

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

May 25, 2017

|                           |   |                             |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | ) |                             |
| Complainant,              | ) |                             |
|                           | ) |                             |
| v.                        | ) | 8 U.S.C. § 1324a Proceeding |
|                           | ) | OCAHO Case No. 16A00053     |
|                           | ) |                             |
| ALPINE STAFFING, INC.,    | ) |                             |
| Respondent.               | ) |                             |
| _____                     | ) |                             |

FINAL DECISION AND ORDER

Appearances:

Colin P. Johnson  
for the complainant

Scott W. Wright  
for the respondent

I. INTRODUCTION

This action arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324a (2012). Complainant, United States Department of Homeland Security, Immigration and Customs Enforcement (ICE or the government), alleges that Respondent, Alpine Staffing, Inc. (Alpine), which is a company incorporated in the State of Minnesota, failed to comply with the employment verification requirements of 8 U.S.C. § 1324a(b). Respondent, in part, denies these allegations. Both parties filed a Motion for Summary Decision and a response to the opposing party’s motion. The matter is ripe for resolution. For the reasons provided below, Complainant’s Motion will be **GRANTED, IN PART**.

## II. PROCEDURAL HISTORY

On August 23, 2013, ICE served Alpine by certified mail with a Notice of Inspection (NOI), advising Alpine that a review of its Employment Eligibility Verification Forms I-9 was scheduled for August 29, 2013, and that the purpose of the review was to assess its IRCA compliance. The NOI also indicated that federal regulations provide “three days notice prior to conducting a review of an employer’s Forms I-9.” According to ICE, Alpine Staffing, via its president, Richard Donnelly (Mr. Donnelly), delivered three boxes of Forms I-9, covering the 2011–2013 period, on August 29, 2013.

On August 30, 2013, Respondent emailed ICE that it had inadvertently discovered additional Forms I-9 and delivered these forms to ICE. On October 1, 2013, Respondent informed ICE that it discovered more Forms I-9 and delivered them to ICE on October 7, 2013. Respondent indicated that these Forms I-9 pertained to employees current as of August 26, 2013.

On October 29, 2013, ICE sent Alpine a Request for Missing Forms I-9, stating that Alpine had not prepared and/or presented to ICE Forms I-9 for seventy-five employees by the NOI’s August 29, 2013 deadline. ICE therefore instructed Alpine to provide these forms to continue the I-9 investigation. Respondent asked ICE if it should complete a new Form I-9 if it could not locate the form for the listed individuals and ICE responded affirmatively. On November 11, 2013, Alpine emailed ICE requesting a deadline of November 20, 2013, to deliver the Forms I-9. On November 20, 2013, Mr. Donnelly delivered to ICE Forms I-9 for forty of the individuals named in the Request for Missing Forms I-9.

On November 21, 2013, ICE informed Respondent that it had not received Forms I-9 for thirty-five employees and, therefore, had not been able to determine if these employees were authorized to work in the United States. In addition, ICE served Respondent with a Notice of Suspect Documents (NSD). The NSD advised Respondent that according to the records checked by Homeland Security Investigations (HSI), which is a division of ICE, 544 of its employees appeared, at that time, to not be authorized to work in the United States. The NSD further stated, “The documents submitted to you were found to pertain to other individuals, or there was no record of the alien registration numbers being issued, or the documents pertain to the individuals, but the individuals are not employment authorized or their employment authorization has expired.” ICE also warned that unless these listed employees provide “valid identification and employment eligibility documentation acceptable for completing the Form I-9,” other than what they had previously submitted, HSI would consider these employees to be unauthorized to work in the United States. The NSD also notified Respondent that it was incumbent for it to “take reasonable actions to verify the employment eligibility of the employee,” and provided the contact information for the HSI special agent in the event that Respondent or an employee wanted to challenge HSI’s findings. HSI attached a list to the NSD naming the 544 employees and the identity and work authorization documentation that he or she had presented.

On December 5, 2013, Respondent informed ICE that five of the employees named in the NSD presented additional documentation for ICE to review. On December 10, 2013, ICE issued Changes to Notice to Inspection Results, informing Respondent that HSI verified the following individuals' employment authorization: Eugenia Acevedo Jimenez, Tonancy Virgen Hernandez, and Rufino Cedillo de Leon. However, HSI confirmed its determination that Silvia Campos Sanchez and Alonso Olivera Cruz were unauthorized for employment, based on further verification of new information that Respondent had provided. Respondent was again directed to present valid identification and employment eligibility documentation for these employees other than the documentation they had already presented. On December 17, 2013, Alpine informed ICE that all of the individuals named in the NSD, with the exception of Eugenia Acevedo Jimenez and Rufino Cedillo de Leon, were no longer employed by Alpine Staffing.

On September 15, 2014, ICE personally served Respondent with a Notice of Intent to Fine, which set forth two counts.<sup>1</sup> Count I alleged that Respondent failed to timely present or failed to prepare and/or present Forms I-9 for 484 employees. Count II alleged that Respondent failed to ensure that 132 employees properly completed section 1 of their Forms I-9 and/or that Respondent failed to properly complete sections 2 or 3 of their forms. The Notice of Intent to Fine further stated that Respondent hired all 616 employees after November 6, 1986, and assessed a civil money penalty of \$575,960. Respondent timely requested a hearing before an Administrative Law Judge (ALJ).

On August 1, 2016, ICE filed a complaint with OCAHO, setting forth two counts. Count I of the complaint alleges that Respondent failed to timely present or failed to prepare and/or present Forms I-9 for 345 employees, as opposed to 484 employees as charged in the Notice of Intent to Fine. The complaint fully incorporated Count II of the Notice of Intent to Fine and further proposes a total civil money penalty of \$367,290. Respondent filed an answer on August 30, 2016, denying the material allegations of the complaint. Respondent also raised eight affirmative defenses, including failure to state a claim upon which relief may be granted and ICE's failure to follow its own agency guidelines. However, most of its asserted "affirmative defenses" related to ICE's proposed penalty and are, thus, not actually affirmative defenses to liability.<sup>2</sup> See *United States v. Frimmel Mgmt., LLC*, 12 OCAHO no. 1271c, 4 n.4 (2016); *United States v. LFW Dairy Corp.*, 10 OCAHO no. 1129, 11-13 (2009).<sup>3</sup>

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<sup>1</sup> Complainant filed a Motion to Amend Complaint on January 3, 2017. Paragraph three of the complaint states that the Notice of Intent to Fine was served on September 14, 2014, and Complainant seeks to insert September 15, 2014, as the date of service. Complainant's Motion is granted.

<sup>2</sup> Respondent has not further argued or meaningfully supported any of its proposed affirmative defenses to liability, and the undersigned finds them to be abandoned. See *United States v. Metropolitan Enters., Inc.*, 12 OCAHO no. 1297, 2 n.3 (2017). Moreover, even if they were not abandoned, the undersigned would find each to be meritless regarding liability.

On October 4, 2016, the government filed its prehearing statement, in which it proposed twenty-three factual stipulations that relate generally to the procedural history of the case. On November 18, 2016, Respondent filed its prehearing statements. It agreed to several of the government's proposed factual stipulations but denied the stipulations relating to Respondent's alleged liability. Notably, according to proposed factual stipulation (c), Respondent acknowledges that the NOI "reference[d] a production date of August 29, 2013," but "believed in good faith that DHS had, through its actions and statements, consented to Respondent producing additional I-9s after August 29, 2013, and that such consent by DHS did not carry with it a risk of liability for fines or other penalties." *See* Respondent's Prehearing Statement at 4.

On January 12, 2017, the government filed a Motion to Admit Exhibits G-1–G-17, and on January 17, 2017, filed a Motion for Summary Decision (Complainant's Motion). Alpine also filed a Motion for Summary Decision (Respondent's Motion). The parties filed their responses to each opposing party's motion on February 13, 2017. The government's Motion to Admit Exhibits G-1-G-17 is granted, and all exhibits listed below from both parties have been fully considered.

### III. EVIDENCE CONSIDERED

ICE proffered the following exhibits: Ex. G-1) NOI, served August 23, 2013; Ex. G-2) ICE's notes, Receipt for Property, and email from Mr. Donnelly with respect to the Forms I-9 delivered on August 29, 2013, and August 30, 2013; Ex. G-3) ICE's notes, emails, and Receipt for Property with respect to the Forms I-9 delivered on October 7, 2013, and list of employees current as of August 26, 2013; Ex. G-4) Request for Missing Forms I-9 and correspondences with respect to forms delivered on November 20, 2013; Ex. G-5) NSD with attachment, sent November 21, 2013, three Changes to Notice of Inspection Results, and one Confirmation of Notice of Inspection Results; Ex. G-6) Respondent's response to the NSD; Ex. G-7) Letter sent November 21, 2013, from ICE informing Respondent that 35 Forms I-9 were missing; Ex. G-8) Respondent's E-Verify Memorandum of Understanding, signed December 18, 2013; Ex. G-9)

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<sup>3</sup> 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 subsequent to 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," or in the LexisNexis database "OCAHO," or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

Respondent's Certificate of Incorporation and Articles of Incorporation, Minnesota Secretary of State; Ex. G-10) List of Respondent's employees paid Aug. 25, 2013, and of employees paid Jan. 3, 2011–Aug. 24, 2013; Ex. G-11) List of Respondent's employees paid Jan. 3, 2011–Aug. 24, 2013; Ex. G-12) ICE's spreadsheet with respect to the Count I violations; Ex. G-13) Forms I-9 pertaining to the Count I violations (if available); Ex. G-14) ICE's spreadsheet with respect to the Count II violations; Ex. G-15) Forms I-9 pertaining to the Count II violations; Ex. G-16) ICE's Memorandum to Case File – Determination of Civil Monetary Penalty (Memorandum to Case File); and Ex. G-17) Declaration of HSI Auditor Eric Robertson.

Respondent attached the following proposed exhibit to its prehearing statement: Ex. R-1) Declaration of Mr. Donnelly.

#### IV. POSITIONS OF THE PARTIES

##### A. Complainant's Motion

##### 1. Liability

The government contends that it has met its burden of proving there is no genuine issue of material fact with respect to Alpine's liability as charged in the complaint. Alpine is liable for all the violations charged under Count I because the NOI provided that Alpine's Forms I-9 would be inspected on August 29, 2013, and that on August 28, 2013, HSI Auditor Robertson explained to Respondent that no delays would be permitted. *See* Complainant's Motion at 7 (citing Ex. G-17). The government recognizes that Respondent disagrees with this assertion but also states that Respondent "never alleges that a delay in the inspection was ever actually requested by Alpine or that any such delay was ever actually permitted by the Department." *Id.* The government points to the fact that Respondent presented some Forms I-9 on the August 29, 2013 deadline to show that Respondent was aware of this deadline.

ICE states that of the 345 Forms I-9 under Count I, 271 were delivered on October 7, 2013, 40 forms were delivered on November 20, 2013, and 34 forms were never delivered. The government argues that pursuant to statutory authority and OCAHO case law, a delay in the presentation of Forms I-9 during a government audit is a violation of 8 U.S.C. § 1324a(b) and the government is therefore entitled to summary decision as to all of Count I. *Id.* at 9 (citing 8 C.F.R. § 274a.2(b)(2)(ii); *United States v. Noel Plastering & Stucco, Inc.*, 2 OCAHO no. 377, 637, 646 (1991)).

In addition, the government claims that a simple "visual examination" of the 132 Forms I-9 charged under Count II reflects they were not properly completed. Complainant's Motion at 10. ICE included in its Motion a chart that identifies the type(s) of substantive violation present in each Form I-9. (Count II Chart).

## 2. Penalty

The government assessed a \$770 penalty for each alleged violation pursuant to its agency's internal guidelines, "Form I-9 Fine Matrix." *Id.* (citing ICE, Form I-9 Inspection Overview: Fact Sheet (I-9 Fact Sheet) (Jun. 26, 2013), <http://www.ice.gov/news/library/factsheets/i9-inspection.htm>). The company had a 45% violation rate, as 477 violations were discovered out of 1058 required Forms I-9, which, according to the Form I-9 Fine Matrix, calls for a \$770 penalty for first time offenders. *Id.*

ICE further considered the following five statutory factors in setting the penalty: (1) the size of the business, (2) the good faith of the employer, (3) the seriousness of the violation, (4) whether the individual was an unauthorized alien, and (5) the history of any previous violations of the employer. *Id.* at 13 (citing 8 C.F.R. § 274a.10(b)(2)(i)-(v)). The government determined that the factors had a "collectively neutral" effect on the baseline \$770 penalty amount and noted that its Memorandum to Case File elaborates on its fine assessment. *Id.* at 14 (citing Ex. G-16). Accordingly, ICE seeks a total civil monetary penalty of \$367,290.

