including, but not limited to, the Complaint, the Answer, the Notice of Hearing, and the agreed Consent Findings, the Court finds that Respondent has violated 8 U.S.C. § 1324a and issues this Final Decision and Order finding Respondent liable for the same.

All relief sought in the parties' Consent Findings is GRANTED. Each of the parties will perform the promises undertaken in their Consent Findings, and each will bear its own costs, attorney's fees, and other expenses, as provided in paragraph 9 of the parties' Consent Findings.

It is hereby ORDERED that Respondent shall pay a civil money penalty of \$15,036 for the admitted violations as agreed in paragraph 4 of the parties' Consent Findings.

This Final Decision and Order shall have the same force and effect as a decision and order made after a full hearing.

This Final Decision and Order is the final order of the Administrative Law Judge in accordance with 28 C.F.R. § 68.52, and will become the final agency order unless vacated or modified by the Chief Administrative Hearing Officer as provided in 28 C.F.R. § 68.54 or referred to the Attorney General pursuant to 28 C.F.R. § 68.55.

SO ORDERED.

Dated and entered on July 15, 2022.

Honorable John A. Henderson
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1) (2012).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.