

OCAHO Orders Drywall Company To Pay \$173,250 in Penalties

The Executive Office for Immigration Review's Office of the Chief Administrative Hearing Officer (OCAHO) has ordered Ketchikan Drywall Services, Inc., of the Puget Sound area of Washington, to pay penalties for various I-9 violations. Ketchikan was ordered to pay \$770 per violation, for a total of \$173,250, for violations such as failure to ensure that employees completed or signed I-9 forms.

Among other things, the decision noted that failure to complete an I-9 form is not a mere technical or procedural failure but "is substantive in nature and defeats the purpose of the law." Such substantive violations include, among other things, failing to collect an employee signature; listing the wrong documents to establish identity or employment eligibility; failing to complete the I-9 within three days of hire; and failing to fully complete the form, including the employee attestation that he or she is authorized for employment in the U.S., and regardless of what other documents may have been copied or retained. The decision noted that "[c]opying the documents may well serve to insulate an employer from errors in transcribing the information, but nothing . . . purports to excuse an employer who fails to transcribe any information at all." The decision noted that specific instances of omission when a copy of a document is retained with the form will be considered on a case-by-case basis, but "there is no general rule that omissions are cured by copying documents."

The decision, which includes additional details about Ketchikan's various violations, is available at <http://www.justice.gov/eoir/OcahoMain/publisheddecisions/Looseleaf/Volume10/1139.pdf>.