### B. Respondent's Motion

Respondent did not move for summary decision on the issue of liability for either Count in the complaint; rather, it requests that summary decision be granted in its favor with respect to the penalty and that the undersigned "reject the ICE internal methodology," as has been done in previous OCAHO cases. *See* Respondent's Motion at 1. Specifically, with respect to the five statutory factors, Respondent states that it has no prior history of immigration violations, it "is an extremely small staffing agency business," and it "operate[d] in good faith with respect to its I-9 duties." *Id.* at 2. Alpine does not consider the government's proposed fine to be reasonable and seeks a reduction in the total penalty amount.

### C. Complainant's Response

In its Response Opposing Alpine's Motion for Summary Decision (Complainant's Response), ICE asserts that it has set a fair and equitable fine amount because Respondent's "failures to comply with the retention and reporting requirements of the Act were significant." *See* Complainant's Response at 1. ICE further noted that Alpine's paperwork failures led to the hiring of individuals who could not establish their work authorization, including Mayra Arana, who reviewed and signed 432, or 42%, of Alpine's Forms I-9. *Id.* at 2. Moreover, according to ICE, the fact that only 3 of the 543<sup>4</sup> individuals listed on the NSD were able to provide an employment authorization document (EAD) "strongly suggests the presence of unauthorized

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<sup>4</sup> The NSD actually lists 544 employees. *See* Complainant's Motion, Ex. G-5.

aliens in [R]espondent’s workforce.” *Id.* at 3. ICE concedes that Respondent does not have a previous history of immigration violations and that is it a “relatively small” business. *Id.*

#### D. Respondent’s Response

Respondent also filed a Response to the Government’s Motion for Summary Decision (Respondent’s Response) and pointed to two recent OCAHO decisions, *United States v. Pegasus Family Restaurant, Inc.*, 12 OCAHO no. 1293 (2016), and *United States v. 3679 Commerce Place, Inc.*, 12 OCAHO no. 1296 (2017), to support its request for a reduction in the civil money penalty. “While Respondent recognizes that errors occurred, the record demonstrates that Respondent did in fact require identity and employment verification documents of its staffing workforce.” *See* Respondent’s Response at 3. Respondent reasserts that it did not engage in any egregious conduct and that ICE inappropriately set a fine in the upper-range of penalty assessments. In addition, Alpine acknowledges the case law in support of ICE’s position with respect to Alpine’s liability for failing to timely present Forms I-9 as charged under Count I. However, Alpine characterizes ICE’s position as “unpersuasive and unacceptable as a matter of due process.” *Id.* at 4. Alpine recognizes that HSI Auditor Robertson affirmed that he did not give Alpine any extension to present their Forms I-9 and contends that “[e]ven if under these facts” the undersigned finds Alpine liable for Count I, the government’s practices of penalizing employers who were under the impression that delivering I-9s at a later date was acceptable should be admonished. “There was no clarity in the communications to put the Respondent on notice that any request for an extension had to be submitted and responded to in writing.” *Id.* at 5. Respondent also proposes that OCAHO “establish a standard that obligates the government to provide Respondent companies with clear notice of the potential monetary repercussions for a failure to produce I-9s on a timely basis.” *Id.*

### V. DISCUSSION AND ANALYSIS

#### A. Applicable Legal Standards

##### 1. Summary Decision

OCAHO regulation 28 C.F.R. § 68.38(c) establishes that an ALJ “shall enter a summary decision for either party if the pleadings, affidavits, material obtained . . . show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.” Relying on United States Supreme Court precedent, OCAHO case law has held that “[a]n issue of material fact is genuine only if it has a real basis in the record” and that “[a] genuine issue of fact is material if, under the governing law, it might affect the outcome of the suit.” *Sepahpour v. Unisys, Inc.*, 3 OCAHO no. 500, 1012, 1014 (1993) (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). “In determining whether there is a genuine issue as to a material fact, all facts and reasonable

inferences to be derived therefrom are to be viewed in the light most favorable to the non-moving party.” *United States v. Primera Enters., Inc.*, 4 OCAHO no. 615, 259, 261 (1994) (citations omitted).

“Once the moving party satisfies its initial burden of demonstrating both the absence of a material factual issue and that the party is entitled to judgment as a matter of law, the nonmoving party must come forward with contravening evidence to avoid summary resolution.” *United States v. Four Seasons Earthworks, Inc.*, 10 OCAHO no. 1150, 3 (2012) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)); *see generally* Fed. R. Civ. P. 56(e). OCAHO regulation 28 C.F.R. § 68.38(b) provides that the party opposing the motion for summary decision “may not rest upon the mere allegations or denials” of its pleadings, but must “set forth specific facts showing that there is a genuine issue of fact for the hearing.”

## 2. Burdens of Proof and Production

In cases arising under 8 U.S.C. § 1324a, the government has the burden of proving by a preponderance of the evidence that the respondent is liable for committing a violation of the employment eligibility verification requirements. *See United States v. Nebeker, Inc.*, 10 OCAHO no. 1165, 4 (2013) (citing *United States v. Am. Terrazzo Corp.*, 6 OCAHO no. 877, 577, 581 (1996)). In addition to proving liability, “[t]he government has the burden of proof with respect to the penalty, *United States v. March Construction, Inc.*, 10 OCAHO no. 1158, 4 (2012), and must prove the existence of any aggravating factor by a preponderance of the evidence, *United States v. Carter*, 7 OCAHO no. 931, 121,159 (1997).” *United States v. Niche, Inc.*, 11 OCAHO no. 1250, 6 (2015).

After the government has introduced evidence to meet its burden of proof, “the burden of *production* shifts to the respondent to introduce evidence . . . to controvert the government’s evidence. If the respondent fails to introduce any such evidence, the un rebutted evidence introduced by the government may be sufficient to satisfy its burden . . . .” *United States v. Durable, Inc.*, 11 OCAHO no. 1231, 5 (2014) (affirmance by the Chief Administrative Hearing Officer (CAHO)) (citations omitted).

## 3. Employment Verification Requirements

Employers must prepare and retain Forms I-9 for employees hired after November 6, 1986, and are required to produce the Forms I-9 for inspection by the government upon three days’ notice. 8 C.F.R. § 274a.2(b)(2)(ii); *United States v. Keegan Variety, LLC*, 11 OCAHO no. 1238, 2 (2014). The form must be prepared and retained for current employees and with respect to former employees “only for a period of three years after that employee’s hire date, or one year after that employee’s termination date, whichever is later.” *United States v. H & H Saguario Specialists*, 10 OCAHO no. 1144, 6 (2012) (quoting 8 U.S.C. § 1324a(b)(3) (“Retention of verification form”); 8 C.F.R. § 274a.2(b)(2)(i); *United States v. Ojeil*, 7 OCAHO no. 984, 982,

992 (1998)). Employers must ensure that an employee complete section 1 of the Form I-9 and attest to his or her citizenship or immigration status in the United States by signing and dating the Form I-9 no later than the first day of employment. 8 C.F.R. § 274a.2(a)(3) (attestation under penalty of perjury), (b)(1)(i)(A). For employees employed for three business days or more, an employer must sign section 2 of the Form I-9 within three days of the employee's first day of employment to attest under penalty of perjury that it reviewed the appropriate documents to verify the individual's identity and employment authorization. 8 C.F.R. § 274a.2(a)(3), (b)(1)(ii).

Failures to satisfy the requirements of the employment verification system are known as "paperwork violations," which are either "substantive" or "technical or procedural." See Memorandum from Paul W. Virtue, INS Acting Exec. Comm'r of Programs, *Interim Guidelines: Section 274A(b)(6) of the Immigration & Nationality Act Added by Section 411 of the Illegal Immigration Reform & Immigrant Responsibility Act of 1996* (Mar. 6, 1997) (Virtue Memorandum) available at 74 No. 16 *Interpreter Releases* 706 (Apr. 28, 1997). Relevant to the instant case, substantive violations include failure to prepare and/or present a Form I-9 and failure to timely present a Form I-9 to the government upon three days' notice. 8 C.F.R. § 274a.2(b)(2)(ii); Virtue Memorandum at 3; see also *United States v. Horno MSJ, Ltd., Co.*, 11 OCAHO no. 1247, 7 (2015) ("Absent an extension of time, an employer cannot avoid liability for failure to timely present I-9 forms by submitting the forms at some point later in the process, whether in the course of the inspection itself or later during the ensuing litigation.") (referencing *United States v. Liberty Packaging, Inc.*, 11 OCAHO no. 1245, 5-6 (2015); *United States v. A&J Kyoto Japanese Rest., Inc.*, 10 OCAHO no. 1186, 7 (2013)). The Virtue Memorandum also characterizes the following as substantive violations: (1) an employee's failure to check the appropriate box identifying his or her citizenship or immigration status in section 1; (2) an employee's failure to sign the attestation in section 1; (3) an employer's failure to record a proper List A document or proper Lists B and C documents in section 2; and (4) an employer's failure to sign the attestation in section 2. Virtue Memorandum at 3-4.

#### 4. Civil Money Penalty

Civil money penalties are assessed for paperwork violations according to the parameters set forth at 8 C.F.R. § 274a.10(b)(2): the minimum penalty for each individual with respect to whom a violation occurred after September 29, 1999, and before November 2, 2015, is \$110, and the maximum is \$1100. See also 28 C.F.R. §§ 85.1, 85.5. In assessing an appropriate penalty, the following statutory factors must be considered: 1) the size of the employer's business, 2) the employer's good faith, 3) the seriousness of the violations, 4) whether or not the individual was an unauthorized alien, and 5) the employer's history of previous violations. 8 U.S.C. § 1324a(e)(5). As stated above, the government bears the burden of proving the existence of any aggravating factor by a preponderance of the evidence.

The weight to be given each of the five factors will depend upon the facts and circumstances of the individual case. *United States v. Raygoza*, 5 OCAHO no. 729, 48, 51 (1995) (noting that each factor’s significance is based on the specific facts in the case). Although 8 U.S.C. § 1324a(e)(5) “requires due consideration of the enumerated factors, it does not mandate any particular outcome of such consideration, and nothing in the statute or the regulations requires in OCAHO proceedings either that the same weight be given to each of the factors in every case, or that the weight given to any one factor is limited to any particular percentage of the total.” *United States v. Ice Castles Daycare Too, Inc.*, 10 OCAHO no. 1142, 6-7 (2011) (internal citations omitted). Further, 8 U.S.C. § 1324a(e)(5) does not rule out consideration of additional factors as may be appropriate in a specific case. *See United States v. Hernandez*, 8 OCAHO no. 1043, 660, 664 (2000). Moreover, while the statute calls for consideration of the five factors in each case, there is otherwise no single method mandated for calculating civil money penalties for violations of 8 U.S.C. § 1324a(a)(1)(B). *See United States v. Senox Corp.*, 11 OCAHO no. 1219, 4 (2014); *see also United States v. The Red Coach Rest., Inc.*, 10 OCAHO no. 1200, 3 (2013) (affirmance by the CAHO noting decisions using varied approaches to calculating penalties); *cf. United States v. Int’l Packaging, Inc.*, 12 OCAHO no. 1275a, 6 (2016) (noting that nothing in 8 U.S.C. § 1324a(e)(5) requires the five statutory factors to be considered exclusively on a binary scale); *United States v. Romans Racing Stables, Inc.*, 11 OCAHO no. 1232, 5 (2014) (affirmance by the CAHO) (noting that a failure to affirmatively establish a statutory factor as aggravating does not require that the factor necessarily be treated as mitigating). ICE’s penalty calculations are not binding in OCAHO proceedings, and the ALJ may examine the penalties *de novo* if appropriate. *See Ice Castles Daycare*, 10 OCAHO no. 1142 at 6.

## B. Application

### 1. Liability

ICE, as the moving party, has provided both arguments and evidence in order to meet its burden of proving by a preponderance of the evidence Counts I and II, its penalty assessment, and its entitlement to summary decision. Consequently, the burden of production shifted to Alpine to produce evidence and arguments to rebut ICE’s case and to rebut the evidence of record supporting ICE’s case. Alpine has not meaningfully challenged its liability under either Count I or II, though it did set forth some arguments and evidence, in the form of Mr. Donnelly’s affidavit, regarding the government’s showing.

