

Falls Church, Virginia 22041

File: D2019-0276

Date: OCT 22 2019

In re: Sheen Myong NA, 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 2 years.

On May 16, 2019, the Supreme Court of California issued a final order suspending the respondent from the practice of law in California for 3 years with the execution of this suspension stayed upon successful completion of a 3-year probation. The order suspended the respondent for a minimum of the first 2 years of probation, effective June 15, 2019. On September 5, 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 the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on September 25, 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).

In this case, the Disciplinary Counsel for EOIR did not include a proposed period of discipline in the Notice of Intent to Discipline. The Notice of Intent to Discipline proposes only that the respondent be suspended from practicing before the Board of Immigration Appeals and the Immigration Courts in light of his 2 year suspension in California. The Disciplinary Counsel for the DHS asks us to extend that discipline to practice before the DHS.

The lack of a period of proposed discipline appears to be a drafting error. Nevertheless, in precedent decisions, we have accepted the principle that we should impose identical or comparable reciprocal discipline unless there is an affirmative showing that some other sanction is warranted. *See, e.g., Matter of Kronegold*, 25 I&N Dec. 157, 161 and 163 n.3 (BIA 2010); *see also Matter of Ramos*, 23 I&N Dec. 843, 848 (BIA 2005); *Matter of Gadda*, 23 I&N Dec. 645, 649 (BIA 2003).

In this case, the respondent has not responded to the Notice of Intent to Discipline, and neither the Disciplinary Counsel for EOIR nor the Disciplinary Counsel for the DHS has argued that a sanction other than suspension for 2 years is warranted. A 2-year suspension from practice before

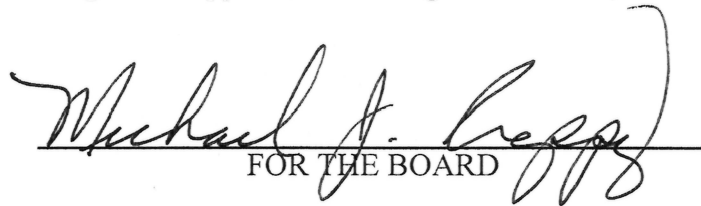
the Board of Immigration Appeals, the Immigration Courts, and the DHS constitutes identical reciprocal discipline and is appropriate in light of the respondent's 2-year suspension in California. We therefore will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 2 years. Further, as the respondent is currently under our September 25, 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 2 years. The suspension is deemed to have commenced on September 25, 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.



FOR THE BOARD