

Falls Church, Virginia 22041

File: D2017-0125

Date: APR 21 2018

In re: Carlos MORENO, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell
Disciplinary Counsel

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 4 years.

On March 9, 2017, the Appellate Division of the Supreme Court for the First Judicial Department of New York issued an order immediately suspending the respondent from the practice of law pending conclusion of his disciplinary proceedings. Consequently, on June 22, 2017, the Disciplinary Counsel for the Executive Office for Immigration Review (Disciplinary Counsel for EOIR) petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts. The Disciplinary Counsel for the Department of Homeland Security then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on August 1, 2017. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (2017) (discussing grounds for immediate suspension).

On November 30, 2017, the Appellate Division of the Supreme Court for the First Judicial Department of New York issued a final order suspending the respondent from the practice of law in New York for 4 years, effective March 9, 2017. The Disciplinary Counsel for EOIR then filed a Notice of Intent to Discipline charging that the respondent was subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) due to his suspension in New York (Notice of Intent to Discipline at 1).

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. 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the 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).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 4 years. The Disciplinary Counsel for the DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's 4-years suspension in New York. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board, the Immigration Courts, and the DHS for 4 years. Further, as the respondent is currently under our August 1, 2017, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 4 years. The suspension is deemed to have commenced on August 1, 2017.

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 him.

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

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



FOR THE BOARD