Alpine does not dispute that the 477 individuals named in Count I and in Count II were hired after November 6, 1986, as alleged in the complaint. Moreover, ICE demonstrated that these individuals, with the exception of Richard Donnelly, were employees for whom Alpine had to prepare and present Forms I-9 because Alpine paid these individuals wages between January 3, 2011–August 24, 2013, or on August 25, 2013. *See Complainant’s Motion*, Exs. G-10; G-11. Alpine identified the employees paid up until August 25, 2013, as current employees. *See id.*, Ex. G-10. Accordingly, as these individuals earned wages, they qualify as employees of Alpine,

with the exception of Mr. Donnelly. *See* 8 C.F.R. § 274a.1(f). Moreover, because the list identifies when these individuals were hired and when they earned wages, it is evident that they are either current employees or, if applicable, former employees who fall within the pertinent Form I-9 retention period in relation to the date of service of the NOI, August 23, 2013. *H & H Saguario Specialists*, 10 OCAHO no. 1144 at 6.

However, Alpine will not be held liable for any violations with respect to Richard Donnelly's Form I-9 because the evidence of record sufficiently shows that he should not be considered an employee. The record shows that he was paid wages, listing his hire date as January 15, 2002, and that his I-9 was untimely presented to ICE on November 20, 2013. *See* Complainant's Motion, Exs. G-3 at 6; G-12 at 2. However, the record also identifies him as "President and Manager" of Alpine, he signed numerous I-9s as "manager," and the Minnesota Business Corporation/Annual Renewal names him as Alpine's Chief Executive Officer. *Id.*, Exs. G-4 at 8; G-9 at 4. In addition, Alpine contends that Richard Donnelly and Theresa Donnelly are Alpine's only two stockholders and sole executives, which ICE has not disputed. *Id.*, Ex. G-9 at 3. As a general rule, OCAHO case law has recognized that an individual is not an employee of an enterprise if he or she has an ownership interest in, and control over, all or part of the enterprise. *United States v. Speedy Gonzalez Constr. Inc.*, 11 OCAHO no. 1228, 9 (2014) (citing *United States v. Two for Seven, LLC*, 10 OCAHO no. 1208, 7 (2014)). Whether an individual is an employee is a fact-intensive inquiry because "[n]either the form of the business entity nor the individual's title is determinative. It is the function of the individual within the enterprise that governs, and all the incidents of the relationship must be considered." *Clackamas Gastroenterology Assocs. v. Wells*, 538 U.S. 440, 449-51 (2003). Although Respondent did not assert that Richard Donnelly should not be considered an employee, ICE has not submitted sufficient evidence to meet its burden of proof that Mr. Donnelly is properly classified as an employee. Indeed, because he is one of two shareholders in this corporation and acted on behalf of the company during ICE's investigation, it is evident that he has substantial ownership interests and substantial control over Alpine. Consequently, ICE did not meet its burden of establishing that Mr. Donnelly was an employee and that Respondent was required to present a Form I-9 for him. Therefore, the company is not liable for any violation with respect to his I-9. *Speedy Gonzalez*, 11 OCAHO no. 1228 at 9 (citing *United States v. Jalisco's Bar and Grill, Inc.*, 11 OCAHO no. 1224, 9 (2014)).

a. Count I

It is undisputed that Alpine presented to the government Forms I-9 on the following dates: August 29, 2013, August 30, 2013, October 7, 2013, and November 20, 2013. *See* Complainant's Prehearing Statement at 3-4; Respondent's Prehearing Statement at 4; *see also* Complainant's Motion, Exs. G-2-G-4. The NOI advised Alpine that a review of its Forms I-9 was scheduled for August 29, 2013. *See* Complainant's Motion, Ex. G-1. Accordingly, the

Forms I-9 that Alpine delivered to ICE on October 7, 2013, and November 20, 2013,<sup>5</sup> a total of 311 forms, *see id.*, Exs. G-12–13, were not presented to the government upon three days’ notice. 8 C.F.R. § 274a.2(b)(2)(ii); *Horno MSJ*, 11 OCAHO no. 1247 at 7. According to ICE’s spreadsheet assessing the Count I violations, Alpine presented 271 forms on October 7, 2013, and 40 forms on November 20, 2013. *See* Complainant’s Motion, Ex. G-12. ICE stamped these forms with the date on which they were received on either October 7, 2013, or November 20, 2013. *Id.*, Ex. G-13. Accordingly, ICE has met its initial burden of demonstrating that Alpine is liable for the substantive violation of failing to timely present to ICE these Forms I-9. As discussed above, however, the company is not liable for any violation with respect to Mr. Donnelly’s form and is, therefore, liable for 310 violations of failing to timely present I-9s to the government.

In addition, ICE met its burden of proving that Alpine is liable for the substantive violation of failing to prepare and/or present Forms I-9. Specifically, Alpine did not prepare and/or present the forms for the remaining thirty-four Count I individuals: (1) Dante Acosta, (2) Erick Diaz Aguilar, (3) Raul Arangure, (4) Herald Castillo, (5) Jorge Chavez, (6) Keith Eatmon, (7) Susana Flores, (8) Heriberta Fuentes, (9) Luis A. Garcia, (10) Rodrigo Gatica, (11) Ana Gomez, (12) Heriberto Hernandez, (13) Angelica Gomez Herrero, (14) Guadalupe Jaquez, (15) Anthony Johnson, (16) David Lira, (17) Antonio Medina, (18) Norma Medina, (19) Juana Juarez Meza, (20) Frank Miller, (21) Jose Monroy, (22) Helio Navarro, (23) Emilio Rosales Palacios, (24) Jesus Palafox, (25) Reynaldo Portillo, (26) Jose Luis Rivera, (27) Norma Sandoval, (28) Zita Stewart, (29) Moua Vang, (30) Jesus Vasquez, (31) Paula Vest, (32) Andrew Walker, (33) Daven Williams, and (34) Elmer Zamorano.<sup>6</sup> *See* Complainant’s Motion, Exs. G-12–G-13. The record does not indicate that Alpine completed Forms I-9 for these individuals and Alpine did not attempt to argue or show otherwise. Alpine is therefore liable for thirty-four violations of failing to prepare and/or present a Form I-9. Overall, ICE met its burden of proof regarding 344 of the 345 Count I violations.

Respondent does not contest that it submitted some forms to Complainant after August 29, 2013. In both its own Motion for Summary Decision and its Response to Complainant’s Motion, Respondent does not facially attempt to rebut Complainant’s showing of liability and focuses rather on the appropriate penalty. Moreover, Respondent acknowledged that “the evidence does support the imposition of civil penalties.” *See* Respondent’s Prehearing Statement at 5. Nevertheless, Respondent does take issue, albeit somewhat obliquely, with the imposition of liability for the forms delivered after August 29, 2013, because ICE accepted them without any warning or notification that they would be deemed untimely and subject to a civil penalty. *See* Respondent’s Response at 4-5. Respondent characterizes ICE’s actions as “unacceptable as a

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<sup>5</sup> The government did not identify any of the Forms I-9 that were delivered on August 30, 2013, as being listed in the complaint. *See* Complainant’s Motion, Ex. G-12.

<sup>6</sup> This enumeration does not correspond to the enumeration of these employees in the complaint.

matter of due process of law.” *Id.* at 4. It also implicitly raises an argument of equitable estoppel against ICE for accepting the untimely Forms I-9.

These arguments, however, are unpersuasive. The statute, applicable regulations, and OCAHO case law are all clear that any delay in complying with a NOI, unless an employer has been granted an extension, is generally a violation of 8 U.S.C. § 1324a(a)(1)(B), absent a showing of impossibility or a similar valid defense. *See* 8 U.S.C. § 1324a(b)(3); 8 C.F.R. § 274a.2(b)(2)(ii); *Horno MSJ*, 11 OCAHO no. 1247 at 7. The NOI unquestionably indicated that the deadline for producing the requested Forms I-9 was August 29, 2013. *See* Complainant’s Motion, Ex. G-1. It is also undisputed that Respondent did not ask for an extension of time to submit Forms I-9 and that ICE did not affirmatively state that Respondent could take additional time to submit the forms without incurring liability. Although Respondent asserts that it was not aware it was bound by the deadline of August 29, 2013, *see* Respondent’s Prehearing Statement, Ex. R-1 at 1, that assertion is both belied by the record, *see* Complainant’s Motion, Ex. G-1, and foreclosed by law as a defense to liability. Indeed, an employer’s lack of knowledge of IRCA’s paperwork requirements is not an affirmative defense. *United States v. McDougal*, 4 OCAHO no. 687, 862 869 (1994); *see also United States v. Candlelight Inn*, 4 OCAHO no. 611, 212, 230 (1994) (“[R]espondent’s contention that the subpoena was devoid of any warning that its failure to provide the requested documentation by the return date constitutes a violation of IRCA is not a proper defense to the violation alleged.”). The NOI also provided Respondent with a link to the I-9 Fact Sheet, which further states that “[b]y law, employers are provided with at least three business days to produce the Forms I-9,” *see* I-9 Fact Sheet at 1, thereby suggesting that a request for an extension of time could be made. As ICE pointed out, the fact that Respondent delivered some forms on August 29, 2013, and a second group the next day that had been inadvertently overlooked corroborates the claim that Respondent was aware of its obligation to comply with this deadline. Moreover, HSI Auditor Robertson affirms that he spoke with Mr. Donnelly on August 28, 2013, after he had received the NOI, and informed Mr. Donnelly that “no extension would be provided for Alpine Staffing, Inc. to present its Forms I-9 and they were still due by August 29, 2013.” Complainant’s Motion, Ex. G-17 at 1. To be sure, Mr. Donnelly disputes this assertion. *See* Respondent’s Prehearing Statement, Ex. R-1 at 1. However, this factual dispute is ultimately not material in deciding the outcome of this case because there is no indication that Respondent requested an extension of time nor is there an assertion that ICE affirmatively informed Respondent that it would accept the untimely Forms I-9 without penalty. Complainant’s Motion at 7; Respondent’s Response at 4-5.

The undersigned recognizes that Alpine’s failure to timely present the Forms I-9 appears to have been due more to inadvertence than to duplicity, and it notably contacted ICE as soon as it discovered more Forms. *See* Complainant’s Motion, Ex. G-2–G-4. However, as ICE argued and Respondent acknowledged, the regulatory scheme of IRCA’s employer sanctions provisions and OCAHO case law establish that an employer must present to the government Forms I-9 upon three days’ notice, or if an extension of time is granted, by that date. 8 C.F.R. § 274a.2(b)(2)(ii); *Horno MSJ*, 11 OCAHO no. 1247 at 7. The company may have acted with the best intentions in

belatedly presenting these forms upon their discovery but such a “belated presentation” does not alter the fact that it failed to timely present the required Forms I-9 to ICE by the August 29, 2013 date. *See also United States v. Dubois Farms, Inc.*, 2 OCAHO no. 376, 599, 631 (1991). In short, there is no indication that ICE affirmatively misled Respondent or that ICE failed to follow applicable law; accordingly, the record does not establish any violation of due process that would shield Respondent from liability for its untimely-presented Forms I-9.

Respondent also tacitly suggests that an equitable estoppel defense is applicable under the present circumstances, as it posits that ICE’s acceptance of the belated Forms I-9 supports the position that Respondent should not be liable for the substantive violation of untimely presenting the forms to ICE. Whether estoppel may ever lie against the government is an open question, though there are substantial sovereign immunity and separation-of-powers arguments counseling against the idea that the government may be estopped from taking action pursuant to a valid statute. *OPM v. Richmond*, 496 U.S. 414, 423 (1990). Moreover, although musings about whether estoppel may ever run against the government have, over time, “taken on something of a life of [their] own,” the Supreme Court has “reversed every finding of estoppel that [it has] reviewed.” *Id.* at 422. OCAHO case law also indicates that the government is “virtually impervious” to an equitable estoppel claim. *United States v. Hartmann Studios, Inc.*, 11 OCAHO no. 1255, 13 (2015) (citing *United States v. Tom & Yu, Inc.*, 3 OCAHO no. 412, 163, 169 (1992)).

