

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

September 23, 2014

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 13A00093
	)	
DURABLE, INC.	)	
Respondent.	)	
_____	)	

FINAL DECISION AND ORDER

Appearances:

Joseph M. Yeung,  
For the complainant

Nicole A. Kersey and John F. Quill,  
For the respondent

I. PROCEDURAL HISTORY

This is an action pursuant to 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), in which the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE or the government) filed a four-count complaint alleging that Durable, Inc. (Durable or the company) engaged in 300 violations of 8 U.S.C. § 1324a(a)(1)(B). Count I alleges that Durable failed to ensure that eight employees properly completed section 1 of Form I-9; Count II alleges that Durable failed to properly complete section 2 of the form for six employees; Count III alleges that Durable failed to ensure that 170 employees properly completed section 1; and Count IV alleges that Durable failed to properly complete section 2 of the form for 116 employees.

Durable, Inc. filed an answer to the complaint, after which prehearing procedures were completed. Presently pending are the parties' cross motions for summary decision. Each party filed a response to the other party's motion, and both motions are ripe for adjudication.

## II. BACKGROUND INFORMATION

Durable, Inc. is located in Wheeling, Illinois and is a manufacturer of aluminum products for both retail and food-service customers. Darren Anders is Durable's chief operating officer. A Notice of Inspection (NOI) was originally served on another related entity, Durable Packaging International, Inc., on June 15, 2011. Darren Anders, also the chief operating officer for Durable Packaging International, Inc., informed ICE that two separately incorporated entities operated out of the same location at 750 Northgate Parkway in Wheeling, Illinois, and that each had a separate Employer Identification Number (EIN). ICE then served Durable, Inc. with its own NOI on June 24, 2011, and the two companies were thereafter treated separately.

On or about November 10, 2011, ICE served Durable, Inc. with a Notice of Suspect Documents (NSD) listing the names of 588 employees. Five employees who contested the notice were found to be authorized; the remaining 583 were terminated. An addendum to the NSD issued on July 20, 2012 asserted that an additional twenty-five employees were found to have suspect documents. The additional employees identified in the addendum were also terminated. A Notice of Technical or Procedural Failures was issued on November 10, 2011 finding 168 technical or procedural violations. ICE found on December 13, 2011 that Durable either corrected the technical and procedural failures satisfactorily or explained why it could not do so.

The government served Durable with an initial Notice of Intent to Fine (NIF) in September 2012, and an amended NIF on November 20, 2012. The company made a timely request for hearing on October 24, 2012, and all conditions precedent to the institution of this proceeding have been satisfied. ICE filed its complaint on July 29, 2013.

The government's complaint was accompanied by various attachments, among which were a NIF previously issued to Durable, Inc. on November 23, 1988, and a settlement agreement the company entered with legacy Immigration and Naturalization Service (INS) on March 3, 1989 resolving the 1988 NIF. The settlement agreement reflects that Durable admitted to seventeen violations involving knowingly continuing to employ unauthorized aliens, and to sixty-five violations involving failure to properly verify the eligibility of employees. The company paid a \$30,000 fine and consented to an order to cease and desist from further violations.

The total penalty sought in the instant matter is \$329,895, which includes a penalty enhancement for all counts based, inter alia, on the company's previous history. Durable vigorously contests the propriety of the government's treating it as a serial offender, and characterizes the penalties sought as exorbitant.

### III. ICE's MOTION FOR SUMMARY DECISION

#### A. Liability

The government's motion for summary decision asserts that there are no genuine issues of material fact as to liability. ICE says that visual inspection of the I-9 forms at issue reflects that all the violations alleged are substantive in nature so that, unlike an employer who is afforded an opportunity to correct errors that are merely technical or procedural, Durable is not entitled to notice and an opportunity to correct errors. An entity charged with technical and procedural failures must be notified of the deficiencies and afforded a ten-day period to correct such errors. If the employer makes timely corrections, it will be deemed to have complied with the verification requirements. 8 U.S.C. § 1324a(b)(6)(A). No such relief is available, however, when the violations are substantive, as ICE says the violations are here, rather than technical or procedural.

ICE explains that in concluding that the errors were substantive, it relied on the so-called Virtue Memorandum. *See* Paul W. Virtue, INS Acting Exec. Comm. of Programs, *Interim Guidelines: Section 274A(b)(6) of the Immigration & Nationality Act Added by Section 411 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (Mar. 6, 1997), available at 74 Interpreter Releases 706 app. 1 (Apr. 28, 1997) [hereinafter Virtue Memorandum]. Among the violations that the Virtue Memorandum characterizes as substantive rather than technical or procedural are an employer's failure to ensure that an employee checks a box in section 1 of the I-9 form to indicate status as a U.S. citizen, lawful permanent resident, or alien authorized to work; an employer's failure to ensure that an employee lists an alien number in section 1 after checking the box attesting to being a lawful permanent resident, where the alien number does not appear in sections 2 or 3, or on a legible copy of a document retained with the I-9 and presented for inspection; an employer's failure to document its review of proper List A, or List B and C documents; and an employer's failure to sign the section 2 attestation.

#### 1. Failure to Ensure that Employee Checks a Status Box in Section 1

The government asserts that visual examination of Durable's I-9 forms reflects that the company failed to ensure that 172 employees checked a box in section 1 to indicate their status as United States citizens, lawful permanent residents, or aliens authorized to work for a specific period of time. *See* appendices A and C.<sup>1</sup> ICE says it is entitled to summary decision as to these violations, and that, because they are substantive, Durable was not legally entitled to an opportunity to correct them.

---

<sup>1</sup> Appendices A-D contain the names of the individuals listed in the government's complaint, the government's allegations, and the findings made in this decision.

## 2. Failure to Ensure that Employee Completes Section 1 or Completes it Promptly on Date of Hire

ICE points out that Durable failed to ensure that Dionicio Bautista completed section 1 of his I-9 on his date of hire. Visual examination of the form reflects that the company completed the section 2 attestation on August 31, 2009, and that Bautista did not sign and date section 1 until October 31, 2009. ICE also says that Dionicio Bautista's I-9 thus contains a serious substantive error and that the government is entitled to summary decision for this violation. Similarly, ICE says Durable failed to ensure that Carmen Mendoza (Count III), an unauthorized worker, signed section 1 at all.

## 3. Failure to Complete and Sign the Section 2 Attestation

ICE also says that visual inspection of the I-9s shows that the employer failed to execute the section 2 attestation on the forms for 114 employees. The government points out that the Ninth Circuit has afforded *Skidmore*<sup>2</sup> deference to the Virtue Memo, *see Ketchikan Drywall Servs. v. ICE*, 725 F.3d 1103, 1113 (9th Cir. 2013), and the Virtue Memo expressly states that failure to sign the attestation in section 2 is not a technical or procedural violation. The government asserts that the section 2 attestation lies at the heart of the verification process, and without signing this attestation, an employer cannot be found liable for perjury because it has not actually attested to the information in section 2.

ICE asserts that, to the extent Durable's suggestion that it complied with the "spirit" of the I-9 form can be construed as asserting the defense of substantial compliance, the defense is not applicable because it requires actual compliance with the objectives of the statute and is available only in very limited circumstances. ICE also points out that Durable's claim that it made good faith efforts to correct the section 1 errors raises a defense that by its own terms is applicable only to technical or procedural errors pursuant to 8 U.S.C. § 1324a(b)(6), not to substantive violations.

