

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Brenda Elizabeth VARGAS, D2024-0155

Respondent

FILED

AUG 05 2024

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge

Opinion by Clark, Appellate Immigration Judge

CLARK, Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS"), for 18 months, effective May 6, 2024.

On May 6, 2024, the Supreme Court of California suspended the respondent from the practice of law in California for 3 years, stayed the execution of the suspension, and placed the respondent on probation for 3 years, subject to conditions. The first condition was that the respondent was suspended from practice for a minimum of the first 18 months of probation. On June 14, 2024, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board, the Immigration Courts, and DHS. We granted the Joint Petition for Immediate Suspension on July 1, 2024.

The respondent was required to file a timely answer to the allegations contained in the Joint Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105(d)(1). The respondent's failure to file a response within the time prescribed in the Joint Notice of Intent to Discipline 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 Joint Notice of Intent to Discipline proposes that the respondent be suspended from practice before the Board, the Immigration Courts, and DHS for 18 months, effective May 6, 2024. Because the respondent did not file an answer, the regulations direct us to adopt the proposed

sanction contained in the Joint Notice of Intent to Discipline, unless there are considerations that compel us to diverge from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's suspension in California. We will honor the proposed discipline and will order the respondent suspended from practice before the Board, the Immigration Courts, and DHS, for 18 months, effective May 6, 2024.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and DHS, for 18 months, effective May 6, 2024.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against her.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and DHS under 8 C.F.R. § 1003.107.