Assuming, without deciding, that estoppel could run against the government in an OCAHO proceeding, such a claim would require, at a minimum, “affirmative misconduct going beyond mere negligence, delay, inaction, or failure to follow internal agency guidelines” and “a showing that the misconduct will cause a serious injustice and that estoppel will not unduly burden the public interest.” *Id.* at 13-14. In the instant case, however, the record reveals no affirmative misconduct by ICE. There was no express oral misstatement by ICE, but even if there were, such a statement is insufficient to estop the government. *Id.* at 14. At most, there was silence from ICE and a subsequent misunderstanding, but that, too, is insufficient to show affirmative misconduct that would otherwise support a claim of estoppel. *Id.* (“If an express oral misstatement cannot estop the United States, an estoppel is a fortiori not created merely by silence or delay.”) (citation omitted); *see also Wade Pediatrics v. Dep’t of Health and Human Servs.*, 567 F.3d 1202, 1207 (10th Cir. 2009) (Gorsuch, J.) (“Silence, of course, does not rise to the level of giving erroneous advice—which is still insufficient to warrant estoppel against the government—let alone to the level of ‘affirmative misconduct’ required to warrant estoppel against the government.”).

In sum, Respondent has neither rebutted its untimely presentation to ICE of the required Forms I-9, nor has it provided sufficient support to establish either a due process violation by ICE or a basis for imposition of estoppel against the government for its conduct. Accordingly, as Complainant met its burden of proving Alpine is liable for failing to present 344 Forms I-9 to

Complainant upon three days' notice, summary decision will be granted as to these violations. *See* Appendix, Count I.

Although Complainant committed no due process violations in inspecting and receiving Respondent's Forms I-9 and Respondent's oblique assertion of estoppel is unavailing, Respondent's broader point is nevertheless well-taken. Respondent was clearly aware of its deadline for the NOI, *see* Complainant's Motion, Ex. G-1, but there appears to have been some subsequent ambiguity or misunderstanding regarding expectations related to its later presentations of Forms I-9. Clearer communication by both sides would certainly have helped the situation and avoided further misunderstanding, though it would not necessarily have absolved Respondent of liability for untimely presenting the Forms I-9. Although the undersigned generally lacks authority to direct the actions of ICE employees in conducting inspections pursuant to 8 U.S.C. § 1324a(b)(3), I would nevertheless encourage both ICE and respondents to clearly articulate their positions to each other in the future if a similar situation were to arise. Indeed, the better practice would be for a respondent to specifically request an extension of time from ICE regarding the submission of any Forms I-9 after the three-day deadline, and for ICE to make its response to such a request clear, rather than for both sides to take actions in a vacuum with widely divergent expectations and without clarifying each side's understanding of the process. Nevertheless, as noted, absent a showing of a due process violation or the establishment of a claim for equitable estoppel, Respondent remains liable for 344 violations in Count I, and Complainant is entitled to summary decision as to liability for those violations. As a final point, the undersigned also notes that I may certainly consider the overall circumstances of a respondent's actions in complying with a NOI in assessing an appropriate civil monetary penalty, particularly in situations where an untimely response was accidental or was due to Forms I-9 that had been inadvertently overlooked, and I have done so in the instant case, as discussed in more detail below.<sup>7</sup>

#### b. Count II

The government met its burden of proving all but 2 of the 132 Count II violations. The government did not establish Alpine's liability for the I-9 violations pertaining to (18) Jose Santos Castro and (67) Steven Jones. Regarding Mr. Castro's Form I-9, all violations noted are technical or procedural rather than substantive. Mr. Castro did not sign section 1 in the space

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<sup>7</sup> Although the instant case does not appear to present a situation in which Forms I-9 were untimely presented because they had not even been prepared at the time of the Notice of Inspection, such a situation would also warrant close scrutiny of an appropriate penalty amount, albeit potentially toward an aggravated penalty amount. *See, e.g., United States v. Frio Cnty. Partners, Inc.*, 12 OCAHO no. 1276, 18 (2016) ("Failure to complete a Form I-9 before service of the NOI 'cannot be treated as anything less than a serious violation.'") (quoting *United States v. Siam Thai Sushi Rest.*, 10 OCAHO no. 1174, 4 (2013)).

provided under “Employee’s Signature,” but he signed the space under Preparer and/or Translator Certification, which is also in section 1 and directly below “Employee’s Signature.” *See* Complainant’s Motion, Ex. G-15 at 24. Mr. Castro checked the box in section 1 indicating that he is a lawful permanent resident, but did not list his corresponding alien number; however, he did provide that number in section 2. The Form I-9 for Mr. Castro lacks a date of hire in the attestation in section 2, and Respondent used an outdated version of the Form I-9 for Mr. Castro.

Checking the box indicating that the employee is a lawful permanent resident but not providing an alien number is a technical or procedural violation if the alien number is provided in section 2 of the Form I-9. *Virtue Memorandum* at 4. A failure to provide the date of hire in the attestation in section 2 is a technical or procedural violation. *Id.* at 5. Absent any indicia of fraud, duplicity, backdating, or other attempted evasion of the general requirements of 8 U.S.C. § 1324a(b), an employee’s signature and date on the wrong line in section 1 and the use of an outdated version of the Form I-9 are generally technical or procedural violations rather than substantive violations. Accordingly, ICE has not established that Mr. Castro’s Form I-9 contains a substantive violation of the requirements of 8 U.S.C. § 1324a(b) and, thus, is not entitled to summary judgment on that allegation.

ICE also charged Alpine with recording a Social Security number in section 2 that was different than the number that Steven Jones recorded in section 1. *Count II Chart* at 7. A review of Mr. Jones’s Form I-9 does not confirm this assertion. Only the last four digits of his Social Security number are visible on the form and sections 1 and 2 identify the same four digits. Complainant’s Motion, Ex. G-15 at 28. This violation will also be dismissed; therefore, the government is denied summary decision as to the violations pertaining to Mr. Castro and Mr. Jones.<sup>8</sup>

However, ICE met its burden of establishing Alpine’s liability for the remaining 130 Count II violations. *See Appendix, Count II.*<sup>9</sup> Alpine is liable for the following substantive violations:

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<sup>8</sup> In certain circumstances, repeated technical or procedural violations on multiple Forms I-9 or a cumulative number of technical or procedural violations on an individual Form I-9 may be so overwhelming and pervasive as to undermine the integrity of the use of the Form I-9 altogether and demonstrate a lack of good faith in complying with the requirements of 8 U.S.C. § 1324a(b). In such circumstances, the good-faith compliance and safe harbor provisions for technical and procedural violations in 8 U.S.C. § 1324a(b)(6) may not be applicable; however, the instant case does not present such circumstances, and Respondent cannot be found liable for the violations alleged regarding the Forms I-9 of Mr. Castro and Mr. Jones.

<sup>9</sup> Although numerous Forms I-9 contained more than one substantive violation, Respondent will only be held liable for one violation per form. In addition, Alpine presented a second Form I-9 on October 7, 2013, for (10) David Avila, (63) Victor Hernandez, (85) Jose Meza, (123) Josue Valdez, and (126) Leslie del Villar. *See Complainant’s Motion, Exs. G-14 at 1-3; G-15 at 14, 75, 103, 147, 152.* Because the government did not charge Alpine with failure to timely present

(1) failure to ensure that the employee signed section 1; (2) failure to ensure that the employee attested to a citizenship or immigration status in section 1, or attested to a status that corresponds to the List A document information, such as an LPR card, in section 2; (3) failure to ensure that the employee provide his or her Alien number or Admission number in section 1 after attesting to LPR status or to being an alien authorized to work and the number is not provided in section 2 or on a legible copy of a document retained with the I-9; (4) failure to review and record a proper List A or Lists B and C document(s); and (5) failure to provide the document number or expiration date of the List A or Lists B and C document(s) and no legible copy of the document is attached. *See* Virtue Memorandum at 3-4; *see also United States v. Ketchikan Drywall Servs., Inc.*, 10 OCAHO no. 1139, 6 (2011), *aff'd sub. nom. Ketchikan Drywall Servs., Inc. v. Immigration and Customs Enforcement*, 725 F.3d 1103 (9th Cir. 2013). In addition, on numerous forms, Alpine is liable for failing to ensure that its employee signed the attestation in section 1 on the date of hire and failing to sign the employer attestation in section 2 within three days of hire. Failure to timely prepare the Form I-9 is a substantive violation. *See United States v. Dr. Robert Schaus, D.D.S.*, 11 OCAHO no. 1239, 7 (2014). Reviewing and recording an expired document in section 2 is also a substantive verification failure, *see* 8 C.F.R. § 274a.2(b)(1)(v), as is the failure to print the name of the employer's authorized representative in section 2. *See Senox*, 11 OCAHO no. 1219 at 7-8 (recognizing that “[o]nly unexpired documents are acceptable for verification purposes” and finding the failure to complete the “print name” portion of section 2 to be a substantive violation); *see also United States PM Packaging, Inc.*, 11 OCAHO no. 1253, 9 (2015). Moreover, failure to complete and date section 3 of a Form I-9 before an employee's work authorization expires is a substantive violation. Virtue Memorandum at 4.

As ICE has met its burden of proving that Alpine is liable for 344 substantive violations charged under Count I and 130 substantive violations charged under Count II, ICE will be granted summary decision as to these 474 violations. As Respondent did not show there is a genuine issue of material fact with respect to its liability, its Motion—to the extent that it cursorily addresses liability—will be denied.

## 2. Appropriate Penalty

Respondent is liable for 474 substantive violations and the permissible penalties for these violations therefore range from a minimum of \$52,140 to a maximum of \$521,400. ICE's proposed penalty of \$770 per violation places the total civil penalty in the mid to upper-range. The goal in calculating civil penalties is to set a sufficiently meaningful fine to promote future compliance without being unduly punitive. *See United States v. Fowler Equip. Co.*, 10 OCAHO no. 1169, 6 (2013).

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these second forms under Count I, the undersigned has only considered the first Forms I-9, which appear to have been delivered on August 29, 2013, for purposes of resolving Count II.

## a. Statutory Factors

I have considered the five statutory factors in evaluating the appropriateness of ICE's proposed penalty against Alpine: 1) the size of the employer's business; 2) the employer's good faith; 3) the seriousness of the violations; 4) whether or not the individual was an unauthorized alien; and 5) the employer's history of previous violations. 8 U.S.C. § 1324a(e)(5). In support of its penalty assessment, ICE filed its Memorandum to Case File. *See Complainant's Motion, Ex. G-16.* Alpine generally asserts in both its Motion for Summary Decision and Response that ICE's proposed fine is unreasonably high due to its status as a small business, its lack of a history of prior violations, and its good faith. Respondent contends that although there were errors on its forms, the record nevertheless proves that it verified the employment authorization status of its employees. Respondent did not present any supporting evidence *per se* with respect to the penalty, though I have fully considered its arguments and the declaration of Mr. Donnelly.

The parties agree that Respondent is a small business, and Complainant appropriately mitigated the fine on account of this factor. *Id.* at 1; *see Carter*, 7 OCAHO no. 931 at 162 (noting that OCAHO case law generally considers businesses with fewer than 100 employees to be small businesses). I also find that mitigation is warranted for this factor.

ICE enhanced the penalty by five percent because of the seriousness of the violations, and I also find that this is an aggravating factor. Respondent's failure to prepare and/or present a Form I-9 is among the most serious of paperwork violations. *See United States v. Super 8 Motel*, 10 OCAHO no. 1191, 14 (2013). Failure to timely present Forms I-9 to the government is also serious because during that time, the government has not been able to ensure an employer's compliance with 8 U.S.C. § 1324a(b). Failure to ensure that an employee checks the box attesting to his or her status in section 1 is serious because if the employee fails to provide information sufficient to disclose his or her immigration status on the face of the form, the employee's signature attests to nothing at all. *United States v. Durable, Inc.*, 11 OCAHO no. 1229, 15 (2014) (citing *Ketchikan Drywall Servs.*, 10 OCAHO no. 1139 at 15). Failure to ensure that the employee signs section 1 is also serious because the employee has not attested to being authorized to work in the United States. *See id.* (citing *United States v. Task Force Sec., Inc.*, 4 OCAHO no. 625, 333, 341 (1994)). An employer's failure to complete the attestation in section 2 is also very serious because section 2 is considered "the very heart" of the verification process. *Liberty Packaging*, 11 OCAHO no. 1245 at 9 (citing *See United States v. Acevedo*, 1 OCAHO no. 95, 647, 651 (1989)). The failure to properly verify a document under List A or Lists B and C in section 2 is also serious. *Horno*, 11 OCAHO no. 1247 at 11. Although seriousness of violations is evaluated along a continuum, the violations for which Respondent is liable in both Counts are sufficiently serious to warrant aggravation of the penalty amount.

Complainant considered the remaining three statutory factors to all be neutral. It is uncontested that Alpine does not have a history of previous violations, and because "compliance with the law

is the expectation, not the exception,” *see United States v. Snack Attack Deli, Inc.*, 10 OCAHO no. 1137, 9 (2010), this factor is appropriately treated as neutral.

