

**NOT FOR PUBLICATION**

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

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MATTER OF:

Donald P. Vernon, D2021-0187

Respondent

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**FILED**

NOV 10 2021

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS  
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Liebowitz, Appellate Immigration Judge; Creppy, Appellate Immigration Judge;  
Wetmore, Chief Appellate Immigration Judge

Opinion by Chief Appellate Immigration Judge Wetmore

WETMORE, Chief Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 6 months, effective September 6, 2021.

On August 4, 2021, the Appellate Division of the Supreme Court of New York, Second Judicial Department, suspended the respondent from the practice of law in New York for 6 months, effective September 6, 2021.<sup>1</sup> On September 21, 2021, the Disciplinary Counsel for the Executive Office for Immigration Review 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 October 21, 2021.

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 6 months. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed

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<sup>1</sup> The Joint Petition for Immediate Suspension incorrectly states that the order was issued on September 26, 2020. This mistake appears to be an inadvertent typographical error.



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 suspension in New York. 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 6 months. Further, as the respondent notified the Office of the Chief Immigration Judge of his suspension in a timely manner, we will deem his suspension to have commenced on September 6, 2021, the effective date of his suspension in New York.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 6 months, effective September 6, 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 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.