



Issue Date: 11 June 2019

Case No. 2017-MIS-00001

In the Matter of the Qualifications of:

KEVIN M. TRACY, Esq.
Law Office of Kevin M. Tracy

and

SUSAN M. JEANNETTE, Representative
North County Legalization Services, Inc.

Appearances: George R. Najjar, Esq.
The Najjar Law Firm
San Diego, California
For Mr. Tracy

N. Munro Merrick, Esq.
Del Mar, California
For Ms. Jeannette

**SUPPLEMENTAL ORDER RATIFYING AND ADOPTING
RECOMMENDED DECISION AND ORDER**

This matter arises under § 212(a)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(5)(A), the PERM regulations at 20 C.F.R. Part 656,¹ and the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges (“OALJ”), 29 C.F.R. Part 18.²

I directed the Associate Chief Administrative Law Judge for Longshore and Immigration, Judge Paul R. Almanza, to conduct a Judicial Inquiry and Hearing regarding the qualifications of Mr. Kevin Tracy and Ms. Susan Jeannette to continue representing clients before the Board of

¹ “PERM” is an acronym for the “Program Electronic Review Management” system established by the regulations that went into effect on March 28, 2005.

² “The Board of Alien Labor Certification Appeals (“BALCA”) is housed within the Office of Administrative Law Judges (“OALJ”), United States Department of Labor. Consequently, BALCA applies OALJ’s Rules of Practice and Procedure at 29 C.F.R. Part 18 in reference to procedural matters not covered by the permanent labor certification regulations.” *See Infosys Technologies Ltd.*, 2012-PER-00417 (Nov. 16, 2012), slip op. at 3 n.2.

Alien Labor Certification Appeals (“BALCA” or the “Board”). On [DATE], Judge Almanza issued a Recommended Decision and Order.

Pursuant to regulation, the Chief Administrative Law Judge may disqualify a representative from appearing before the Office of Administrative Law Judges and BALCA. 29 C.F.R. § 18.23(a)(2). Through this Supplemental Order, I ratify and adopt Judge Almanza’s Recommended Decision and Order.

I issue the following specific orders:

- 1) Mr. Tracy is not subject to any further discipline by the Board.
- 2) Ms. Jeannette may continue to include language in her letterhead and stationery in compliance with California law. She must, however, cease using a letterhead that is similar to OALJ letterhead when drafting documents.
- 3) Ms. Jeannette is barred from appearing before the Board and the OALJ for two years from the date this Supplemental Order is issued. Six months before the suspension period concludes, Ms. Jeannette may petition the Board for reinstatement of her ability to appear pursuant to 29 C.F.R. § 18.23(c).
- 4) This Supplemental Order, along with Judge Almanza’s Recommended Decision and Order, will be provided to the Department of Homeland Security and to the Department of Labor’s Office of Inspector General pursuant to 20 C.F.R. § 656.31(b). This Supplemental Order, along with Judge Almanza’s Recommended Decision and Order, will also be sent to the State Bar of California for whatever action it may deem appropriate.

SO ORDERED.

STEPHEN R. HENLEY
Chief Administrative Law Judge
Chair, Board of Alien Labor Certification Appeals