Concerning the factor of good faith, Complainant explained that Mayra Arana, an Alpine employee who signed scores of the Forms I-9 at issue, appears to be unauthorized for employment in the United States. Complainant’s Motion, Ex. G-16 at 1. Complainant did not allege that Alpine knew Ms. Arana was unauthorized but “it does indicate a lack of necessary internal control in ensuring that employees are authorized to work in the United States.” *Id.* at 2. ICE also recognized that the company joined E-Verify in December 2013, but states this is irrelevant to the good faith assessment because the company joined after the Notice of Intent to Fine was served. Respondent affirms that there is no showing it acted in bad faith. *See* Respondent’s Response at 3.

“[T]he primary focus of a good faith analysis is on the respondent’s compliance *before* the investigation.” *United States v. New China Buffet Rest.*, 10 OCAHO no. 1133, 5 (2010) (citing *United States v. Great Bend Packing Co.*, 6 OCAHO no. 835, 129, 136 (1996); *United States v. Chef Rayko, Inc.*, 5 OCAHO no. 794, 582, 592 (1995) (modification by the CAHO)). Prior to the investigation, it is evident that Alpine was very careless in attempting to meet its statutory obligations. This alone, however, does not warrant a finding of bad faith on behalf of the employer. *Id.* at 6 (citing *Hernandez*, 8 OCAHO no. 1043 at 670); *but see United States v. Williams Produce, Inc.*, 5 OCAHO no. 730, 54, 62 (1995) (noting that lack of reasonable care and diligence in acting in accordance with 8 U.S.C. § 1324a(a)(1)(B) as manifested by a large magnitude of paperwork violations warrants penalty aggravation for a lack of good faith), *aff’d sub nom. Williams Produce, Inc. v. INS*, 73 F.3d 1108 (11th Cir. 1995) (Table). Although ICE established the company’s liability for a considerable amount of violations, most of which are very serious, the record as a whole substantiates treatment of good faith as a neutral factor.

ICE treated the presence of unauthorized workers as a neutral factor stating that of the 1023 Forms I-9 that were presented for inspection, the NSD identified 544 suspected unauthorized workers. Complainant’s Motion, Ex. G-16 at 4. ICE also recognized that Alpine terminated all but two of the individuals named in the NSD. In addition, according to the Memorandum to Case File, “HSI found documentary evidence . . . for twelve (12) Alpine Staffing employees, showing that these employees are not authorized to work in the United States.” *Id.* ICE did not submit this evidence, which purportedly included Forms I-213, Records of Deportable/Inadmissible Alien, as it chose not “to aggravate or mitigate any of the factors on separate violations.” *Id.*

Although ICE suggests there were unauthorized employees in Alpine’s workforce, the record is devoid of any objective evidence to substantiate this claim. *United States v. Hotel Martha Washington Corp.*, 6 OCAHO no. 846, 216, 225 n.5 (1996) (noting that allegations in a brief are not evidence and are not to be treated as such); *see also Liberty Packaging*, 11 OCAHO no. 1245 at 10 (“A Notice of Suspect Documents is not sufficient in itself to establish a worker’s

unauthorized status.”) (citing *United States v. Romans Racing Stables, Inc.*, 11 OCAHO no. 1238, 8 (2014); *United States v. Natural Envtl., Inc.*, 10 OCAHO no. 1197, 4–5 (2013)). As the statute does not call for treatment of the factors on an exclusively binary scale and Respondent has not presented any argument in support of mitigation, I find that this factor, too, is appropriately considered neutral.

Alpine did not specifically argue that a non-statutory factor should be considered, *see United States v. Buffalo Transp., Inc.*, 11 OCAHO no. 1263, 11 (2015) (“A party seeking consideration of a non-statutory factor, such as ability to pay the penalty, bears the burden of showing that the factor should be considered as a matter of equity and that the facts support a favorable exercise of discretion.”) (citation omitted), *aff’d*, 844 F.3d 381 (2d Cir. 2016), but its pleadings do tacitly suggest that additional leniency should be given due to its small size, its good faith in submitting additional Forms I-9 after the NOI, and the nature of its business. *See* Respondent’s Prehearing Statement, Motion, and Response. Federal law and prior OCAHO decisions do generally reflect a public policy for mitigation of penalties in cases involving violations of 8 U.S.C. § 1324a(a)(1)(B) for small businesses, and I find this policy of leniency is an appropriate non-statutory factor warranting some, albeit modest, mitigation of the penalty assessment in Respondent’s case.<sup>10</sup> *See Keegan Variety*, 11 OCAHO no. 1238 at 6 (citing the Regulatory Flexibility Act, 5 U.S.C. § 601 et seq. (2006), amended by § 223(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, 110 Stat. 864 (1996)); *see also United States v. Red Bowl of Cary, LLC, Inc.*, 10 OCAHO no. 1206, 4-5 (2013); *Ice Castles Daycare Too*, 10 OCAHO no. 1142 at 7.

The company also tacitly asserted that the fine should be reduced, in part, because of the nature of its business, a staffing agency: “The actual office staff of the company consisted of just two employees with only approximately 150 temporary workers at the time of the I-9 inspection.” Respondent’s Motion at 2 (citing Ex. R-1). Alpine’s high turnover rate as a staffing company, however, has already been considered in assessing other relevant penalty factors and does not, standing alone, warrant further mitigation. *See Pegasus*, 12 OCAHO no. 1293 at 13. (finding that a high turnover rate is neither inherently mitigating nor aggravating regarding the penalty calculation for violations of 8 U.S.C. § 1324a(a)(1)(b)).

As assessment of good faith normally involves a consideration of pre-investigation behavior by a respondent. *See New China Buffet Rest.*, 10 OCAHO no. 1133 at 5. Nevertheless, although not considered under the rubric of “good faith,” Respondent’s post-investigation behavior warrants some consideration in assessing an appropriate penalty. As discussed, *supra*, although

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<sup>10</sup> The issue of whether an employer’s small size is appropriately double-counted for mitigation of a civil money penalty under both section 223(a) of the SBREFA and 8 U.S.C. § 1324a(e)(5) has not been fully addressed in this forum previously. *See Pegasus*, 12 OCAHO no. 1293 at 11 n.11. The instant case, however, does not provide a need to address this issue more explicitly.

Respondent untimely presented a significant number of Forms I-9, the specific circumstances of its untimely presentations caution against a uniform penalty amount for all of those violations. Indeed, based on the specific facts of Respondent's case, it is appropriate to consider its failure-to-present violations along a continuum, particularly in the absence of any apparent improper motive. Thus, Forms I-9 that are untimely presented by a day should warrant a lower penalty than Forms I-9 which are presented months later and certainly a lower penalty than Forms I-9 which are not presented at all. Consequently, in the instant case, the Forms I-9 that Respondent never presented, which are presumed to be ones it never prepared, warrant the highest penalties. The Forms I-9 it presented on November 20, 2013, warrant a slightly lower penalty, and the Forms I-9 it presented on October 7, 2013, warrant a lower penalty still.<sup>11</sup>

b. Recalculation of the Penalty

After considering the totality of evidence, the arguments of the parties, and the relevant factors to be considered in penalty assessments, the undersigned finds that the penalties proposed by ICE are somewhat disproportionate for some of the violations. Consequently, considering the record as a whole, I will reduce the overall penalty in the exercise of discretion. *See Ice Castles Daycare*, 10 OCAHO no. 1142 at 6. Pursuant to my *de novo* authority, I will maintain the proposed penalty amount of \$770 per violation for the 34 Count I violations for failing to prepare and/or present Forms I-9, as these are the most serious violations overall. The total penalty for these violations is \$26,180. The penalty for the 271 Forms I-9 untimely presented on October 7, 2013, will be reduced to \$500 per violation for a total penalty of \$135,500. The penalty for the 39 Forms I-9 that were untimely presented on November 20, 2013, will be reduced to \$600 per violation for a total penalty of \$23,400. The penalty for the 130 Count II violations is reduced to \$700 per violation, for a total penalty of \$91,000. Accordingly, the total civil monetary penalty for which Alpine is liable is \$276,080.

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<sup>11</sup> The undersigned recognizes that Respondent's delay in presenting the Forms I-9 may have inadvertently resulted in a modest windfall regarding the overall penalty amount because the penalty amount for the untimely-presented Forms I-9 in October and November 2013 in Count I is ultimately lower than the penalty amount for substantive violations on the timely-presented Forms I-9 in Count II. Thus, somewhat incongruously, any untimely-presented Forms I-9 that also contained substantive violations have received a lower penalty than they likely would have received if they had been timely presented. Nevertheless, that windfall is a result of ICE's charging decisions reflected in the complaint and its election to charge some Forms I-9 as untimely presented rather than as containing substantive violations. Nothing in the instant decision nor in OCAHO's regulations, however, precludes ICE from pleading alternative allegations in future cases should it choose to do so. *See* Fed. R. Civ. P. 8(d)(2) (allowing alternate statements of a claim); 28 C.F.R. § 68.1 (allowing the use of the Federal Rules of Civil Procedure as a guideline for situations not covered by OCAHO rules of procedure).

## VI. CONCLUSION

ICE's Motion for Summary Decision is granted in part, pursuant to 28 C.F.R. § 68.38, and denied in part. ICE failed to meet its burden of proof with respect to one of the Count I violations and two of the Count II violations. However, ICE met its burden of proving that Alpine is liable for a total of 474 violations of 8 U.S.C. § 1324a(a)(1)(B), as charged in Counts I and II of the complaint. As ICE demonstrated by uncontroverted proof that no genuine issue of material fact exists with respect to Alpine's liability for 474 of the charged violations, ICE will therefore be granted summary decision as to these violations. For the 474 violations, Alpine is ordered to pay a total civil money penalty in the amount of \$276,080.

## VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### A. Findings of Fact

1. Alpine Staffing, Inc. is a company incorporated in the State of Minnesota.
2. On August 23, 2013, the Department of Homeland Security, Immigration and Customs Enforcement served Alpine Staffing, Inc. with a Notice of Inspection.
3. The Notice of Inspection advised Alpine Staffing, Inc. that the Department of Homeland Security, Immigration and Customs Enforcement scheduled a review of its Forms I-9 for August 29, 2013.
4. Alpine Staffing, Inc. delivered to the Department of Homeland Security, Immigration and Customs Enforcement Forms I-9 on August 29, 2013, August 30, 2013, October 7, 2013, and November 20, 2013.
5. The Department of Homeland Security, Immigration and Customs Enforcement served Alpine Staffing, Inc with a Notice of Intent to Fine on September 15, 2014.
6. Alpine Staffing, Inc. timely requested a hearing on September 25, 2014.
7. The Department of Homeland Security, Immigration and Customs Enforcement did not show by a preponderance of the evidence that Alpine Staffing, Inc. was required to prepare and present a Form I-9 on behalf of Richard Donnelly.
8. The Department of Homeland Security, Immigration and Customs Enforcement did not show by a preponderance of the evidence that Alpine Staffing, Inc. improperly completed the Forms I-9 pertaining to Jose Santos Castro and Steven Jones.

9. Alpine Staffing, Inc. failed to prepare and/or present Forms I-9 for thirty-four employees.
10. Alpine Staffing, Inc. failed to present to the government Forms I-9 for 310 employees upon 3 days' notice.
11. Alpine Staffing, Inc. failed to properly complete Forms I-9 for 130 employees.

B. Conclusions of Law

1. Alpine Staffing, Inc is an entity within the meaning of 8 U.S.C. § 1324a(a)(1) (2012).
2. All conditions precedent to the institution of this proceeding have been satisfied.
3. Alpine Staffing, Inc. is liable for 474 violations of 8 U.S.C. § 1324a(a)(1)(B).
4. OCAHO regulation 28 C.F.R. § 68.38(c) establishes that an Administrative Law Judge “shall enter a summary decision for either party if the pleadings, affidavits, material obtained . . . show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.”
5. “An issue of material fact is genuine only if it has a real basis in the record. A genuine issue of fact is material if, under the governing law, it might affect the outcome of the suit.” *Sepahpour v. Unisys, Inc.*, 3 OCAHO no. 500, 1012, 1014 (1993) (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)).
6. “Once the moving party satisfies its initial burden of demonstrating both the absence of a material factual issue and that the party is entitled to judgment as a matter of law, the nonmoving party must come forward with contravening evidence to avoid summary resolution.” *United States v. Four Seasons Earthworks, Inc.*, 10 OCAHO no. 1150, 3 (2012) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)); *see generally* FED. R. CIV. P. 56(e).
7. Employers must prepare and retain Forms I-9 for employees hired after November 6, 1986, and are required to produce the Forms I-9 for inspection by the government upon three days' notice. 8 C.F.R. § 274a.2(b)(2)(ii); *United States v. Keegan Variety, LLC*, 11 OCAHO no. 1238, 2 (2014).
8. Employers must ensure that an employee completes section 1 of the Form I-9 and attest to his or her citizenship or immigration status in the United States by signing and dating the Form I-9 no later than the first day of employment. 8 C.F.R. § 274a.2(a)(3), (b)(1)(i)(A).