## B. Penalties

ICE says that in setting the baseline fine for each violation at \$950 based on agency guidance, it considered Durable's violation rate of forty-six percent and the fact that this is Durable's second offense. The government's penalty memo, Determination of Civil Money Penalty, reflects that ICE considered the factors mandated in the statute, and treated the size of Durable's business as a neutral factor. The complaint, however, indicates that ICE aggravated the penalties for Counts I and II based on the company's lack of good faith, the seriousness of the violations, and Durable's history of previous violations. The government aggravated the penalties for Counts III

---

<sup>2</sup> The reference is to *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944).

and IV for those three factors as well as the additional factor of the involvement of unauthorized aliens. ICE auditor Jeffrey Sanford says in his declaration that the penalties for Count I were calculated at \$1092.50 each, totaling \$8740; the penalties in Count II were calculated at \$1092.50 each, totaling \$6555; the penalties in Count III were \$1100<sup>3</sup> each, totaling \$187,000; and the penalties in Count IV were \$1100 each, totaling \$127,600.

#### Size of the Business

ICE auditor Sanford recommended that the factor of size should be treated as neutral because Durable was neither large enough to warrant aggravation nor a family business small enough to warrant mitigation.

#### Good Faith

ICE contends that Durable's lack of good faith is evident because the company attempted to mislead the government by providing false information. ICE Auditor Jeffrey Sanford explained in his deposition that he identified thirty-three I-9 forms with substantive violations involving the untimely completion of section 1 or section 2, and Durable provided false information in section 2 on nineteen of those forms by entering a later hire date than the corresponding employee's actual date of hire. Sanford says that this attempted deception is itself sufficient to support a finding of bad faith. Despite Durable's prior commitment to cease and desist from any further violations of the Act, moreover, Durable's current I-9s nevertheless reflect an error rate of forty-nine percent.

#### Seriousness of the Violations

ICE says that the absence of attestations in sections 1 and 2 are always serious and that aggravating the penalties was warranted because, short of failing to prepare Forms I-9 at all, Durable's violations are among the most serious. Sanford says that ninety-three percent of the total substantive paperwork violations are among the more serious violations, and he recommended aggravating the penalty on this basis.

#### Unauthorized Aliens

ICE says that it properly aggravated the base fine for violations associated with the I-9s for unauthorized aliens. Auditor Sanford says he queried various federal, state, and commercial databases to verify the information recorded on the company's I-9s. He searched the U.S. Citizenship and Immigration Service Central Index System; CLEAR, a commercial credit database; and other sources. Sanford ultimately determined that 604 of 650 employees, or

---

<sup>3</sup> ICE points out that the penalties for Counts III and IV were initially calculated at \$1140 each, but this amount exceeds the statutory maximum of \$1100, so the penalties had to be reduced.

ninety-two percent, presented List A, B, or C documents that were unacceptable for the employment eligibility verification system. ICE points out that none of these employees contested their inclusion on the Notice of Suspect Documents, and Durable terminated them all. ICE says further that of those same 604 employees, 286 had substantive paperwork violations on their I-9s, and Durable conceded that all 286 were unauthorized for employment in the United States.

#### History of Previous Violations

The government notes that in the settlement agreement of March 3, 1989 Durable agreed to pay a fine and to cease and desist from any further violations. Based on the company's history and what the government calls a continuing pattern of violations, ICE aggravated the penalties by five percent across the board for all 300 violations. While Durable points out that the company's ownership changed since the settlement agreement, ICE says that any change of ownership had no legal effect on the company's corporate identity, and that Durable, Inc. is the same legal entity as it was at the time of the previous violations. The company has never claimed otherwise. There are no issues of personal liability or successor liability, so the changes in ownership are irrelevant because the statute governing penalties in this case does not distinguish between current and former owners of a corporation.

The government concludes by saying that the violations in this case are egregious and led to the employment of an overwhelming number of unauthorized workers, precisely the outcome the regulations strive to prevent. Ninety-five percent of the employees whose I-9s contained substantive violations were unauthorized to work in the United States, and despite the company's commitment in the prior settlement agreement, Durable failed to put into practice any mechanisms to prevent future violations. While Durable says employees received informal on-the-job training provided by Michael Rabin, there is no documentation of such training and no evidence as to what this training might have entailed.

The government submitted the following exhibits with its motion for summary decision: G-A) Call Master Record dated August 24, 2011 (5 pp.); G-B) Affidavit of ICE auditor Jeffrey Sanford (18 pp.); G-C) ICE Memorandum for Determination of Civil Money Penalty (12 pp.); G-D) Notice of Suspect Documents dated November 10, 2011 (17 pp.); G-E) ICE Excel spreadsheet listing Durable, Inc.'s I-9s that contain substantive violations (8 pp.); and G-F) Chart of Durable's answers to the government's allegations (22 pp.).

#### IV. DURABLE'S MOTION FOR SUMMARY DECISION

##### A. Liability

Durable's motion asserts that there are no genuine issues of material fact, and identifies the only two issues remaining as: 1) whether respondent should be fined for certain paperwork errors,

given the nature of the errors, and 2) where respondent faces fines, what the appropriate amount of those fines should be. The company says there is no basis for imposing what it characterizes as an exorbitant penalty. Durable says it made good faith efforts to comply with the requirements and requests dismissal of many of the charges or, alternatively, lower penalties than ICE proposes.

1. Failure to Ensure that Employee Checks a Status Box in Section 1

Durable does not deny that it failed to ensure that 167 employees checked a box in section 1 attesting to status as a U.S. citizen, lawful permanent resident, or alien authorized to work, and the company admits that this violation is typically a substantive violation. Durable says, however, that because it attempted to correct these errors prior to issuance of the NOI, the errors should be treated as technical or procedural. The company says Darren Anders and Brad Rabin attempted to cure the section 1 failures where the employee's status was clear based on the documentation the individual presented. Anders and Rabin checked the box for lawful permanent resident, and if an alien number appeared elsewhere on the I-9 or on an attached document, they entered the individual's alien number on the form. They initialed and dated these additions.

Durable points out that the Notice of Technical or Procedural Failures issued to the company did not afford it the opportunity to correct these status-box errors. Durable says that it followed what it thought was a "logical process" for correcting the forms, and that, by initialing and dating the corrections, it did not attempt to mask the identity of the person making the correction or the date that the correction was made. The company says that its retention of a copy of the employee's green card and entry of the employee's information on the face of the I-9 constitutes a good faith attempt to correct section 1, and should turn the otherwise substantive violations into technical ones.

2. Failure to Ensure that Employee Completes Section 1 or Completes it Promptly on Date of Hire

Durable argues that no substantive violation should be found where Dionicio Bautista dated section 1 on October 31, 2009, two months after Durable's representative signed and dated Bautista's I-9 form on August 31, 2009. Durable says that it is unclear why there was such a gap, but that it was "possible that the mistake was a typo on the employee's part or harmless error on the employer's part." The company says that employers should generally ensure that section 1 of the form is completed prior to section 2, but that allowing the employee to complete section 1 after the employer completes section 2 does not contradict or undermine the purpose of the statute. Durable concedes that it failed to ensure that Carmen Mendoza (Count III), an unauthorized worker, signed section 1 of her I-9 form and there is evidently no dispute about this violation.

### 3. Failure to Sign Section 2 of Form I-9

Durable also acknowledges that it failed to sign section 2 of the I-9s for 120 individuals, but says that it merely signed 116 of the I-9s in the wrong location by signing section 3 instead. The company says that on 115 of these I-9s, the employee presented a resident alien card or permanent resident card, thus satisfying the documentation requirement of section 2, and the employer representative recorded the document information in and signed section 3, thus satisfying the attestation requirement.

