

Falls Church, Virginia 22041

File: D2019-0015

Date: DEC 10 2019

In re: Steven MACGILVRAY a.k.a. Steven P. MacGilvray, 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 disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS).

On November 26, 2018, the Disciplinary Hearing Commission of the North Carolina State Bar issued a consent order suspending the respondent from the practice of law in North Carolina until the conclusion of all disciplinary proceedings before the North Carolina State Bar relating to his guilty plea to and conviction of larceny. On February 1, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) 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 March 5, 2019.

On September 11, 2019, the Disciplinary Hearing Commission of the North Carolina State Bar accepted the respondent's affidavit of surrender and disbarred him from the practice of law in North Carolina. On October 17, 2019, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a Notice of Intent to Discipline charging that the respondent is subject to reciprocal discipline pursuant to 8 C.F.R. § 1003.102(e) due to his disbarment in North Carolina.

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 Board of Immigration Appeals, the Immigration Courts, and the DHS. 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 disbarment in North Carolina. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further, as the respondent's disbarment in North Carolina commenced on September 11, 2019, we will

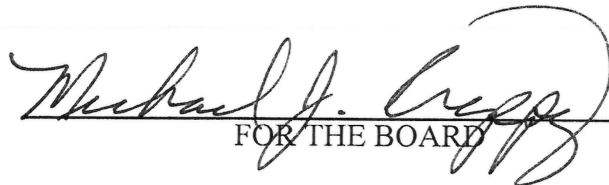
deem his disbarment before the Board of Immigration Appeals, the Immigration Courts, and the DHS to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on September 11, 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