

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

United States of America, Complainant, v. Michael's Greek Village, Ltd. and Michael Lotsis, jointly and severally, Respondents; 8 USC 1324a Proceeding; Case No. 89100266.

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

On June 9, 1989, Complainant, the Immigration and Naturalization Service (INS), issued a Complaint regarding unlawful employment (Complaint). On June 16, 1989, the Chief Administrative Hearing Officer issued a Notice of Hearing on the INS's Complaint. Among other provisions, the Notice of Hearing advised Respondent that Answer must be filed within 30 days after receipt of the Complaint and that, on failure to answer, an administrative law judge may enter a judgment by default granting appropriate relief. The return receipt reflects that Respondent signed for receipt of the Notice of Hearing on June 19, 1989. Thus, an Answer was due by July 19, 1988. 28 C.F.R. 68.6(a). No Answer was filed.

On August 15, 1989, Complainant filed a Motion for Default Judgment, a copy of which was served by mail on Respondent. On August 15, 1989, I issued an Order to Show Cause Why Default Judgment Should Not Issue. On August 28, 1989, Respondent filed its pro se response. Respondent asserts that it "misunderstood the wording in section 2" of the Complaint (i.e., the Notice of Hearing), in explanation for having filed no Answer with the Court.

As cited in the Order to Show Cause, section 2 of the Notice of Hearing is clear, unambiguous and not susceptible to misunderstanding, if ordinary care in reading is applied. I conclude therefore that no good cause has been proffered for the failure to file a timely Answer and that the Motion for Default Judgment must be granted. Furthermore, Respondent, in the proffered Answer contained in its perfunctory response, sets forth a legally insufficient defense to the Complaint allegation of verification violation, i.e., a good-faith misunderstanding as to the statute. Respondent thus impliedly admitted the operative alleged facts underlying the paper-

work violations alleged and is silent as to the appropriateness of the fines, i.e., nine separate fines of \$250 for each employee, an apparent reasonable assessment. The rejected Answer confirms my decision to grant the Motion for Default Judgment, and I hereby enter the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

In violation of Section 274A(a)(1)(B) of the Immigration and Nationality Act, as amended (8 U.S.C. 1324a(a)(1)(B)), Respondent, after November 6, 1986, failed to properly verify, on a verification form designated by the Attorney General as Form I-9, the employment eligibility of the following employees:

1. BERISHAY, Marija
2. BOYCE, Janice
3. BROOKS, Cheryl
4. GOJCEVIC, Simon
5. IVEZAJ, Leze
6. KALYVAS, Anthony
7. PETRINOVIC, Caroline
8. SHERBY, Tracy
9. VANDENBULKE, Michele

Based upon the foregoing findings of fact and conclusions of law, I hereby issue the following:

Michael's Greek Village, Ltd., and Michael Lotsis, jointly and severally, shall:

1. Within 14 days from the date of this Judgment by Default, pay a civil money penalty in the amount of \$2,250.00 in either cash, cashier's check, certified check or money order (if not in cash) to the ``Immigration and Naturalization Service'' and deliver same to: District Counsel, Immigration and Naturalization Service, Detroit District, P.O. Box 44160, Detroit, Michigan 48244-1610.

2. Comply with the requirements of 8 U.S.C. Section 1324(a) with respect to verifying the employment eligibility of individuals that it hires for employment in the United States.

Review of this final order may be obtained by filing a written request for review with the Chief Administrative Hearing Officer, 5113 Leesburg Pike, Suite 310, Falls Church, Virginia 22041, within 5 days of this Order as provided in 28 C.F.R. 68.52. This Order shall become the final Order of the Attorney General unless, within thirty (30) days from the date of this Order, the Chief Administrative Hearing Officer modifies or vacates the Order.

The hearing previously scheduled is hereby cancelled.

**SO ORDERED:** This 15th day of September, 1989.

THOMAS R. WILKS  
Administrative Law Judge  
Division of Judges  
1375 K Street, N.W.  
Room 1122  
Washington, D.C. 20005