The company contends that these I-9s were completed as a result of internal audits, which revealed that certain of the company's forms were missing. The declarations of Darren Anders and Scott Anders provide information the declarants assert is based upon conversations with Kimberlee Malewicki, the Durable representative formerly responsible for completing the I-9s in question. Both declarations state in pertinent part,

[I]t was determined that the I-9s for these individuals were missing, though it was believed that the I-9s had been completed at the time of hire. Because the I-9s could not be located, Ms. Malewicki met with the affected employees to complete I-9s. Because the employees' work authorization had previously been verified (on the missing I-9s), it was Ms. Malewicki's belief that the new I-9s were "reverifications" of the employees' work authorization. For that reason, she completed Section 3 (in lieu of Section 2) of these new I-9s. Ms. Malewicki is no longer employed by Durable, Inc. She was discharged on October 11th of 2012.

Durable says that signing and recording document information in section 3 instead of section 2 is not the type of error that could lead to the hiring of an unauthorized alien. The company asserts that while all the I-9s in Count IV were for employees who were determined to be unauthorized aliens, there is no evidence that it was the signature errors that actually led the employer to hire the unauthorized aliens, and that "[c]orrelation is not causation, and no causation has been shown."

The company characterizes sections 2 and 3 as effectively identical, and argues that it "complied with the spirit of the Form I-9" and satisfied the goals of the form by attesting under penalty of perjury to the review of documentation. The company asserts that the documentation reviewed appeared to be genuine and to relate to the employee presenting it. Durable also says that, on all but two of the I-9s at issue, a copy of the document presented was attached to the I-9, which renders the errors technical or procedural.

## B. Penalties

### Good Faith

Durable says that ICE has failed to show that the company acted in bad faith or that the company attempted to deceive the government when it completed certain I-9s by entering the wrong hire dates for employees. Durable says the errors were mere mistakes and that the government has not submitted evidence that proves otherwise. The company says that, to the contrary, it complied in good faith with the requirements by presenting I-9s for all active employees and undertaking internal audits to ensure compliance. Durable challenges the government's characterization of the company's entry of false hire dates, and offers its own explanation in the declarations of Darren Anders and Scott Anders, both of which state in pertinent part,

I am aware that, on approximately 30-35 I-9s, a representative or representatives of Durable, Inc. placed an incorrect hire date on the Form I-9, causing the hire date to align with the date(s) that the forms were signed by the employee and/or employer. Based on my discussions with Durable, Inc. representatives who completed the I-9 forms, I understand that the dating error was based on the representatives' incorrect understanding of the date that should be listed on the I-9 and/or an incorrect assumption about the employees' dates of hire. The incorrect dates were not placed on the Forms I-9 in an effort to deceive any individual, entity, or government agency.

The company says, in addition, that it attempted in good faith to correct the section 1 failures on 167 of the 178 I-9s in Counts I and III prior to issuance of the NOI, and that, although it did not sign section 2 on 115 of the I-9s in Counts II and IV, it reviewed the required documentation, recorded the document information in section 3 of the form, and signed section 3.

### Seriousness of the Violations

Durable admits that failure to select a status box and failure to sign the Form I-9 are serious violations, but says it made good faith attempts to comply with the requirements. The company says the fines in this case are near the maximum, but the violations are far from the most egregious. Durable argues that the instant violations are less serious than those in *United States v. M & D Masonry, Inc.*, 10 OCAHO no. 1211, 5, 12-13 (2014),<sup>4</sup> a case in which the maximum penalty was not deemed appropriate.

---

<sup>4</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,

### Unauthorized Workers

Durable does not dispute that 286 employees were unauthorized or presented fraudulent documents, but says that the penalty should not be aggravated on this basis because the company did not know and had no reason to suspect that the individuals were unauthorized. Durable says that employers are “stuck between the proverbial rock and hard place.” They are prohibited from discriminating based on citizenship and national origin and must accept documentation that reasonably appears to be genuine, yet if they make a substantive error on the I-9, and the employee turns out to lack work authorization, the employer faces a higher risk of fines. Durable says, in addition, that ICE has not shown that the I-9 errors here actually led to the hiring or continued employment of unauthorized workers.

### History of Previous Violations

Durable takes vigorous issue with ICE’s enhancing the penalty based on the assertion that the violations in this case constitute the company’s second offense. Durable says that increasing the penalty based on the company’s history of violations is a “stretch,” and that ICE has used this history three times, first to set the baseline fine, again to enhance the fine based on the company’s history of previous violations pursuant to 8 U.S.C. § 1324a(e)(5), and yet again to enhance it based on the claim the company acted in bad faith. The company says this is “patently unfair.”

Durable also says the interval between the settlement agreement and the current violations is too long to warrant increasing the penalties based on the company’s history, and that other agencies, in the interest of fairness, take into account the lapse of time between violations in determining penalties. Durable points out that the Fair Labor Standards Act of 1938 (FLSA), as amended, 29 U.S.C. § 201 et seq. (2007), expressly makes the interval between violations one of the factors to be considered in setting penalties, *see* 29 C.F.R. § 578.4(b)(5), and that the Occupational Safety and Health Administration’s Administrative Penalty Policy<sup>5</sup> provides that a history of previous violations may be used to increase fines only where the earlier violations occurred within the

---

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>.

<sup>5</sup> *See* David Michaels, *Annual Review and Scheduled Modification to OSHA’s Interim Administrative Penalty Policy* (Mar. 27, 2012), [https://www.osha.gov/dep/enforcement/admin\\_penalty\\_mar2012.html](https://www.osha.gov/dep/enforcement/admin_penalty_mar2012.html)

preceding five years. The company contends that even though the regulations relevant to this case do not specifically limit the interval between violations, leaving the timeframe open indefinitely could result in unduly punitive penalties under ICE's penalty guide matrix.

The company also says that even if Durable is the same legal entity that engaged in the previous violations, the current owners were not involved in or aware of the prior action or settlement. Gary Anders, Durable's president at the time of the 1989 settlement, was not an owner or officer of the company during the five-year period preceding the instant complaint. The current owners of Durable were teenagers when the prior action was settled, and thus were never "put on notice" of it. Finally, Durable says that the current allegations are significantly different from the company's previous history of violations and that it is illogical to treat the company as a repeat offender.

Durable's exhibits (labelled as appendices) in support of its motion for summary decision include: R-A)<sup>6</sup> List of I-9s signed by Durable in section 3 in lieu of section 2 (3 pp.); R-B) List of I-9s on which Durable representatives corrected section 1 (5 pp.); R-C) List of employees for whom Durable does not dispute the classification of the errors as substantive, but disputes the penalty amount; R-D) Supplemental declaration of Darren Anders (3 pp.); and R-E) Declaration of Brad Rabin. Exhibits the company submitted with its prehearing statement include: R-1) Declaration of Darren Anders (3 pp.); R-2) Declaration of Gary Anders; R-3) Declaration of Scott Anders (3 pp.); R-4) Declaration of Corey Anders; R-5) Declaration of Brian Anders (2 pp.); R-6) Declaration of William West; and R-7)<sup>7</sup> Chart of Durable's answers to the government's allegations (18 pp.).

