

Falls Church, Virginia 22041

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File: D2018-0075

Date: MAY 25 2018

In re: Cary G. BLAKE, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

The respondent will be disbarred from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and the Department of Homeland Security (DHS).

On January 20, 2017, the Supreme Court of Florida issued a final order indefinitely suspending the respondent from the practice of law in that state, effective February 19, 2017. On March 16, 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 DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on April 3, 2017.

The Disciplinary Counsel for EOIR also filed a Notice of Intent to Discipline on March 16, 2017, seeking the respondent's immediate suspension from practice before the Board and the Immigration Courts in light of the respondent's indefinite suspension in Florida.<sup>1</sup> The DHS asked us to extend that discipline to practice before that agency. The respondent did not respond to the Notice of Intent to Discipline, and, on May 22, 2017, we issued a final order of discipline indefinitely suspending the respondent from practice before the Board, the Immigration Courts, and the DHS. The respondent remains indefinitely suspended pursuant to that order.

On March 8, 2018, the Supreme Court of Florida approved an uncontested report and ordered the respondent disbarred from the practice of law in that state, effective immediately (Notice of Intent to Discipline, Attachment 2). On April 4, 2018, the Acting Disciplinary Counsel for EOIR filed a Notice of Intent to Discipline charging that the respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) due to his disbarment in Florida.

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

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<sup>1</sup> The Disciplinary Counsel for EOIR also noted that the respondent was on administrative ineligible status in New Jersey and had been on this status since September 12, 2016. The Acting Disciplinary Counsel for EOIR has confirmed that, as of March 30, 2018, the respondent remains administratively ineligible to practice law in New Jersey.

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 disbarred from practicing before the Board and the Immigration Courts. The Disciplinary Counsel for DHS asks the Board to extend that discipline to practice before that agency. 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 disbarment in Florida. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board, the Immigration Courts, and the DHS. Further, as the respondent is currently under our May 22, 2017, order of suspension, his disbarment will commence immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS, effective immediately.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior orders. 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.



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FOR THE BOARD