9. For employees employed for three business days or more, an employer must sign section 2 of the Form I-9 within three days of the employee's first day of employment to attest under penalty of perjury that it reviewed the appropriate documents to verify the individual's identity and employment authorization. 8 C.F.R. § 274a.2(a)(3), (b)(1)(ii).
10. "Absent an extension of time, an employer cannot avoid liability for failure to timely present I-9 forms by submitting the forms at some point later in the process, whether in the course of the inspection itself or later during the ensuing litigation." *United States v. Horno MSJ, Ltd.*, 11 OCAHO no. 1247, 7 (2015) (referencing *United States v. Liberty Packaging, Inc.*, 11 OCAHO no. 1245, 5-6 (2015); *United States v. A&J Kyoto Japanese Rest., Inc.*, 10 OCAHO no. 1186, 7 (2013)).
11. As set forth at 8 U.S.C. § 1324a(e)(5), the following factors must be considered when assessing civil money penalties for paperwork violations: (1) the size of the employer's business; (2) the employer's good faith; (3) the seriousness of the violations; (4) whether the employee is an unauthorized alien; and (5) the employer's history of previous violations.
12. The government has the burden of proof with respect to the penalty, *United States v. March Construction, Inc.*, 10 OCAHO no. 1158, 4 (2012), and must prove the existence of any aggravating factor by a preponderance of the evidence, *United States v. Carter*, 7 OCAHO no. 931, 121, 159 (1997).
13. The weight to be given each of these factors will depend upon the facts and circumstances of the individual case. *United States v. Raygoza*, 5 OCAHO no. 729, 48, 51 (1995).
14. ICE's penalty calculations are not binding in OCAHO proceedings, and penalties may be examined *de novo* by the Administrative Law Judge if appropriate. *See United States v. Ice Castles Daycare Too, Inc.*, 10 OCAHO no. 1142, 6 (2011).
15. The failure to prepare an I-9 at all is among the most serious of possible violations because it frustrates the national policy intended to ensure that unauthorized aliens are excluded from the workplace. *See United States v. Super 8 Motel*, 10 OCAHO no. 1191, 14 (2013).
16. Failure to ensure that an employee checks the box attesting to his or her status in section 1 is serious because if the employee fails to provide information sufficient to disclose his or her immigration status on the face of the form, the employee's signature attests to nothing at all. *United States v. Durable, Inc.*, 11 OCAHO no. 1229, 15 (2014) (citing *United States v. Ketchikan Drywall Servs., Inc.*, 10 OCAHO no. 1139, 16 (2011), *aff'd sub. nom. Ketchikan Drywall Servs., Inc. v. Immigration and Customs Enforcement*, 725 F.3d 1103 (9th Cir. 2013)).
17. Failure to ensure that the employee signs section 1 is a serious violation because the employee has not attested to being authorized to work in the United States. *See United States v.*

*Durable, Inc.*, 11 OCAHO no. 1229, 15 (2014) (citing *United States v. Task Force Sec., Inc.*, 4 OCAHO no. 625, 333, 341 (1994)).

To the extent that any statement of fact is deemed to be a conclusion of law or any conclusion of law is deemed to be a statement of fact, the same is so denominated as if set forth as such.

ORDER

ICE's Motion for Summary Decision is **GRANTED, IN PART**. Alpine Staffing, Inc. is liable for 474 violations of 8 U.S.C. § 1324a(a)(1)(B) and is directed to pay civil penalties in the total amount of \$276,080. The parties are free to establish a payment schedule in order to minimize the impact of the penalty on the operations of the company. All other pending motions are denied as moot.

SO ORDERED.

Dated and entered on May 25, 2017.

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James R. McHenry III  
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).

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.

**APPENDIX****Count I**

| <b>No.</b> | <b>Employee Name</b>      | <b>Violation Alleged</b>              | <b>Date I-9 Submitted</b> | <b>Finding</b>       |
|------------|---------------------------|---------------------------------------|---------------------------|----------------------|
| 1.         | Acevedo, Jose Manuel      | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 2.         | Acosta, Dante             | Failure to prepare and/or present I-9 |                           | Violation as alleged |
| 3.         | Agee, Devorshier          | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 4.         | Aguilar, Erick Diaz       | Failure to prepare and/or present I-9 |                           | Violation as alleged |
| 5.         | Aguilar, Sandra Diaz      | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 6.         | Alcaide-Torres, Edidberto | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 7.         | Aldana, Hugo              | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 8.         | Allen, Theodore           | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 9.         | Torres Alva, Sergio       | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 10.        | Alvarado, Berta           | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 11.        | Amezcuca, Emmanuel        | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 12.        | Amezcuca, Salvador        | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 13.        | Anzaldo, Luz              | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 14.        | Arangure, Jesus           | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 15.        | Arangure, Raul            | Failure to prepare and/or present I-9 |                           | Violation as alleged |
| 16.        | Vallejo Arevalo, Rosario  | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 17.        | Arellanes, Luis           | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 18.        | Arias, Ana                | Failure to timely present I-9         | Oct. 7, 2013              | Violation as alleged |
| 19.        | Arias, Dina               | Failure to timely present I-9         | Nov. 20, 2013             | Violation as alleged |

|     |                        |                               |               |                      |
|-----|------------------------|-------------------------------|---------------|----------------------|
| 20. | Arteaga Torres, Sergio | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 21. | Aune, Rose             | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 22. | Austin, Lawrence       | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 23. | Avendano, Isabel       | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 24. | Avila, Zaira Maria     | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 25. | Avila, Violeta         | Failure to timely present I-9 | Nov. 20, 2013 | Violation as alleged |
| 26. | Barajas, Heriberto     | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 27. | Barban, Alexis         | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 28. | Benitez, Costa         | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 29. | Benitez, Rutilo        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 30. | Bennett, Rodney        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 31. | Bernal, Rosario        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 32. | Bess, Jason            | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 33. | Bibriezca, Teresa      | Failure to timely present I-9 | Nov. 20, 2013 | Violation as alleged |
| 34. | Blair, Tamarcus        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 35. | Boakai, Charles        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 36. | Bonilla, Gabriela      | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 37. | Bonilla-Posas, Kelly   | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 38. | Borner, William        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 39. | Bothwell, Earl         | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 40. | Bruce, Kevin           | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 41. | Bucio-Garcia, Martin   | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 42. | Buenosaires, Sofia     | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |

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|-----|----------------------------|---------------------------------------|---------------|----------------------|
| 43. | Butler, Sammy              | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 44. | Cabrera Paz, Jesus         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 45. | Campis, Elmer              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 46. | Cantu, Miguel              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 47. | Cardozo, Angelica          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 48. | Carillo, Reyes             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 49. | Castillo, Herald           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 50. | Castillo, Hugo             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 51. | Medina Castro, Ana         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 52. | Castro, Nelson             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 53. | Catalan, Ricardo Mena      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 54. | Caufield, Jennifer         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 55. | Chacon Salas, Isidro       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 56. | Chavez, Jorge              | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 57. | Chineth, Otis              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 58. | Chineth, Stanley           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 59. | Colin, Roberto             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 60. | Conover, Jacob             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 61. | Contreras, Maria           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 62. | Cordero, Omar A.           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 63. | Cortes Palacios, Efrain    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 64. | De la Cruz Garcia, Enrique | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|     |                         |                                       |               |                      |
|-----|-------------------------|---------------------------------------|---------------|----------------------|
| 65. | Cruz-Hernandez, Reina   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 66. | Culpepper, Tim          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 67. | DeCamp, Michelle        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 68. | Dennis, Rikki           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 69. | Diaz Perez, Araceli     | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 70. | Dill, Earrie            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 71. | Dominguez, Cristina     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 72. | Donnelly, Richard       | Failure to timely present I-9         | Nov. 20, 2013 | Not established      |
| 73. | Donyen Dekonte, Patrick | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 74. | Dortu, Archie           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 75. | Dreon, Steve            | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 76. | Dweh, Charles           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 77. | Dweh, Olu               | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 78. | Eatmon, Keith           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 79. | El-Bassar, George       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 80. | Escamilla, Joel         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 81. | Estrada, Lorena         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 82. | Flores, Charles         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 83. | Flores, Gerardo         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 84. | Flores, Guadalupe       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 85. | Flores, Monica Ivonee   | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 86. | Flores, Rafael          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                           |                                       |               |                      |
|------|---------------------------|---------------------------------------|---------------|----------------------|
| 87.  | Flores, Susana            | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 88.  | Flores Ramirez, Emilio    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 89.  | Fuentes, Elia             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 90.  | Fuentes, Heriberta        | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 91.  | Galicia, Angel            | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 92.  | Parra Gallardo, Jose A.   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 93.  | Garcia Carrillo, Cristina | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 94.  | Garcia, Ivan              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 95.  | Garcia-Arias, Joaquin     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 96.  | Garcia, Jose L.           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 97.  | Garcia, Juan Manuel       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 98.  | Garcia, Luis A.           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 99.  | Garcia, Manuel M.         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 100. | Garcia, Nicanor           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 101. | Gallardo Garcia, Sixto    | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 102. | Garcia Fernandez, Maria   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 103. | Garcia Vega, Noemi        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 104. | Gatica, Rodrigo           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 105. | Gbelawoe, Kermue          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 106. | Geimah, Monue             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 107. | Gomez, Ana                | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 108. | Gomez, Edgar L.           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |

|      |                          |                                       |               |                      |
|------|--------------------------|---------------------------------------|---------------|----------------------|
| 109. | Gonzalez, Jonathan       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 110. | Gonzalez, Jose           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 111. | Gonzalez, Martin M.      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 112. | Gonzalez, Nicolasa       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 113. | Gonzalez Perez, Juana    | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 114. | Gronberg, Dylan          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 115. | Guardia, Annabil         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 116. | Guevara, Edgar           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 117. | Gumphrey, Brian          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 118. | Gutierrez, Araceli       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 119. | Hampton, Tara            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 120. | Hamre, Eric              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 121. | Harris, Sabrina          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 122. | Hawkins, Mary            | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 123. | Hayes, Adam              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 124. | Helmbrecht, David        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 125. | Her, Lor                 | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 126. | Hermosillo, Jose         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 127. | Hernandez, Elizabeth     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 128. | Hernandez, Elsa          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 129. | Hernandez, Heriberto     | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 130. | Hernandez, Javier        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 131. | Hernandez Llamas, Joseph | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                         |                                       |               |                      |
|------|-------------------------|---------------------------------------|---------------|----------------------|
| 132. | Hernandez, Josue Ruiz   | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 133. | Hernandez, Juan         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 134. | Hernandez, Maria G.     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 135. | Herrero, Angelica Gomez | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 136. | Hurtado, Veronica       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 137. | Ibarra, Reinaldo        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 138. | Ismael, Ilham           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 139. | Jaimes, Angelica        | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 140. | Jaquez, Guadalupe       | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 141. | Jean-Baptiste, Willy    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 142. | De Jesus, Aaron         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 143. | Jimenez, Efrain         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 144. | Jimenez, Fernando       | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 145. | Jimenez, Luis           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 146. | Jimenez, Ricardo        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 147. | Jimenez, Rosa           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 148. | Johnson, Adella         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 149. | Johnson, Anthony        | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 150. | Johnson, Scott          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 151. | Johnston, Dylan         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 152. | Jordan, Carlos          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 153. | Juarez, Armando         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                         |                                       |               |                      |
|------|-------------------------|---------------------------------------|---------------|----------------------|
| 154. | Keller, Tammie          | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 155. | King, Phillip           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 156. | Kollie, Yango Moses     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 157. | Kong, Tengyee           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 158. | Kota, Charlene          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 159. | Lawani, Geraldo         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 160. | Leiva, Mary             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 161. | Lema, Dennis            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 162. | Lezama, Roman           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 163. | Lira, David             | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 164. | Lopez, Flora Valentin   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 165. | Lopez Cortes, Margarito | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 166. | Luna, Xiomara           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 167. | De la Luz, Hector       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 168. | Macario Zamora, Grisela | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 169. | Macario, Veronica       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 170. | Machuca Ginez, Martin   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 171. | Macias, Luis            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 172. | Macias, Ricardo         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 173. | Madison, Korvarius      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 174. | Manzur, Maria Flor      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 175. | Martinez, Antelmo       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 176. | Martinez, Bernardo      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                           |                                       |               |                      |
|------|---------------------------|---------------------------------------|---------------|----------------------|
| 177. | Cruz Martinez, Cesar      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 178. | Cano Martinez, Diana      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 179. | Martinez, Guillermo       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 180. | Martinez, Pablo           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 181. | Martinez-Velasco, Eduardo | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 182. | Masan, Muhammad           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 183. | Meda, Jose M.             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 184. | Medina, Antonio           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 185. | Medina, David Alonso      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 186. | Medina, Luis G.           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 187. | Medina, Norma             | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 188. | Melendez, Oscar           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 189. | Mendez, J. Francisco      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 190. | Mendoza, Jonathon         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 191. | Mendoza Juarez, Sylvia    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 192. | Meza, Juana Juarez        | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 193. | Meza, Rosa                | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 194. | Marquez Millan, Maria     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 195. | Miller, Angela,           | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 196. | Miller, Frank             | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 197. | Monroy, Jose              | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 198. | Montgomery, Tahon         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                          |                                       |               |                      |
|------|--------------------------|---------------------------------------|---------------|----------------------|
| 199. | Mora Ahumada, Isidro     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 200. | Morataya, Yanira         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 201. | Moua, Chayeng            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 202. | Muñoz, Genaro            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 203. | Murphy, Tyler            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 204. | Navarro, Ernesto         | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 205. | Navarro, Faustino        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 206. | Navarro, Helio           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 207. | Nguyen, Tuan             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 208. | Olguin, Roberto          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 209. | Moreno Olivera, Gabriela | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 210. | Orozco, Isabel           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 211. | Ortega, Claudia          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 212. | Ortega, Jose M.          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 213. | Ortiz, Gerardo           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 214. | Ortiz, Maria             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 215. | Rosas Ortiz, Minerva     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 216. | Oshin, Victor            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 217. | Pacheco, Miguel          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 218. | Palacios, Emilio Rosales | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 219. | Palafox, Jesus           | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 220. | Palma, Iran              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                            |                                       |               |                      |
|------|----------------------------|---------------------------------------|---------------|----------------------|
| 221. | Parker, Devan              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 222. | Perdomo-Salazar, Jose Juan | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 223. | Perea, Ciria               | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 224. | Perez, Carmen              | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 225. | Perez, Rico                | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 226. | Perez Jarquin, Rene        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 227. | Petersen, Cole             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 228. | Pliego, Gilberta           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 229. | Ponce, Anastacio           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 230. | Solis Ponce, Esmeralda     | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 231. | Popoca, Juan Carlos        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 232. | Portillo, Lesbia Nineth    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 233. | Portillo, Reynaldo         | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 234. | Posas Ahamirano, Agustin   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 235. | Powell, Julius             | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 236. | Powell, Tavares            | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 237. | Powell, Teriann            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 238. | Powell, Tishyra            | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 239. | Pulgo, Ernesto             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 240. | Quaye, Josephine           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 241. | Quaye, Mark                | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 242. | Ramirez, Jose D.           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                         |                                       |              |                      |
|------|-------------------------|---------------------------------------|--------------|----------------------|
| 243. | Ramirez, Marvin         | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 244. | Ramirez, Oscar          | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 245. | Ramses, Alejandro       | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 246. | Rangel, Fernando        | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 247. | Rangel, Jose            | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 248. | Recinos, Guillermina    | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 249. | Resemius, Wanda         | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 250. | Reyes, Lorezana         | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 251. | Reyes-Salomon, Josue    | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 252. | Rios, Miguel            | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 253. | Ristola, Jane           | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 254. | Rivera, Jose Luis       | Failure to prepare and/or present I-9 |              | Violation as alleged |
| 255. | Ruacho Rivera, Jose     | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 256. | Rivera, Luis R.         | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 257. | Rivera, Melvin S.       | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 258. | Rivera, Ruth            | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 259. | Vergara Robinson, Reyna | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 260. | Robinson-Pierre, Yvette | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 261. | Robles Benitez, Alvaro  | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 262. | Roche, Shane            | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 263. | Rodriguez, Jose J.      | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |
| 264. | Rodriguez, Yesenia      | Failure to timely present I-9         | Oct. 7, 2013 | Violation as alleged |

|      |                            |                               |               |                      |
|------|----------------------------|-------------------------------|---------------|----------------------|
| 265. | Rodriguez-Castro, Tiburcio | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 266. | Rojas, Jose C.             | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 267. | Rojas, Juan Manuel         | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 268. | Romero, Alfredo            | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 269. | Garcia Romero, Carlos      | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 270. | Romero, Ismael             | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 271. | Romero, Tomasa             | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 272. | De la Rosa, Aida           | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 273. | Rosado, Mara               | Failure to timely present I-9 | Nov. 20, 2013 | Violation as alleged |
| 274. | Solozzamo Rosales, Silvia  | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 275. | Rosales-Vargas, Daniel     | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 276. | Rosas, Maria               | Failure to timely present I-9 | Nov. 20, 2013 | Violation as alleged |
| 277. | Soto Rubio, Oscar          | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 278. | Sakpeidah, Karzon          | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 279. | Sakpeidah, Lovette         | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 280. | Salazar, Eduardo           | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 281. | Sanchez, Fabiola           | Failure to timely present I-9 | Nov. 20, 2013 | Violation as alleged |
| 282. | Galarza Sanchez, Mayra     | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 283. | Sanchez, Oscar             | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 284. | Sanchez, Tania             | Failure to timely present I-9 | Nov. 20, 2013 | Violation as alleged |
| 285. | Sanchez Rodriguez, Felipe  | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |
| 286. | Sandoval, Frederick        | Failure to timely present I-9 | Oct. 7, 2013  | Violation as alleged |

|      |                               |                                       |               |                      |
|------|-------------------------------|---------------------------------------|---------------|----------------------|
| 287. | Sandoval, Joel                | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 288. | Sandoval, Norma               | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 289. | Santiago Hernandez, Elizabeth | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 290. | Scott, Tom                    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 291. | Seals, Brandon                | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 292. | Sente, Luz Maria              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 293. | Sierra Trinidad, Florentino   | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 294. | Slovinski, George             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 295. | Solis, Manuel                 | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 296. | Gonzales Sosa, Yuridia        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 297. | Soto, Hope                    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 298. | Stewart, Zita                 | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 299. | Sultan, Mohamed               | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 300. | Tapia, Arturo                 | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 301. | Tapia Osorio, Silvia          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 302. | Tapia Sotero, Bonfil          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 303. | Tarpeh, Paye                  | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 304. | Thompson, Michael             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 305. | Tlaseca Ocampo, Reyna         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 306. | Toe, Christopher              | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 307. | Torres Lozano, Alvaro         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 308. | Torres, Anselmo               | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |

|      |                         |                                       |               |                      |
|------|-------------------------|---------------------------------------|---------------|----------------------|
| 309. | Valdez Torres, Fermina  | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 310. | Torres-Ortiz, Carlos    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 311. | Tuott, Brianna          | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 312. | Urzua, Yosimi           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 313. | Vah, Malcolm            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 314. | Valdepena, Andres       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 315. | Valdez, Sandra          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 316. | Valenzuela, Gloria      | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 317. | Valerdi, Omar           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 318. | Valverde, Karen I.      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 319. | Vang, George            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 320. | Vang, Joshua            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 321. | Vang, Michael           | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 322. | Vang, Moua              | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 323. | Varela Leal, Roberto    | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 324. | Vasquez, Ana            | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 325. | Vasquez, Jesus          | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 326. | Vazquez, Hector         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 327. | Vazquez, Melissa        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 328. | Vazquez Solis, Gabriela | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 329. | Vega, Catalina          | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 330. | Velazquez, Olga         | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 331. | Velazquez, Martha       | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |

|      |                              |                                       |               |                      |
|------|------------------------------|---------------------------------------|---------------|----------------------|
| 332. | Ventura, Juan                | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 333. | Ventura, Montserrat          | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 334. | Vera, Andres                 | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 335. | Vest, Paula                  | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 336. | Villalta, Sandra             | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 337. | Villalta, Yessenia C.        | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 338. | Villanueva Salazar, Angelina | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 339. | Villatoro, Janett            | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 340. | Walker, Andrew               | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 341. | Weaver, Joseph               | Failure to timely present I-9         | Nov. 20, 2013 | Violation as alleged |
| 342. | Williams, Daven              | Failure to prepare and/or present I-9 |               | Violation as alleged |
| 343. | Yang, Kongchar               | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 344. | Zamarripa Valdez, Maria      | Failure to timely present I-9         | Oct. 7, 2013  | Violation as alleged |
| 345. | Zamorano, Elmer              | Failure to prepare and/or present I-9 |               | Violation as alleged |

### Count II

| No. | Employee Name       | Violation(s) Alleged  | Finding              |
|-----|---------------------|---|----------------------|
| 1.  | Abernathy, Kenneth  | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire; name of employer's authorized representative not printed in section 2 | Violation as alleged |
| 2.  | Aguilar, Kimberly   | No employee signature in section 1  | Violation as alleged |
| 3.  | Alvarez, Erick      | Multiple boxes checked for citizenship or immigration status attestation in section 1   | Violation as alleged |
| 4.  | Anzaldo Jr., Hector | Employee attestation in section 1 not completed at time of hire;  | Violation as alleged |

|     |                          |   |                      |
|-----|--------------------------|---|----------------------|
| 5.  | Ardid, Miguel            | Reviewed and recorded expired LPR card in section 2   | Violation as alleged |
| 6.  | Argueta, Lidia           | Name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 7.  | Arroyo, Armando          | No employee signature in section 1  | Violation as alleged |
| 8.  | Arteaga, Maria Guadalupe | Noncitizen national of the United States attested to in section 1 but LPR card recorded in section 2  | Violation as alleged |
| 9.  | Cruz-Avila, Alvina       | Expiration date of LPR card not provided in section 2 and legible copy of document not attached   | Violation as alleged |
| 10. | Avila, David             | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire  | Violation as alleged |
| 11. | Aviles, Juan Diego       | Employee attestation in section 1 not completed at time of hire; expiration date of LPR card not provided in section 2 and legible copy of document not attached; employer attestation in section 2 not completed within 3 days of hire | Violation as alleged |
| 12. | Ayala, Rosendo           | No employer signature in section 2; name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 13. | Bailey, James            | Employer attestation in section 2 not completed within 3 days of hire   | Violation as alleged |
| 14. | Bassett, Michael         | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire; driver's license recorded in section 2 but as "applied for"                                     | Violation as alleged |
| 15. | Blazevic, Richard        | Name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 16. | Brumskine, Robert        | Expiration date of LPR card in section 2 not provided and legible copy of document not attached; reviewed and recorded expired driver's license in section 2  | Violation as alleged |
| 17. | Bullchild, Naomi         | Reviewed and recorded expired state ID card in section 2  | Violation as alleged |
| 18. | Santos Castro, Jose      | No employee signature in section 1  | Not established      |
| 19. | Castro, Oliverio Santos  | No citizenship or immigration status attestation in section 1   | Violation as alleged |

|     |                      |   |                      |
|-----|----------------------|---|----------------------|
| 20. | Chacon, Jorge        | Employee attestation in section 1 not completed at time of hire; alien number or admission number not provided in section 1 after box checked for alien authorized to work (and not provided in section 2 or on a legible copy attached to form) <sup>1</sup> | Violation as alleged |
| 21. | Chavez, Juan         | No employee signature in section 1  | Violation as alleged |
| 22. | Chineth, Elijah      | No employee signature in section 1  | Violation as alleged |
| 23. | Ciriaco, Paul        | Document number and expiration date of U.S. passport not provided in section 2 and legible copy of document not attached  | Violation as alleged |
| 24. | Columbus, Kevin      | No employee signature in section 1; no citizenship or immigration status attestation in section 1   | Violation as alleged |
| 25. | Cornejo, Rafael      | No employer signature in section 2; name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 26. | Cosentino, Nicholas  | No employee signature in section 1  | Violation as alleged |
| 27. | Covarrubias, Luis    | No employee signature in section 1  | Violation as alleged |
| 28. | Crudup, Brian        | No employee signature in section 1  | Violation as alleged |
| 29. | Cruz, Oscar          | Multiple boxes checked for citizenship or immigration status attestation in section 1   | Violation as alleged |
| 30. | Dalhoe, Chris        | No employee signature in section 1  | Violation as alleged |
| 31. | Daniels, Nichole     | No employee signature in section 1  | Violation as alleged |
| 32. | David, Roberto       | Two List C documents reviewed and recorded in section 2   | Violation as alleged |
| 33. | Diaz-Aguilar, Sandra | No employee signature in section 1  | Violation as alleged |
| 34. | Diaz-Aguilar, Yesica | No employee signature in section 1  | Violation as alleged |
| 35. | Diegnau, Kayla       | No employee signature in section 1  | Violation as alleged |
| 36. | Duran, Philip        | Multiple boxes checked for citizenship or immigration status attestation in section 1   | Violation as alleged |