## V. DISCUSSION AND ANALYSIS

### A. Liability

Durable conceded liability for seventeen violations and the government is entitled to summary decision as to these violations. Specifically, Durable acknowledged failing to ensure that the employee checked a status box in section 1 of the I-9s for Eduardo Montano, Graciela Basilio, Armando Bautista, Carina Carbajal, and Elena Roman; failing to ensure that Dante Rivera, Victor Hugo Zizumbo, Jose A. Hernandez, and Jose Haro Pineda provided alien numbers in section 1 after they checked the box indicating status as lawful permanent residents, and no alien number appears in section 2; failing to sign the section 2 attestations for Martha Puebla, Alfonso

---

<sup>6</sup> Because both parties identified some of their exhibits alphabetically, to distinguish between them, the letter "R" has been added to Durable's designations, and the letter "G" has been added to the government's designations.

<sup>7</sup> Durable submitted a revised version of this exhibit with its revised prehearing statement.

Cruz, Alberta Diaz, Noe Nava, and Felipe Salgado; and failing to enter valid List C documents on section 2 of the I-9s for Ricardo Gonzales and Saul Gonzalez. Durable is also liable for failing to ensure that Carmen Tereza Mendoza signed the section 1 attestation of her I-9.

Durable's contention that the remaining errors are not substantive or are not fineable is wholly without merit. The substantive violations on the I-9s involved are facially apparent and the government is entitled to summary decision as to liability not only for the seventeen violations the company conceded, but also for the 283 it contests. Durable's arguments to the contrary ignore the plain language of the statute and regulations, as well as OCAHO case law and the Virtue Memorandum.

#### 1. Failure to Ensure that Employee Checks a Status Box in Section 1

OCAHO case law has consistently held that failure to ensure that the employee checks a box in section 1 is a substantive violation. *See United States v. Ketchikan Drywall, Servs., Inc.*, 10 OCAHO no. 1139, 15 (2011) (citing *United States v. WSC Plumbing, Inc.*, 9 OCAHO no. 1062, 6-7 (2000)); *see also* Virtue Memo at app. A. Durable's suggestion that an employer may retroactively correct the section 1 attestation evidences a fundamental misunderstanding of the employment eligibility verification system.

As stated on the I-9 form itself, section 1 of the form must be completed by the employee, not by the employer. The employer's obligation is to ensure that the employee properly completes and signs the section 1 attestation on the date of hire. 8 C.F.R. § 274a.2(b)(1)(i)(A). *See United States v. A&J Kyoto Japanese Rest., Inc.*, 10 OCAHO no. 1186, 5 (2013). When an employee signs the properly completed section 1 attestation on the date of hire, he or she is affirming under the penalty of perjury that all the information recorded in the section is true. A failure to satisfy this requirement on the date of hire is not curable and is not a technical or procedural violation.

For an employer to subsequently alter section 1 of an employee's I-9 by adding information that was not sworn to by the employee effectively vitiates the purpose of the employee's attestation. Durable is mistaken in thinking that an employer itself can enter the missing information in section 1 after the fact and transform substantive violations into technical or procedural ones. Durable's alternative suggestion that retaining a copy of the employee's green card can substitute for the employee's attestation to a particular immigration status or convert the lack of such an attestation into a technical violation is similarly unavailing.

#### 2. Failure to Ensure that Employee Promptly Completes Section 1 on Date of Hire

ICE is also entitled to summary decision for the violation involving Dionicio Bautistia's I-9. An employer is required to ensure that an employee completes and signs the section 1 attestation on the individual's date of hire. 8 C.F.R. § 274a.2(b)(1)(i)(A); *A&J Kyoto*, 10 OCAHO no. 1186 at

5. It is clear that Bautista did not complete section 1 of the I-9 on his date of hire because Durable completed and signed his I-9 on August 31, 2009, but Bautista did not complete and sign section 1 until October 31, 2009. It is apparent on the face of the I-9 that Bautista did not complete the I-9 on his first day of employment if Durable completed the I-9 two months earlier. The government is entitled to summary decision involving Bautista's I-9 based on the company's failure to ensure that the employee timely completed section 1 of the form.

### 3. Failure to Sign Section 2 of Form I-9

Contrary to Durable's suggestion, an employer may not elect to sign section 3 as a substitute for properly completing section 2 of an employee's I-9. Durable cites no authority for its theory that completing section 3 can satisfy the requirement to complete section 2, and OCAHO case law holds to the contrary. *See United States v. Catalano*, 7 OCAHO no. 974, 860, 866, 872 (1997). Information required by section 2 is missing from section 3, which does not require either the date of hire or any issuing authority for any documents examined. As the face of the I-9 form itself makes clear, moreover, reverification is appropriate only when an employee is rehired and/or where the evidence of employment authorization previously presented expires. Section 3, in other words, is to be utilized only when section 2 has been properly completed in the first place.

The assertions of Darren Anders and Scott Anders about Kimberlee Malewicki's alleged "belief" that the new I-9s she created were reverifications has no reasonable basis in fact or law and employers are not entitled to simply make up their own rules. More importantly, there is not a scintilla of evidence that Durable's so-called "missing" I-9s ever existed in the first place. OCAHO rules<sup>8</sup> provide that, to be treated as evidence, affidavits must set forth such facts as would be admissible in a proceeding subject to 5 U.S.C. §§ 556 and 557, and must show affirmatively that the affiant is competent to testify to the matters stated. 28 C.F.R. § 68.38(b). The Anders declarations do not satisfy this standard. Far from "complying with the spirit of the I-9," as Durable asserts it did, the company engaged in a pattern of serious substantive violations that interfere with the very purpose of the employment eligibility verification requirements. ICE is entitled to summary decision finding Durable liable for failure to properly complete the section 2 attestations.

### B. Penalties

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, is \$110, and the maximum is \$1100. The penalties in this case thus range from a low of \$33,000 to a high of \$330,000. The governing statute directs that in assessing an appropriate penalty, the following factors are to be considered: 1) the

---

<sup>8</sup> *See* Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2013).

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). The statute does not require that equal weight be given to each factor, nor does it rule out the consideration of additional factors. *See United States v. Hernandez*, 8 OCAHO no. 1043, 660, 664 (2000).

#### Size of the Business

The parties did not dispute ICE's treatment of the size of Durable's business as a neutral factor, and perhaps for this reason neither party addressed this factor at length. The record reflects, however, that the NSD in 2012 identified 650 current and former employees, so it is evident that Durable is not a small employer. The company was incorporated in 1946 and has evidently been in continuous existence since that time. Durable had annual sales of \$73,600,000 in April 2012, and the total annual payroll for the last five years totaled \$60,492,386.68, so there is no indication that the company is not a stable and flourishing business.

#### Good Faith

The opinions expressed in the Anders declarations about the state of mind or motives of Kimberlee Malewicki or other unidentified "representatives" of Durable can have no effect because the declarants' "understanding" of someone else's alleged "incorrect understanding" or someone else's "incorrect assumption" is not competent evidence and is afforded no weight. Even assuming *arguendo* that Durable's entry of false hire dates on multiple I-9 forms is not sufficient evidence of bad faith, ICE was fully justified in enhancing the penalties based on the absence of good faith. As explained in *United States v. Taste of China*, 10 OCAHO no. 1164, 4-5 (2013), a poor rate of compliance is not itself an indicator of bad faith, and there must be some showing of culpable conduct beyond the mere failure to comply. One of the traditional approaches to the question of culpable conduct has been to examine what steps, if any, the employer took prior to the NOI to ascertain what the law requires and to conform its conduct to it. *Id.* at 5.

