

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

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. 1324a Proceeding
) Case No. 91100061
STEPHEN AND CHRISTINE)
SEALY,)
Respondent.)
_____)

Robert B. Schneider, Administrative Law Judge

DECISION AND ORDER APPROVING CONSENT FINDINGS

On April 16, 1991, a Complaint Regarding Unlawful Employment was filed by the United States of America, hereinafter referred to as the "Complainant," against Stephen and Christine Sealy, hereinafter referred to as the "Respondent," pursuant to 8 U.S.C. 1324a. Attached to the Complaint and incorporated therein by reference was a Notice of Intent to Fine, hereinafter referred to as the "Notice," which had previously been personally served upon the Respondent on January 29, 1991. A Notice of Hearing on the Complaint issued April 17, 1991, setting this matter for hearing in or around Los Angeles, California before the undersigned Administrative Law Judge.

Complainant and Respondent have filed a Stipulated Motion to Approve Consent Findings with attached Settlement Agreement Containing Consent Findings signed by both Parties.

Upon review and full consideration of the Motion and attached Settlement Agreement Containing Consent Findings filed by the Parties with this Court, I find that it complies with the requirements of 28 C.F.R. Section 68.12(b) of the Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair Immigration-Related Employment Practices, and fully disposes of the allegations set forth in the Complaint by providing that the Respondent pay the total sum of Nine Hundred Fifty Dollars (\$950.00) in full settlement and satisfaction of all claims against the Respondent set forth in the Notice. I conclude that the proposed Consent Findings are fair and satisfactory, and there is no reason not to accept them within the contemplation of 28 C.F.R. Section 68.12. On the basis of the proposed Consent Findings, I find and conclude that Respondent has violated Sections 274A(a)(1)(B) and 274A(a)(2) of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a(a)(1)(B) and 1324a(a)(2) with regard to the employment of the individual named in the Notice of Intent to Fine and incorporated by reference in the Complaint.

Accordingly, the provisions of the Consent Findings proposed by the Parties in the Settlement Agreement Containing Consent Findings are accepted as the Consent Findings of the Court in this case. The Consent Findings are hereby approved and incorporated by reference in this Decision and Order, and all relief sought in the Consent Findings is hereby granted.

IT IS HEREBY ORDERED:

1. That the Respondent, Stephen and Christine Sealy, pay a civil monetary penalty in the total sum of Nine Hundred Fifty Dollars (\$950.00) in accordance with the terms set forth in the Settlement Agreement Containing Consent Findings attached hereto;
2. That the hearing previously scheduled is canceled.
3. That the Respondent is hereby ordered to cease and desist from any further violations of Section 274A of the Act in regard to the prohibitions against knowingly hiring unauthorized aliens for employment in the United States, or the continued employment of aliens in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

This Decision and Order is the final order of the judge in accordance with Section 68.50(b) of the Final Rules of Practice and Procedure, supra. As provided in those Rules, id. at Section 68.51, this Decision and Order shall become the final order of the Attorney General unless within thirty (30) days from the date of this Decision and Order, the Chief Administrative Hearing Officer vacates or modifies it.

IT IS SO ORDERED this 6th day of August 1991 at San Diego, California.

ROBERT B. SCHNEIDER
Administrative Law Judge