

NOT FOR PUBLICATION

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

MATTER OF:

Garbis Dickran N. ETMEKJIAN, D2021-0217

Respondent

FILED

MAR 28 2022

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: Manuel, Temporary Appellate Immigration Judge;¹ Creppy, Appellate Immigration Judge; Brown, Temporary Appellate Immigration Judge

Opinion by Temporary Appellate Immigration Judge Manuel

MANUEL, Temporary Appellate Immigration Judge

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS), effective January 25, 2022.

On June 24, 2021, the State Bar Court of California Hearing Department in Los Angeles ordered the respondent transferred to involuntary inactive status as a result of pending disciplinary proceedings. On November 4, 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 January 25, 2022.

On October 18, 2021, the Supreme Court of California issued a final order disbarring the respondent from the practice of law in California. On January 27, 2022, the Disciplinary Counsels for EOIR and the DHS filed a Joint Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to his disbarment in California.² 8 C.F.R. § 1003.103(b).

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. *See generally* 8 C.F.R. § 1003.103(1)(a)(1), (4).

² The Joint Notice of Intent to Discipline incorrectly states that the October 18, 2021, final order of disbarment issued by the Supreme Court of California is Attachment 1 to the Petition for

The respondent was required to file a timely answer to the allegations contained in the Joint 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 Joint 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 Joint 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 contained in the Joint 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 California. 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 January 25, 2022, order of suspension, his disbarment will be effective as of that date.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective January 25, 2022.

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.

Immediate Suspension. The October 18, 2021, order, in fact, is Attachment 1 to the Joint Notice of Intent to Discipline.