Here there is simply no evidence that Durable took any steps at all, either directly after entering the settlement agreement or in the ensuing years, to ascertain what the law requires or to conform its conduct to the law's requirements. In *United States v. Rupson of Hyde Park, Inc.*, 7 OCAHO no. 958, 537, 543 (1997), where the company entered a settlement agreement but in the years thereafter complied only erratically without making affirmative efforts to ascertain what it needed to do, the administrative law judge found that the company's new violations were not just owing to mere confusion or carelessness, but demonstrated a noncompliant disposition that was "tantamount to culpable behavior, warranting a finding of bad faith." So it is here.

While Durable argues that it complied in good faith by performing internal audits, those alleged audits appear to have resulted in the creation of I-9s long after the employees' dates of hire, and

the entry of false information. The company also says it complied in good faith by providing informal training, but there was no evidence of any specific training or when the training was offered. Whatever training there might have been was clearly ineffective because the record makes clear that Durable's representatives either had fundamental misunderstandings of the law, or simply chose to disregard it.

#### Seriousness of the Violations

It is the nature of the violations themselves, and not just their volume, that justifies enhancing a penalty based on the statutory factor of seriousness. *Cf. United States v. La Hacienda Mexican Cafe*, 10 OCAHO no. 1167, 3 (2013). Failure to ensure that an employee checks a box 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. *Ketchikan*, 10 OCAHO no. 1139 at 15. Likewise, 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. Task Force Sec., Inc.*, 4 OCAHO no. 625, 333, 341 (1994) (reasoning that a missing employee signature subverts the congressional mandate that employees attest under penalty of perjury that they are authorized for employment in the United States).

An employer's failure to sign the section 2 attestation is also serious because this is the section that proves the employer reviewed documents sufficient to demonstrate the employee's eligibility to work in the United States. *See United States v. New Outlook Homecare, LLC*, 10 OCAHO no. 1210, 5 (2014). Failing to sign section 2 could also be interpreted as an employer's avoidance of liability for perjury. *Ketchikan*, 10 OCAHO no. 1139 at 10. While marginally less serious, the remaining violations are considered serious too: failure to ensure that the employee timely completes section 1, *Anodizing*, 10 OCAHO no. 1184 at 4, or that the employee enters an alien number in section 1 after checking the box for legal permanent resident, *Ketchikan*, 10 OCAHO no. 1139 at 16; and failure to enter a valid List A document or List B and C documents in section 2, *United States v. El Paso Hospitality, Inc.*, 5 OCAHO no. 737, 116, 122 (1995) (observing that failing to identify proper documents, or identifying improper documents, both disserve the purpose of the employment eligibility verification system).

#### Unauthorized Workers

ICE appropriately enhanced the penalties for the I-9s of the 286 individuals that Durable admits were unauthorized for employment. Congress mandated that in setting penalties, consideration should be given to whether the individual was an unauthorized alien, not whether the employer knew of that status or whether the I-9 error actually caused the hiring of the unauthorized employee. *See* 8 U.S.C. § 1324a(e)(5). That an employer would prefer a standard different from the one that Congress chose is of no moment.

### History of Violations

There is no disagreement about the existence of the previous NIF and the 1989 settlement agreement. The parties simply disagree about the significance of these documents, and the weight to be given to this factor. Durable contends that because the company's current owners were not aware of the prior violation it should not be considered, but in Illinois, as elsewhere, a corporation has a separate legal existence quite apart from that of its owners. *See Wachovia Sec., LLC v. Banco Panamericano, Inc.*, 674 F.3d 743, 751 (7th Cir. 2012); *Judson Atkinson Candies, Inc. v. Latini-Hohberger Dhimantec*, 529 F.3d 371, 378 (7th Cir. 2008). What the current owners knew and when they knew it has no bearing on whether the events occurred or whether Durable was the same legal entity in 2009 that it was in 1989. The theory that corporate liability can be extinguished by a change of ownership is a novel one to say the least, and Durable points to no case law suggesting that shifting or changing ownership of a corporation has any effect on its liabilities.

Durable cannot have it both ways. I issued a protective order in this matter at the company's behest, *see United States v. Durable, Inc.*, 11 OCAHO no. 1221 (2014), insulating the company from discovery requests about various changes in the company's ownership over time and when they occurred, as well as from discovery requests about the personal assets and properties of the current owners. That order issued precisely because Durable, Inc. had a separate legal personality of its own, and the government had articulated no grounds for piercing the corporate veil to discover information about the owners. Durable may not rely on the company's separate legal identity for one purpose, and simultaneously seek to avoid that separate legal personality for another purpose. The personal knowledge of the current owners is wholly immaterial to the question of liability, as well as to the question of penalties.

The governing statute mandates consideration of the employer's history of previous violations, and Durable cites no case law supporting the position that this mandate should be ignored or disregarded because of a temporal gap. Although the company points to other standards in other fora that do require consideration of such a gap, Congress made a legislative choice to include a temporal limitation for previous wage and overtime penalties under FLSA and to omit such a limitation from § 1324a(e)(5). While the factors considered in making penalty calculations are not necessarily limited to those set out in the statute, *see, e.g., United States v. Kobe Sapporo Japanese, Inc.*, 10 OCAHO no. 1204, 3 (2013), I am not at liberty to simply abandon our statutory mandate in favor of some other standard that Durable might prefer. *See Conn. Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992). ("We have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there.").

Nothing in IRCA suggests, moreover, that any prior violations must be precisely the same as the current ones before an employer's history of violations can be taken into account. Here it appears that they are, in fact, similar. Durable previously admitted to sixty-five paperwork

violations, and while the documentation does not reflect the precise nature of the errors, all were violations of 274A(a)(1)(B), as are the current violations.

## VI. CONCLUSION

ICE is entitled to summary decision as to liability for the 300 violations alleged in the complaint. Most of the statutory penalty factors weigh against the company, and there are no equities apparent in the record that would compel significantly adjusting the penalties proposed. While Durable points out that, despite a company's high error-rate and very serious violations, the maximum penalty was found to be inappropriate in *M & D Masonry*, 10 OCAHO no. 1211 at 5, 12, the employers in these two cases are not similarly situated because M & D Masonry had no history of previous violations and its workforce did not consist of more than ninety percent unauthorized employees.

In its response<sup>9</sup> to the government's motion for summary decision, Durable says that the entire inspection has had a negative impact on the company, which had to replace a huge portion of its workforce all at once, and if the goal was to make the company "hurt," that goal was accomplished. An employer that follows the appropriate steps to ensure that its employees are authorized for employment would not ordinarily find itself having to replace most of them at the same time, and an employer that fails to take such appropriate steps and hires more than ninety percent unauthorized workers assumes that risk.

The principal goal of a civil money penalty is to enhance the probability of future compliance. *See Kobe Sapporo*, 10 OCAHO no. 1204 at 6. That is to say, a civil money penalty is intended to have a deterrent effect. That it might "hurt" the employer is why it is called a penalty. The penalties Durable previously paid clearly did not have the desired deterrent effect, inasmuch as Durable apparently did not alter its behavior to conform to the requirements of the law after it entered the settlement agreement. Perhaps a higher penalty will have a more motivating effect.

Considering the record as a whole, the statutory factors in particular, and the additional factor that over ninety percent of the company's workforce was found to be unauthorized for employment in the United States, I decline to alter the penalties ICE proposes.

---

<sup>9</sup> The filing is captioned as a reply but is more accurately described as a response.

## VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### A. Findings of Fact

1. Durable, Inc., located in Wheeling, Illinois, is a manufacturer of aluminum products for retail and food-service customers.
2. Legacy Immigration and Naturalization Service served a Notice of Intent to fine on Durable, Inc. on November 23, 1988, and Durable, Inc. a.k.a. Industrial Precision Products entered a settlement agreement with legacy Immigration and Naturalization Service on March 3, 1989 in which Durable, Inc. a.k.a. Industrial Precision Products agreed to pay \$30,000 and to cease and desist from violating § 274A, 8 U.S.C. § 1324a, of the Immigration and Nationality Act.
3. Department of Homeland Security, Immigration and Customs Enforcement served Durable, Inc. with a Notice of Inspection (NOI) on June 24, 2011.
4. Department of Homeland Security, Immigration and Customs Enforcement served Durable, Inc. with a Notice of Suspect Documents and a Notice of Technical or Procedural Failures on or about November 10, 2011, and Durable made the appropriate corrections.
5. Department of Homeland Security, Immigration and Customs Enforcement served Durable, Inc. with a Notice of Intent to Fine on November 20, 2012.
6. Durable, Inc. made a timely request for hearing on October 24, 2012.
7. Department of Homeland Security, Immigration and Customs Enforcement filed a complaint with this office on July 29, 2013.
8. Durable, Inc. hired Dante Rivera, Victor Zizumbo, Jose A. Hernandez, and Jose Haro Pineda, and failed to ensure that each entered an alien number in section 1 after checking the box for legal permanent resident, and no alien number appeared in section 2.
9. Durable, Inc. hired Carmen Tereza Mendoza and failed to ensure that she signed the attestation in section 1 of her I-9 form.
10. Durable, Inc. hired Ricardo Gonzales and Saul Gonzalez and failed to enter a valid List C document for each of them in section 2 of their respective I-9 forms.
11. Durable, Inc. signed section 2 of Dionicio Bautista's I-9 form on August 31, 2009, but Dionicio Bautista did not sign section 1 of the form I-9 until October 31, 2009.

12. Durable, Inc. hired 120 employees and failed to execute the section 2 attestation on their I-9 forms.

13. Durable, Inc. hired 172 employees and failed to ensure that each of them checked a box in section 1 attesting to their respective status as a U.S. citizen, lawful permanent resident, or alien authorized to work.

14. Department of Homeland Security, Immigration and Customs Enforcement's complaint against Durable, Inc., identified 286 individuals who were unauthorized for employment in the United States.

15. More than ninety percent of Durable, Inc.'s workforce consisted of individuals who were unauthorized for employment in the United States.

#### B. Conclusions of Law

1. Durable, 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. Durable, Inc. failed to ensure that 178 employees properly completed section 1 of their Forms I-9.
4. Durable, Inc. failed to properly complete section 2 of Form I-9 for 122 employees.
5. Durable, Inc. is liable for 300 violations of 8 U.S.C. § 1324a(a)(1)(B).
6. The following factors must be considered in assessing an appropriate penalty 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 or not the individual was an unauthorized alien, and 5) the employer's history of previous violations. 8 U.S.C. § 1324a(e)(5).
7. An employer's failure to ensure that an employee checks a box in section 1 is serious because if the employee fails to provide information that is sufficient to disclose his or her immigration status on the face of the form, the employee's signature attests to nothing at all. *See United States v. Ketchikan Drywall, Servs., Inc.*, 10 OCAHO no. 1139, 15 (2011).
8. An employer's failure to ensure that an employee signs section 1 is a very serious violation because the employee has not attested to being authorized to work in the United States. *See United States v. Task Force Sec., Inc.*, 4 OCAHO no. 625, 333, 341 (1994).

9. Failure to ensure that an employee enters an alien number in section 1 after checking the box for legal permanent resident is a serious substantive violation if the alien number does not appear in sections 2 or 3, or in any attached documents. *See United States v. Ketchikan Drywall, Servs., Inc.*, 10 OCAHO no. 1139, 16 (2011).

10. An employer's failure to ensure that an employee timely completes section 1 of his or her I-9 is serious because the employee could potentially be unauthorized for the entire time his or her eligibility remains unverified. *See United States v. Anodizing Indus., Inc.*, 10 OCAHO no. 1184, 4 (2013).

11. An employer's failure to sign section 2 is very serious because section 2 is where the employer attests to the examination of documents sufficient to establish that the employee was authorized to work in the United States; failing to sign section 2 could also be interpreted as an employer's avoidance of liability for perjury. *See United States v. New Outlook Homecare, LLC*, 10 OCAHO no. 1210, 5 (2014); *United States v. Ketchikan Drywall Servs., Inc.*, 10 OCAHO no. 1139, 10 (2011).

12. An employer's failure to identify documents in section 2 that establish the employee's identity and work authorization, and an employer's review of improper documents, are both serious violations that disserve the purpose of the employment eligibility verification system. *See United States v. El Paso Hospitality, Inc.*, 5 OCAHO no. 737, 116, 122 (1995).

13. No evidence was presented to suggest that Durable, Inc. made an effort to inform itself of what the law requires or to conform its conduct to the law, either immediately after the company entered a settlement with legacy Immigration and Naturalization Service, or in the ensuing years.

14. A corporation has a separate legal existence quite apart from that of its owners. *See Wachovia Sec., LLC v. Banco Panamericano, Inc.*, 674 F.3d 743, 751 (7th Cir. 2012); *Judson Atkinson Candies, Inc. v. Latini-Hohberger Dhimantec*, 529 F.3d 371, 378 (7th Cir. 2008).

15. That more than ninety percent of Durable, Inc.'s workforce consisted of individuals who were unauthorized for employment in the United States is an additional egregious factor that warrants enhancing the civil money penalties.

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

Durable, Inc. is liable for 300 violations of 8 U.S.C. § 1324a(a)(1)(B) and is ordered to pay a civil money penalty of \$329,895.

SO ORDERED.

Dated and entered this 23rd day of September, 2014.

---

Ellen K. Thomas  
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) (2012).

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 A  
Count I**

<b>No.</b>	<b>Employee Name</b>	<b>Type(s) of Violation(s) Alleged</b>	<b>Unauthorized?</b>	<b>Finding</b>
1	Cazares, Adela	Failure to ensure that employee checked status box in section 1	N/A	Violation as alleged
2	Flores, Sergio	Failure to ensure that employee checked status box in section 1	N/A	Violation as alleged
3	Montano, Eduardo	Failure to ensure that employee checked status box in section 1	N/A	Violation as alleged
4	Raya, Alex (a.k.a. Alex Thomas Raya-Nambo)	Failure to ensure that employee checked status box in section 1	N/A	Violation as alleged
5	Rivera, Dante (a.k.a. Dante Rivera-Zizumbo)	Failure to ensure that employee provided alien number in section 1 after checking status as lawful permanent resident, and no alien number in section 2	N/A	Violation as alleged
6	Villanueva, Sofia	Failure to ensure that employee checked status box in section 1	N/A	Violation as alleged
7	Zizumbo, Cristina (a.k.a. Cristina Zizumbo-Nino)	Failure to ensure that employee checked status box in section 1	N/A	Violation as alleged
8	Zizumbo, Victor Hugo	Failure to ensure that employee provided alien number in section 1 after checking status as lawful permanent resident, and no alien number in section 2	N/A	Violation as alleged

