

Falls Church, Virginia 22041

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File: D2003-233

Date: SEP 13 2005

In re: ALFRED PEREZ, JR., ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On April 9, 2004, the Supreme Court of Minnesota temporarily suspended the respondent from the practice of law, until further order of the court.

Consequently, on June 3, 2004, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On June 14, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on July 20, 2004, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On February 22, 2005, the Office of General Counsel filed a Notice of Intent to Discipline. The respondent was served with the Notice of Intent to Discipline on July 20, 2005. The Notice contains evidence that on January 27, 1995, the respondent was convicted on a guilty plea in the United States District Court for the Northern District of California of 4 counts of mail fraud. The crimes are "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h). On August 6, 1995, the respondent resigned from the California state bar with charges pending. The respondent was disbarred in Minnesota on November 18, 2004. The Supreme Court of Minnesota found that the respondent had failed to notify the authorities in that state that he was subject to public discipline in California. The Court also found that he used his Minnesota law license to practice law in California.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. See 8 C.F.R. § 1003.105(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1), (2).

The Notice recommends that the respondent be expelled from practicing before the Board and the Immigration Courts. The DHS asks that we extend that discipline to practice before it as well.

Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2). Since the recommendation is appropriate in light of the respondent's criminal record, and ~~disbarment in Minnesota, we will honor that recommendation.~~ Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our July 20, 2004, order of suspension, we will deem the respondent's expulsion to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him. The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in California and Minnesota before he may be reinstated by the Board. See 8 C.F.R. § 1001.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law).

  
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FOR THE BOARD