

Falls Church, Virginia 22041

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File: D2019-0033

Date: APR 16 2019

In re: Roger Daniel MORALES, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues, 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, the Immigration Courts, and the Department of Homeland Security (DHS) for a period of 6 months.

On January 16, 2019, the Office of the Presiding Disciplinary Judge for the Colorado Supreme Court issued a final order approving the amended conditional admission of misconduct submitted by the respondent and counsel for the Office of Attorney Regulation and imposing discipline. The order suspended the respondent from the practice of law in Colorado for 1 year and 1 day, with 6 months to be served and 6 months and 1 day to be stayed upon completion of a 2 year period of probation. The suspension took effect on February 20, 2019.

On February 19, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Immigration Courts and the Board of Immigration Appeals. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on April 4, 2019.

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 of Immigration Appeals and the Immigration Courts for a period of 6 months. The Disciplinary Counsel for the DHS asks us to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct us 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 suspension in Colorado. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 6 months. Further, as the respondent is currently under our April 4, 2019, 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 of Immigration Appeals, the Immigration Courts, and the DHS for a period of 6 months. The suspension is deemed to have commenced on April 4, 2019.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of Immigration Appeals 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 of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



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FOR THE BOARD