

NOT FOR PUBLICATION

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

MATTER OF:

Carl Roland HAYES, D2021-0179

Respondent

FILED

DEC 13 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: Wetmore, Chief Appellate Immigration Judge, Creppy Appellate Immigration Judge,
Liebowitz, 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 60 days, effective October 14, 2021.

On June 24, 2021, the Supreme Court of Florida approved the respondent's guilty plea and consent judgment for discipline and suspended the respondent from the practice of law in Florida for 60 days, effective July 24, 2021. On September 2, 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 14, 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.¹ See 8 C.F.R. § 1003.105(c). The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline

¹ The respondent's answer was due on October 4, 2021. We received an answer from the respondent on October 15, 2021, admitting allegations 1, 2, and 3 in the Notice of Intent to Discipline but denying allegation 4 based on his claim that he forwarded the disciplinary order from the Florida Supreme Court to the Disciplinary Counsels in August 2021. The respondent did not submit evidence to support this claim. The respondent also did not file a motion asking us to accept his late response, and he did not explain why he did not submit his answer in a timely manner. We accordingly reject his response as untimely filed.

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 a timely 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 suspension in Florida. 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 is currently suspended under our October 14, 2021, 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 60 days, effective October 14, 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.