

Falls Church, Virginia 22041

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File: D2021-0029

Date: **MAY 18 2021**

In re: Stephen GUTIERREZ, 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 February 26, 2020, the Supreme Court of Florida issued an order suspending the respondent from the practice of law in Florida for 91 days, effective March 27, 2020. On April 30, 2020, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. We granted the petition on July 7, 2020. In addition, when the respondent failed to respond to the Joint Notice of Intent to Discipline filed by the Disciplinary Counsels, we issued a final order dated August 31, 2020, which suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective July 7, 2020. The respondent remains suspended pursuant to this order.<sup>1</sup>

On October 13, 2020, the Supreme Court of Florida revoked the respondent's conditional admission to the practice of law in Florida, effective immediately. On March 1, 2021, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a new Joint Notice of Intent to Discipline charging that the respondent is subject to summary discipline in light of his disbarment in Florida. 8 C.F.R. § 1003.103b).

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. *See* 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 practice 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

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<sup>1</sup> Our July 7, 2020, immediate suspension order and our August 31, 2020, final order were issued in proceedings instituted with the Disciplinary Case number D2020-0107.



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).

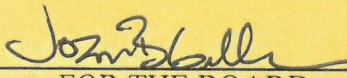
The proposed sanction is appropriate in light of the respondent's disbarment in Florida.<sup>2</sup> We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further, as the respondent is currently suspended under our August 31, 2020, final order of discipline, his disbarment will be effective immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective immediately.

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.

  
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FOR THE BOARD

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<sup>2</sup> Disciplinary revocation from the practice of law in Florida is the same as disbarment. Fl. St. Bar Rule 3-7.12.