

Falls Church, Virginia 22041

File: D2019-0251

Date: OCT 17 2019

In re: Richard R. ALAMIA, 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

ON BEHALF OF RESPONDENT: Pro se

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 30 days, effective September 9, 2019.

On July 15, 2019, the District 12 Grievance Committee, Evidentiary Panel 12-3, of the State Bar of Texas issued an Agreed Judgment of Partially Probated Suspension suspending the respondent from the practice of law in Texas for 2 years with 30 days to be served and the remainder stayed upon successful completion of a 23-month period of probation. The 30-day suspension commenced on August 1, 2019.

On August 21, 2019, the Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for EOIR also 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 suspension in Texas.

The Disciplinary Counsel for the DHS joined the request for reciprocal discipline and asked that any immediate suspension order be extended to apply to practice before the DHS. We granted the petition for immediate suspension on September 9, 2019.

On September 13, 2019, the respondent filed an "Original Answer." In the answer, the respondent did not request a hearing or contest the allegations or charges in the Notice of Intent to Discipline. The respondent instead requested that the September 9, 2019, immediate suspension order be set aside because Texas lifted his suspension from the practice of law in that state on September 1, 2019.

The Disciplinary Counsel for EOIR opposes the respondent's request that we set aside his immediate suspension. The Disciplinary Counsel for EOIR contends that the expiration of the respondent's suspension in Texas does not constitute good cause for setting aside our order. The Disciplinary Counsel for EOIR further notes that the respondent did not comply with the notice requirements of 8 C.F.R. § 1003.103(c). Moreover, the Disciplinary Counsel for EOIR points out that the respondent has not submitted evidence establishing that, despite his lack of notice to the Disciplinary Counsels for EOIR and DHS of his Texas suspension, he did not practice before the

Board of Immigration Appeals, the Immigration Courts, or the DHS during any part of his suspension in Texas. The Disciplinary Counsel for EOIR therefore asks that we deny the respondent's request to set aside the immediate suspension order and that we proceed with summary disciplinary proceedings.

We agree that the respondent has not presented an adequate reason for setting aside our September 9, 2019, immediate suspension order. *See* 8 C.F.R. § 1003.103(a)(4) (stating that, "[u]pon good cause shown" the Board may set aside an immediate suspension order "when it appears in the interest of justice to do so"); *see also* 8 C.F.R. § 1003.103(c) (stating that an attorney "must" notify the Disciplinary Counsel for EOIR of suspension before the highest court of any state and that failure to do so may result in immediate suspension or other final discipline); *Matter of Jean-Joseph*, 24 I&N Dec. 294, 295 (BIA 2007) (denying respondent's request to set aside immediate suspension order in spite of respondent's reinstatement in Florida). We therefore deny his request to set aside this order.

Further, the time to submit an additional response to the Notice of Intent to Discipline has passed. *See* 8 C.F.R. § 1003.15(c). Because the respondent has not requested a hearing or made a prima facie showing that there is a material issue of fact in dispute with respect to the basis for summary disciplinary proceedings or that one or more of the exceptions to reciprocal discipline applies in his case, we will proceed with summary disciplinary proceedings. *See* 8 C.F.R. § 1003.106(a); 8 C.F.R. § 1003.103(b).

The Disciplinary Counsel for EOIR has established that the respondent is subject to reciprocal discipline due to his suspension in Texas (Petition for Immediate Suspension, Attachment 1). *See* 8 C.F.R. § 1003.102(e); 8 C.F.R. § 1003.103(b)(2). In addition, the proposed sanction of a 30-day suspension is appropriate in light of the respondent's 30-day suspension in Texas. 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 30 days. As the respondent is currently under our September 9, 2019, order of suspension, we will deem his suspension to have commenced on that date.¹

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 30 days. The suspension is deemed to have commenced on September 9, 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.

¹ The respondent has not requested or established that his suspension should be deemed to have commenced on August 1, 2019, concurrent with his Texas suspension.

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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.



FOR THE BOARD