

Falls Church, Virginia 22041

File: D2021-0113

Date:

OCT 13 2021

In re: Sharon Arlene HEALEY, 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 60 days, effective June 2, 2021.

On May 3, 2021, the Supreme Court of California issued a final order suspending the respondent from the practice of law in California for a period of 1 year, with 1 year stayed upon successful completion of a 1-year period of probation. The court suspended the respondent from the practice of law in California for the first 60 days of her probation, effective June 2, 2021. On June 16, 2021, 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.¹ The Disciplinary Counsels also filed a Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to the final order of suspension entered against her in California.

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 suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 60 days. 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).

¹ Due to an oversight in our clerk's office, the petition for immediate suspension did not come to this Board's attention until after the period to respond to the Notice of Intent to Discipline had passed. A ruling on the petition for immediate suspension therefore is no longer necessary as we can issue a final order at this time.

The proposed sanction is appropriate in light of the respondent's suspension in California. 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 60 days. Further, as the respondent notified the Immigration Court in Seattle of her suspension in California and the Disciplinary Counsels have found this notice constitutes compliance with her obligations under 8 C.F.R. § 1003.103(c), we will deem her suspension to have commenced on June 2, 2021, the effective date of her suspension in California.²

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 60 days, effective June 2, 2021.

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 her.

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.



FOR THE BOARD

² When the Board has not issued an immediate suspension order, the regulations state that a final order shall not be effective sooner than 15 days from the date of the final order to allow the practitioner an opportunity to comply with the terms of the order. 8 C.F.R. § 1003.105(d)(2). In this case, however, the respondent is aware that an order will be issued because she affirmatively notified EOIR of her suspension in California. Delaying the effective date therefore is unnecessary and would be contrary to our practice of granting concurrent suspension in cases in which practitioners comply with their notice obligations under 8 C.F.R. § 1003.103(c).