

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

July 17, 1998

UNITED STATES OF AMERICA,)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 98A00060
)	
GREAT PLAINS CONTRACTORS, INC., A)	
KANSAS CORPORATION AND ROGER N.)	
WILLIAMS, AN INDIVIDUAL)	
Respondents.)	
_____)	

FINAL DECISION AND ORDER

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and Great Plains Contractors, Inc., a Kansas Corporation and Roger N. Williams, an individual, are the respondents. On March 18, 1998, INS filed a complaint consisting of two counts with the Office of the Chief Administrative Hearing Officer (OCAHO). Respondents answered the complaint on April 22, 1998. On June 8, 1998, this office was notified that the parties had agreed to a settlement and on July 16, 1998, the parties filed their settlement agreement containing consent findings which was signed by both parties and which resolves all issues in the complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

- (1) Submit to the presiding Administrative Law Judge:
(i) The proposed agreement containing consent findings; and
(ii) A proposed decision and order;

or (emphasis added)

- (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge. 28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(1). I have reviewed the Settlement Agreement, and find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a) in timeliness, form, and structure, and its findings and conclusions are approved in their entirety by reference as set forth herein at length.

It is therefore ordered under the terms of the agreement and pursuant to 28 C.F.R. § 68.14(b):

1. That the respondents cease and desist from any further violations of the Immigration Reform and Control Act of 1986, and pay a civil money penalty in the sum of THREE THOUSAND SIX HUNDRED DOLLARS (\$3,600.00) for the violations set out in Counts I and II of the Notice of Intent to Fine and complaint.
2. That each party bear its own attorney fees, other expenses, and costs incurred by such party in connection with any stage of these proceedings.
3. That this Decision and Order shall have the same force and effect as a Decision and Order made after a full administrative hearing.
4. That the entire record on which this Decision and Order shall be based shall consist solely of the complaint, the notice of hearing, the answer, and the Settlement Agreement.
5. That the parties hereto have waived any further procedural steps before the Administrative Law Judge and OCAHO.
6. That the parties hereto have waived any right to challenge or contest the validity of this Decision and Order in accordance with the Settlement Agreement.
7. That any hearing previously scheduled is hereby canceled.
8. That as provided in 28 C.F.R. Part 68, this Decision and Order shall become the Order of the Attorney General unless within thirty (30) days from this date the Chief Administrative Hearing Officer shall have modified or vacated it.

SO ORDERED.

Dated and entered this 17th day of July, 1998.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 1998, I have served copies of the foregoing Final Decision and Order on the following persons at the addresses indicated:

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