

Modified by CAHO (6/16/88) REF. NO. 15.

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

United States of America, Complainant, v. Old Town Mexican Cafe, Respondent; 8 U.S.C. Section 1324a Proceeding; Case No. 88-100014.

DECISION AND ORDER

On February 23, 1988, a Complaint Regarding Unlawful Employment, herein called the Complaint, was filed against Old Town Mexican Cafe, herein called the Respondent, by the United States of America, herein called the Complainant, pursuant to 8 U.S.C. Section 1324a. Attached thereto and incorporated therein is a Notice of Intent to Fine, herein called the Notice, which had previously been served upon Respondent, by mail, on January 15, 1988. A Notice of Hearing issued on February 26, 1988, setting this matter for hearing in San Diego, California, on June 7 through 10, 1988.

The complaint alleges, as set forth in the Notice, that, in violation of Section 274A(a)1(B) and 274A(2) of the Immigration and Nationality Act, as amended, by the Immigration Reform and Control Act of 1986, herein called the Act, Respondent:

(1) Hired an employee in July 1987 and continued to employ him after learning on November 25, 1987, that he was not authorized to work in the United States.

(2) Failed to prepare and present the Employment Eligibility Verification Forms (I-9) for two employees hired in July and August 1987.

Further, the Complaint requests that an Order issue directing Respondent to cease and desist from said violations and pay a fine for each of the alleged violations as specified in the Notice.

On May 24, 1988, Complainant and Respondent filed a Stipulated Motion To Approve Consent Findings With a Settlement Agreement signed by both parties attached thereto.

Upon a full consideration of said Settlement Agreement, I find that it complies with the requirements of subsection 68.10(b) of the Interim Final Rules Of Practice And Procedure¹ and fully disposes of the allegations of the Complaint by providing that Respondent cease and desist from any further violations of Section 274A of the Act and pay the compromise sum set forth therein as full settlement and satisfaction of any and all claims set forth in the Notice. I further find it unnecessary to conduct a hearing to determine the fairness of the agreement.²

Accordingly, the provisions of the Settlement Agreement are accepted as the Consent Findings herein, said Agreement is hereby approved and incorporated herein, and it is hereby ORDERED that Respondent pay the amount stated in the Consent Findings, and all other relief agreed to in the Consent Findings is hereby granted. IT IS FURTHER ORDERED that this Decision And Order shall have the same force and effect as a Decision And Order issued after a full evidentiary hearing.

Dated: June 3, 1988.

EARLDEAN V.S. ROBBINS
Administrative Law Judge

¹52 Fed. Reg. 44971, 44976, November 24, 1987, pp. 44973-44985 (to be codified at 28 C.F.R. Part 68).

²See, subsection 68.10(d) of the Interim Final Rules Of Practice And Procedure, supra.