**Appendix B  
Count II**

<b>No.</b>	<b>Employee Name</b>	<b>Type(s) of Violation(s) Alleged</b>	<b>Unauthorized?</b>	<b>Finding</b>
1	Avita, Lucila	Failure to execute the attestation requirement in section 2	N/A	Violation as alleged
2	Cervantes, Guillermina	Failure to execute the attestation requirement in section 2	N/A	Violation as alleged
3	Garcia, Socorro	Failure to execute the attestation requirement in section 2	N/A	Violation as alleged
4	Puebla, Martha (a.k.a. Martha Ibarra-Puebla)	Failure to execute the attestation requirement in section 2	N/A	Violation as alleged
5	Rivas, Teresa	Failure to execute the attestation requirement in section 2	N/A	Violation as alleged
6	Rodriguez, Juanita	Failure to execute the attestation requirement in section 2	N/A	Violation as alleged

**Appendix C  
Count III**

<b>No.</b>	<b>Employee Name</b>	<b>Type(s) of Violation(s) Alleged</b>	<b>Unauthorized?</b>	<b>Finding</b>
1	Aguirre, Gilberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
2	Alcantar, Ana	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
3	Alcantar, Maria	Failure to ensure that employee	Y	Violation as alleged

		checked status box in section 1		
4	Adan, Alvarez	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
5	Alvarez, Marisela (a.k.a. Marisel Alvarez-Hernandez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
6	Amaro, Jose (a.k.a. Jose Amaro-Salgado)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
7	Andrade, Fabricio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
8	Andrade, Hortencia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
9	Anselmo, Josefina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
10	Aquino, Yoxajandiz	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
11	Arizaga, Manuel Alejandro	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
12	Arreola, Joel	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
13	Bahena, Alberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
14	Bailon, Mario	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
15	Barron, Esmeralda (a.k.a. S. Esmeralda Barron)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
16	Basilio, Graciela (a.k.a. Grasiela Basilio)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
17	Bata, Jose	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

18	Bataz, Ana I.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
19	Bautista, Armando	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
20	Bautista, Dionicio	Section 1 completed 2 months after completion of section 2	Y	Failure to ensure that employee completed section 1 attestation on date of hire
21	Bautista, Esteban	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
22	Benitez, Rigoberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
23	Bravo, Eva	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
24	Bustamante, Damaris V.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
25	Cabrera, Armando	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
26	Calderon, Miguel	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
27	Camacho, Juan Carlos (a.k.a. Carlos Camacho-Juan)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
28	Cano, Salvador	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
29	Carbajal, Carina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
30	Casales, Gabriel (a.k.a. Gabriel Casales-Palacios)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
31	Castillo, Elizabeth	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
32	Castillo, Sergio	Failure to ensure that employee	Y	Violation as alleged

		checked status box in section 1		
33	Cazares, Jose Manuel	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
34	Cisneros, Oscar	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
35	Colon, Nilsa	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
36	Comparan, Ramon	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
37	Cordero, Diana	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
38	Cordero, Elisa	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
39	Coria, Diego	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
40	Corral, Elvia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
41	Covarrubias, Maria Guadalupe	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
42	Crisostomo, Marcelino	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
43	Cuautle, Gustavo (a.k.a. Gustavo Cuautle-Cozalt)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
44	Currichi, Soledad	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
45	De Jesus, Sergio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
46	De Leon, Daniel (a.k.a. Daniel De Leon-Roblero)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

47	Enriquez, Leticia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
48	Escobedo, Maria del Socorro	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
49	Esteban, Yessica	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
50	Flores, Aurelia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
51	Flores, Gilberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
52	Flores, Karla M.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
53	Fonesca Jr., Alfonso	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
54	Gallardo, Claudia (a.k.a. Claudia Gallardo-Infante)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
55	Garbutt, Justin	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
56	Garcia, Ana Patricia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
57	Garcia, Hector	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
58	Garcia, Herminia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
59	Garcia, Johnny	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
60	Garcia, Raquel	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
61	Garcia, Sonia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

62	Garcia, Veronica	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
63	Gervacio, Horacio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
64	Gomez, Armando (a.k.a. Armando Gomez-Rodriguez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
65	Gomez, Maria del Carmen	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
66	Gomez, Yasmina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
67	Gonzalez, Eduardo	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
68	Gonzalez, Marco Antonio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
69	Gonzalez, Miguel (a.k.a. Miguel Gonzalez-Salgado)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
70	Granados, Noberto (a.k.a. Noberto Granado-Reyes)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
71	Guerrero, Carlos	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
72	Gutierrez, Evelio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
73	Gutierrez, Mayra (a.k.a. Mayra Gutierrez-Lorenzo)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
74	Guzman, Araceli (a.k.a. Araceli Guzman)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
75	Hernandez, Alejandra	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

76	Hernandez, Alma D. (a.k.a. Alma Delia Hernandez-Tellez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
77	Hernandez, Arely	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
78	Hernandez, Artemio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
79	Hernandez, David	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
80	Hernandez, Eliuth (a.k.a. Eliuth Hernandez-Benitez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
81	Hernandez, Jose A.	Failure to ensure that employee provided alien number in section 1 after checking status as lawful permanent resident, and no alien number in section 2	Y	Violation as alleged
82	Jimenez, Enrique	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
83	Jimenez, Rosa Ma	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
84	Lara, Pastor (a.k.a Pastor Lara-Salgado)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
85	Lechuga, Ramon	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
86	Leon, Emmanuel (a.k.a. Emmanuel Leon-Mejia)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
87	Lopez, Magdaleno	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
88	Lorenzo, Maritza	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

89	Lorenzo, Petra (a.k.a. Petro Lorenzo L.)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
90	Lupian, Saul	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
91	Manriquez, Maria E.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
92	Martinez, Gaudencio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
93	Martinez, Ivan	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
94	Medina, Horacio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
95	Medina, Olivia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
96	Mejia, Norma	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
97	Melendes, Rene (a.k.a. Rene Melendez-Perez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
98	Mendez, Francisco	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
99	Mendez, Rosario	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
100	Mendoza, Carmen Tereza	Failure to ensure that employee signed the attestation in section 1	Y	Violation as alleged
101	Mendoza, Judith (a.k.a. Judith Mendoza-Alvarez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
102	Mendoza, Marcos	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
103	Mendoza, Mateo	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

104	Mendoza, Rafael	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
105	Millan, Francisco	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
106	Molina, Flor Elizabeth	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
107	Montano, Elfida	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
108	Monterrosas, Cesar	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
109	Montes, Martha	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
110	Montoya, Erika	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
111	Morales, Michael	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
112	Moscosa, Julio Alberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
113	Nava, Delfino	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
114	Nava, Ernestina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
115	Navarrete, Jaime (a.k.a. Jaime Navarrete-Osorio)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
116	Navarro, Claudia I.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
117	Nolasco, Maria del Carmen	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
118	Nunez, Juan Carlos	Failure to ensure that employee	Y	Violation as alleged

		checked status box in section 1		
119	Ortega, Rosalino (a.k.a. Rosalino Ortega-Rodriguez)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
120	Padilla Sr., Fernando	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
121	Patino, Yolanda	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
122	Pena, Santos A.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
123	Perez, Alvaro	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
124	Perez, Erelia (a.k.a Erelia Perez-Cruz)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
125	Perez, Jacobo Antonio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
126	Perez, Roberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
127	Pille, Virginia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
128	Pineda, Jose Haro	Failure to ensure that employee provided alien number in section 1 after checking status as lawful permanent resident, and no alien number in section 2	Y	Violation as alleged
129	Puga, Carolina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
130	Ramirez, Monica	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
131	Rangel, Jose (a.k.a. Jose Rangel-Guzman)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

