

Falls Church, Virginia 22041

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File: D2019-0069

Date:

MAY 10 2019

In re: Ming Gang LI, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Paul Rodrigues  
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 December 8, 2015, the Supreme Court of California disbarred the respondent from the practice of law in California. The basis for the disbarment involved misconduct concerning immigration matters. The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency on March 25, 2019. 8 C.F.R. § 1003.103(a). The DHS Disciplinary Counsel stated that the respondent remains disbarred from the practice of law in California, as of the date of its filing.

The Disciplinary Counsel for the Executive Office for Immigration Review asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. 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 disbarred from practicing before the DHS. *See* 8 C.F.R. § 1003.102(e) (attorney who is subject to a disbarment order is subject to discipline). The Disciplinary Counsel for EOIR asks the Board to extend that discipline to practice before the Board and the Immigration Courts as well.

Because the respondent has failed to file an answer, the regulations generally direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(d)(2). The proposed sanction is appropriate, in light of the fact that on December 8, 2015, the Supreme Court of California disbarred the respondent. Additionally, the Disciplinary Counsel for the DHS alleges, and the respondent does not dispute, that after the respondent's disbarment in California he entered at least four Notices of Appearance (Form G-28) with the United States Citizenship and Immigration Services of DHS, listing California as his

licensing authority and stating that he is not under any disbarment order (Notice of Intent to Discipline at 2). Further, as the respondent is currently under our April 4, 2019, order of suspension, we will deem his disbarment to have commenced on that date.

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

A handwritten signature in dark ink, appearing to read "C. M. B.", is positioned above a horizontal line.

FOR THE BOARD