<sup>1</sup> Mr. Chacon wrote an eleven-digit number next to the box attesting to being an alien authorized to work in section 1. *See* Complainant's Motion, Ex. G-15 at 26.

|     |                           |   |                      |
|-----|---------------------------|---|----------------------|
| 37. | Erickson, Philip          | No employee signature in section 1  | Violation as alleged |
| 38. | Garcia Espinoza, Santiago | No employee signature in section 1; improper document number of LPR card recorded in section 2 and no legible copy of document attached | Violation as alleged |
| 39. | Estrada, Omar             | No employee signature in section 1  | Violation as alleged |
| 40. | Fair, Wesley              | Employee attestation in section 1 not completed at time of hire   | Violation as alleged |
| 41. | Fell, Linsey              | No employee signature in section 1  | Violation as alleged |
| 42. | Freeman, Alvin            | No employee signature in section 1  | Violation as alleged |
| 43. | Fregoso Flores, Rigoberto | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire  | Violation as alleged |
| 44. | Gaffaney, Scott           | No employee signature in section 1  | Violation as alleged |
| 45. | Galicia, Angel            | No employee signature in section 1  | Violation as alleged |
| 46. | Galicia, Miguel           | No employee signature in section 1  | Violation as alleged |
| 47. | Gallo, Zulema             | Expiration date of state ID not provided in section 2 and legible copy of document not attached   | Violation as alleged |
| 48. | Galvan, Maria             | Citizen or national of the United States checked in section 1 but LPR card recorded in section 2  | Violation as alleged |
| 49. | Garcia, Cesar             | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire  | Violation as alleged |
| 50. | Garcia, Ignacio           | Expiration date of LPR card not provided in section 2 and legible copy of document not attached   | Violation as alleged |
| 51. | Gilsrud, Dustin           | Expiration date of driver's license not provided in section 2 and legible copy of document not attached                                 | Violation as alleged |
| 52. | Godinez, Irma             | Noncitizen national of the United States attested to in section 1 but LPR card recorded in section 2                                    | Violation as alleged |
| 53. | Gomar, Ana                | Employer attestation in section 2 not completed within 3 days of hire   | Violation as alleged |

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| 54. | Graham, Steven          | Reviewed and recorded improper List C document in section 2; name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 55. | Guevara, Ulises         | Reviewed and recorded expired state ID in section 2  | Violation as alleged |
| 56. | Gutierrez, Jose Luis    | No citizenship or immigration status attestation in section 1  | Violation as alleged |
| 57. | Paredes Harris, Violeta | Alien number not provided in section 1 after box checked for LPR (and not provided in section 2 or on a legible copy attached to form)   | Violation as alleged |
| 58. | Heard, Dennis           | Reviewed and recorded expired driver's license in section 2  | Violation as alleged |
| 59. | Hernandez, Herminia     | No citizenship or immigration status attestation in section 1; no employee signature in section 1  | Violation as alleged |
| 60. | Hernandez, Jose I.      | Alien number or admission number not provided in section 1 after box checked for alien authorized to work (and not provided in section 2 or on a legible copy attached to form); section 3 not completed after EAD's expiration date | Violation as alleged |
| 61. | Hernandez, Luz          | Employer attestation in section 2 not completed within 3 days of hire  | Violation as alleged |
| 62. | Hernandez, Manuel       | No employee signature in section 1   | Violation as alleged |
| 63. | Hernandez, Victor       | Multiple boxes checked for citizenship or immigration status attestation in section 1  | Violation as alleged |
| 64. | Hollins, Jeffrey        | Expiration date of state ID not provided in section 2 and legible copy of document not attached; name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 65. | Horton, Tyler           | No employee signature in section 1   | Violation as alleged |
| 66. | Janzen, Andrea          | Expiration date of driver's license not provided in section 2 and legible copy of document not attached  | Violation as alleged |
| 67. | Jones, Steven           | Social security number recorded in section 1 different than number recorded in section 2   | Not established      |
| 68. | Juarez, Salvador        | Name of employer's authorized representative not printed in section 2  | Violation as alleged |
| 69. | Khang, Xai              | Employee attestation in section 1 not completed at time of hire; Social Security   | Violation as alleged |

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|     |                              | number provided in section 1 different than number recorded in section 2; name of employer's authorized representative not printed in section 2  |                      |
| 70. | Labrado, Jasmin              | Issuing authority, document number, and expiration date of birth certificate not provided in section 2 and legible copy of document not attached | Violation as alleged |
| 71. | Larson, Jason                | Reviewed and recorded only List B document in section 2  | Violation as alleged |
| 72. | Lee, Wa                      | No employer signature in section 2; name of employer's authorized representative not printed in section 2  | Violation as alleged |
| 73. | Lema, Gloria                 | Multiple boxes checked for citizenship or immigration status attestation in section 1  | Violation as alleged |
| 74. | Lemus Chavez, Rosalinda      | Noncitizen national of the United States attested to in section 1 but LPR card recorded in section 2   | Violation as alleged |
| 75. | Lewno, Tyler Lee             | No citizenship or immigration status attestation in section 1; two List C documents recorded in section 2  | Violation as alleged |
| 76. | Lien, Debra                  | No employee signature in section 1   | Violation as alleged |
| 77. | Mendoza Linares, Adan        | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire           | Violation as alleged |
| 78. | Livingston, Jim              | No employee signature in section 1   | Violation as alleged |
| 79. | Lopez, Gualberto             | Employer attestation in section 2 not completed within 3 days of hire date   | Violation as alleged |
| 80. | Lopez Cabrera, Thelma Yohana | Reviewed and recorded expired LPR card in section 2  | Violation as alleged |
| 81. | Lozada, Jorge                | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire           | Violation as alleged |
| 82. | Cruz Martinez, Micaelina     | No employer signature in section 2; name of employer's authorized representative not printed in section 2  | Violation as alleged |
| 83. | Mattson, Alex                | Reviewed and recorded expired state ID in section 2  | Violation as alleged |
| 84. | Lopez Mendez, Antonio        | No employee signature in section 1   | Violation as alleged |
| 85. | Meza, Jose                   | Employee attestation in section 1 not completed at time of hire; employer  | Violation as alleged |

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|      |                          | attestation in section 2 not completed within 3 days of hire; reviewed and recorded expired LPR card in section 2   |                      |
| 86.  | Miller, Jeremy           | No citizenship or immigration status attestation in section 1   | Violation as alleged |
| 87.  | Molina, Juan Carlos      | Expiration date of LPR card not provided in section 2 and legible copy of document not attached   | Violation as alleged |
| 88.  | Morales, Geronimo        | No employer signature in section 2; name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 89.  | Munos, Victor            | Expired LPR card reviewed and recorded in section 2   | Violation as alleged |
| 90.  | Muñoz, Williams          | Reviewed and recorded expired LPR card in section 2   | Violation as alleged |
| 91.  | Nickson, Floysius        | Reviewed and recorded expired state ID in section 2   | Violation as alleged |
| 92.  | Olivares, Anilu          | No employee signature in section 1  | Violation as alleged |
| 93.  | Ouma, Fredrick           | Noncitizen national of the United States attested to in section 1 but LPR card recorded in section 2  | Violation as alleged |
| 94.  | Patten, Lynne            | No employee signature in section 1  | Violation as alleged |
| 95.  | Peeler, Travis           | Name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 96.  | Peralta Estrada, Rafaela | Alien number or Admission number not provided in section 1 after box checked for alien authorized to work (and not provided in section 2 or on a legible copy attached to form); expiration date of EAD not provided in section 2 and legible copy of document not attached | Violation as alleged |
| 97.  | Perez, Arturo            | No employee signature in section 1  | Violation as alleged |
| 98.  | Perez, Carlos            | No employee signature in section 1  | Violation as alleged |
| 99.  | Perez Diaz, Hector       | U.S. citizenship attested to in section 1 but recorded LPR card in section 2; expired LPR card reviewed and recorded in section 2   | Violation as alleged |
| 100. | Perez, Karla             | No employee signature in section 1  | Violation as alleged |
| 101. | Perez, Nohemi            | No employee signature in section 1  | Violation as alleged |

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| 102. | Phillips, Erica          | Reviewed and recorded only List B document in section 2   | Violation as alleged |
| 103. | Popoca Colin, Evelyn     | Employer attestation in section 2 not completed within 3 days of hire   | Violation as alleged |
| 104. | Porter, Michael          | Reviewed and recorded expired state ID in section 2   | Violation as alleged |
| 105. | Portillo, Brandon        | Reviewed and recorded two List C documents in section 2   | Violation as alleged |
| 106. | Radoini, Mustapha        | Reviewed and recorded improper List A document in section 2   | Violation as alleged |
| 107. | Jimenez Ramos, Alejandro | No employee signature in section 1  | Violation as alleged |
| 108. | Raymond, Jeffrey         | No employee signature in section 1  | Violation as alleged |
| 109. | Ocampo Rios, Alberto     | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire        | Violation as alleged |
| 110. | Rock, James              | Reviewed and recorded expired state ID in section 2   | Violation as alleged |
| 111. | Cortez Rojas, Benito     | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire        | Violation as alleged |
| 112. | Rowe, Steven             | No employee signature in section 1  | Violation as alleged |
| 113. | Ruiz, Ivan               | No employee signature in section 1  | Violation as alleged |
| 114. | Salomon, Maria           | No employee signature in section 1  | Violation as alleged |
| 115. | Sanaki, Matthew          | Reviewed and recorded expired state ID in section 2   | Violation as alleged |
| 116. | Sibrian, Elizabeth       | No employee signature in section 1; no employer signature in section 2; name of employer's authorized representative not printed in section 2 | Violation as alleged |
| 117. | Smith, Gregory           | Reviewed and recorded expired driver's license in section 2   | Violation as alleged |
| 118. | Stewart, Dana            | Reviewed and recorded expired state ID in section 2   | Violation as alleged |
| 119. | Stueve, David            | No employee signature in section 1  | Violation as alleged |
| 120. | Teuber, Daniella         | No employee signature in section 1  | Violation as alleged |
| 121. | Medina Tovar, Manuel     | Alien number or Admission number not provided in section 1 after box checked  | Violation as alleged |

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|      |                             | for alien authorized to work (and not provided in section 2 or on a legible copy attached to form); <sup>2</sup> expiration date of EAD in section 2 not provided and legible copy of document not attached |                      |
| 122. | Guerrero Valdez, Javier     | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire  | Violation as alleged |
| 123. | Valdez, Josue               | No employee signature in section 1  | Violation as alleged |
| 124. | Vang, Tou                   | Name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 125. | Vazquez, David              | No citizenship or immigration status attestation in section 1   | Violation as alleged |
| 126. | Del Villar Martinez, Leslie | Employee attestation in section 1 not completed at time of hire; employer attestation in section 2 not completed within 3 days of hire  | Violation as alleged |
| 127. | Vivar, Oscar                | Employee attestation in section 1 not completed at time of hire   | Violation as alleged |
| 128. | Lopez Viveros, Anayely      | No employee signature in section 1  | Violation as alleged |
| 129. | Williams, Rodney            | Name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 130. | Wojcik, Steven              | Expiration date of driver's license not provided in section 2 and legible copy of document not attached   | Violation as alleged |
| 131. | Xiong, Tong                 | No employer signature in section 2; name of employer's authorized representative not printed in section 2   | Violation as alleged |
| 132. | Yañez, Vicente              | Expiration date of state ID not provided in section 2 and legible copy of document not attached   | Violation as alleged |

<sup>2</sup> Mr. Medina Tovar did write his Alien number or Admission number in section 1 next to his immigration status attestation. *See* Complainant's Motion, Ex. G-15 at 144. Nevertheless, his Form I-9 contained one other substantive violation.