132	Rea, Lucina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
133	Reyes, Antonia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
134	Reyes, Dolores R.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
135	Reyes, Rafael	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
136	Rios, Bartolome	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
137	Rios, Julieta	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
138	Rivera, Manuel	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
139	Roa, Elizabeth	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
140	Roa, Noe (a.k.a. Noa Roa-Ovando)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
141	Roman, Elena	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
142	Roman, Rocio	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
143	Romanis, Ofelia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
144	Romaniz, Guadalupe (a.k.a. Guadalupe Romanis)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
145	Romero, Jesus (a.k.a. Jesus Romero-Alvillar)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
146	Romero, Jose Luis	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

147	Rosales, Misael	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
148	Rubio, Araceli Guadalupe	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
149	Saldivar, Alma	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
150	Sanchez, Leopoldo	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
151	Sanchez, Mauro Jose	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
152	Santana, Roayma Z.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
153	Santiago, Juliana	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
154	Serdan, Fredy	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
155	Silva, Cristina	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
156	Solano, Jose	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
157	Tarango, Marbella	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
158	Tolentino, Eugenia	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
159	Torres, Jonathan	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
160	Trujillo, Jaime C.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
161	Valladares, Manuel M.	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
162	Vara, Alberto A.	Failure to ensure that employee	Y	Violation as alleged

		checked status box in section 1		
163	Villa, Alma	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
164	Villa, Melissa Janette	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
165	Villanueva, Humberto	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
166	Villanueva, Jose Luis (a.k.a. Jose Luis Villanuela)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
167	Villanueva, Sosimo (a.k.a. Sosimo Villanueua)	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
168	Villareal, Efren	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
169	Zarco, Jorge	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged
170	Zizumbo, Elias	Failure to ensure that employee checked status box in section 1	Y	Violation as alleged

**Appendix D  
Count IV**

<b>No.</b>	<b>Employee Name</b>	<b>Type(s) of Violation(s) Alleged</b>	<b>Unauthorized?</b>	<b>Finding</b>
1	Amaya, Luisa	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
2	Andrade, Gilberto (a.k.a. Gilberto Andrade-Navarro)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
3	Arreola, Griselda	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

4	Aspera, Angelica	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
5	Avalos, Hortencia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
6	Bahena, Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
7	Barcenas, Ana Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
8	Barrera, Petra	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
9	Barrios, Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
10	Bautista, Apolinar	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
11	Bautista, Margarita	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
12	Bautista, Noe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
13	Bobadilla, Luis (a.k.a. Luis Bobadilla V)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
14	Bravo, Elsa (a.k.a. Elsa Bravo-Barcenas)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
15	Caballero, Jose H.	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
16	Calderon, Lorena (a.k.a. Lorena Caldero)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
17	Calderon, Zita	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
18	Carranza, Reyna (a.k.a. Reyna Carranza-Reyes)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
19	Cervantes, Rocio	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

		requirement in section 2		
20	Clemente, Rosa Elia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
21	Conchas, Raquel	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
22	Cruz, Alfonso	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
23	Cruz, Teresa	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
24	Cuenca, Teodoro	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
25	De Jesus, Miguel A.	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
26	Delgado, Erasmo	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
27	Delgado, Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
28	Delgado, Rosalba	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
29	Diaz, Alberta	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
30	Diaz, Irma	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
31	Doroteo, Rosa Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
32	Figueroa, Melvin Obed	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
33	Flores, Isaura	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
34	Flores, Teofila Reynalda	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

35	Fraga, Faustino	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
36	Gallegos, Marcos	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
37	Garcia, Estela	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
38	Garcia, Fabiola (a.k.a. Fabiola Garcia-Diaz)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
39	Garcia, Jaime	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
40	Garcia, Selene	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
41	Garcia, Zabdiel	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
42	Gonzales, Ricardo	No valid List C document	Y	Violation as alleged
43	Gonzalez, Guadalupe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
44	Gonzales, Maricela	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
45	Gonzalez, Rasiel (a.k.a. Rasiel Gonzales)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
46	Gonzalez, Saul (a.k.a. Saul Gonzalez-Leal)	No Valid List C document	Y	Violation as alleged
47	Gonzalez, Veronica	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
48	Hernandez, Luis	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
49	Hernandez, Margarita	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
50	Hernandez, Maria Elena (a.k.a. Marielena)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

	Hernandez)			
51	Jimenez, Ismael	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
52	Jimenez, Kenia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
53	Jimenez, Narciso (a.k.a. Narciso Jimenez-Roman)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
54	Limas, Nora	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
55	Lopez, Rosalinda	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
56	Lopez, Samuel	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
57	Lorenzo, Cristina	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
58	Luz, Isis	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
59	Marciano, Bertha	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
60	Martinez, Antonio	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
61	Martinez, Leonel	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
62	Martinez, Santos	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
63	Martinez, Soledad (a.k.a. Soledad Martinez-Lopez)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
64	Medina, Gerardo (a.k.a. Gerardo Medina-Callejas)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

65	Mena, Maribel (a.k.a. Maribel Mena-Garcia)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
66	Mendez, Bernabe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
67	Mendoza, Aida	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
68	Molina, Maria C. (a.k.a. Maria del Carmen Molina)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
69	Monarrez, Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
70	Montes, Helda (a.k.a. Helda Montes-Vega)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
71	Montoya, Jose J.	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
72	Morales, Mayte	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
73	Moreno, Elizeth	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
74	Munoz, Eliza	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
75	Nava, Noe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
76	Negrete, Ismael	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
77	Nunez, Jennifer	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
78	Nunez, Veronica	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
79	Ortega, Maria	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

80	Paniagua, Lilia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
81	Pelaiz, Ermelinda	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
82	Pena, Jonathan	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
83	Peralta, Ma Leticia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
84	Perez, Yesenia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
85	Pineda, Francisco	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
86	Pineda, Rogelio	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
87	Pinzon, Carmela	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
88	Ramirez, Jesus (a.k.a. Jesus Ramirez-Cantero)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
89	Ramirez, Maria Luisa	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
90	Ramos, Maria C.	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
91	Ramos, Rosa	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
92	Rico, Jose Luis (a.k.a. Jose Luis Rico-Andrade)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
93	Rios, Elvia (a.k.a. Jose Luis Rico-Andrade)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
94	Rodriguez, Jose	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

95	Roldan, Guadalupe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
96	Rubio, Diana	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
97	Salazar, Josefina	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
98	Salgado, Felipe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
99	Salgado, Gabriela	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
100	Salgado, German	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
101	Salgado, Guadalupe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
102	Salgado, Michelle	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
103	Sanchez, Angelica	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
104	Sanchez, Juan	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
105	Sandoval, Irma	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
106	Soriano, Jorge A. (a.k.a. Jorge A. Soriano-Quintero)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
107	Soto, Margarita (a.k.a. Margarita Soto-Cortina)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
108	Torres, Rosa E.	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
109	Unzueta, Marcia C.	Failure to execute the attestation requirement in section 2	Y	Violation as alleged

110	Valencia, Angel	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
111	Villa, Guadalupe	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
112	Viveros, Conrado	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
113	Yanez, Alicia	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
114	Zambrano, Zoila	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
115	Zavala, Benita (a.k.a. Benita Zavala-Lemus)	Failure to execute the attestation requirement in section 2	Y	Violation as alleged
116	Zizumbo, Petra	Failure to execute the attestation requirement in section 2	Y	Violation as alleged