

NOT FOR PUBLICATION

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

MATTER OF:

Teodoro Torres LAGUATAN, D2022-0140

Respondent

FILED

AUG 16 2023

ON BEHALF OF RESPONDENT: Pro se

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

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Creppy, Appellate Immigration Judge; Liebowitz, Appellate Immigration Judge¹

Opinion by Liebowitz, Appellate Immigration Judge

LIEBOWITZ, Appellate Immigration Judge

In a decision dated October 21, 2022, we suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for a period of six months, effective August 29, 2022. The suspension was based on the respondent's suspension from the practice of law in California. The respondent has now filed a motion for reinstatement, which will be granted.

We denied the respondent's first motion for reinstatement because he did not comply with the terms of his suspension. The respondent, however, has completed the additional 30-day period of suspension we imposed. In addition, the Disciplinary Counsels for the Executive Office for Immigration Review and DHS do not dispute that the respondent meets the definition of attorney set forth in 8 C.F.R. § 1001.1(f). *See* 8 C.F.R. § 1003.107(a)(1) (discussing requirements for reinstatement). The Disciplinary Counsels also do not oppose the respondent's motion for reinstatement. We will, therefore, grant the respondent's motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The respondent is reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, as of the date of this order.

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. *See* 8 C.F.R. § 1003.1(a)(4)

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by the Executive Office for Immigration Review regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or the Board, he must file a Notice of Appearance (Form G-28, Form EOIR 26, or Form EOIR-27), even in cases in which he was counsel prior to his suspension.

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MATTER OF:

Teodoro Torres LAGUATAN, D2022-0140

Respondent

FILED

JUN 02 2023

ON BEHALF OF RESPONDENT: Pro se

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

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

Before: Liebowitz, Appellate Immigration Judge, Brown Temporary Appellate Immigration
Judge, Noferi, Temporary Appellate Immigration Judge¹

Opinion by Noferi, Temporary Appellate Immigration Judge

NOFERI, Temporary Appellate Immigration Judge

The respondent was suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for a period of six months, effective August 29, 2022, and remains suspended. On April 7, 2023, the respondent filed a motion seeking reinstatement to practice, which the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS opposed. The respondent subsequently filed a response to the Disciplinary Counsels' opposition. The respondent's motion for reinstatement will be denied.

On June 1, 2022, the Supreme Court of California issued an order suspending the respondent from the practice of law in California for a period of two years, with the execution of that period stayed. The order also placed the respondent on probation for two years subject to certain conditions, including suspension from the practice of law in California for the first six months of probation, effective July 1, 2022. On August 15, 2022, the Disciplinary Counsels filed a Joint Notice of Intent to Discipline ("NID"), as well as a Joint Petition for Immediate Suspension, based upon the respondent's suspension in California. We granted the Joint Petition for Immediate Suspension on August 29, 2022.

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. See 8 C.F.R. § 1003.1(a)(4)

On September 19, 2022, the respondent filed a response that indicated he was not contesting the Joint Petition for Immediate Suspension. Because the respondent did not request a hearing or make a prima facie showing that there is a material issue of fact in dispute regarding the basis for the disciplinary proceedings or with regard to one or more of the exceptions set forth in 8 C.F.R. § 1003.103(b)(2)(i) through (iii), we proceeded with summary disciplinary proceedings. *See* 8 C.F.R. § 1003.106(a)(1). In our October 21, 2021, decision, we adopted the Disciplinary Counsels' proposed sanction, and ordered the respondent suspended from practice before the Board, the Immigration Courts, and DHS, for a period of six months, effective August 29, 2022, the date of the Board's immediate suspension order.

On April 7, 2023, the respondent filed a motion requesting reinstatement to practice law before the Board, the Immigration Courts, and DHS. The respondent in his motion simply stated that he thought that his suspension would automatically be lifted six months after August 29, 2022, and that as such, he is only then filing the instant motion.

The Disciplinary Counsels subsequently filed an opposition to the respondent's motion for reinstatement. The Disciplinary Counsels stated that while the respondent himself did not submit any evidence, the State Bar of California website shows that the respondent currently has active status and appears to meet the definition of attorney set forth in 8 C.F.R. § 1001.1(f). They, however, oppose the respondent's reinstatement because the respondent failed to comply with the Board's suspension order prohibiting him from practice before the Board, the Immigration Courts and DHS. Specifically, the Disciplinary Counsels submitted evidence showing that the respondent filed with the United States Citizenship and Immigration Services ("USCIS") Notices of Entry of Appearance as Attorney (Form G-28) for two applicants for naturalization, in March 2023. In light of this evidence, the Disciplinary Counsels ask the Board to deny the respondent's motion for reinstatement.

On April 26, 2023, the respondent filed a response to the Disciplinary Counsels' opposition, requesting that his suspension be "dropped" and his motion for reinstatement granted. The respondent noted, *inter alia*, that the California state bar automatically reinstated his license on January 1, 2023, that the case underlying his state suspension was not an immigration case, that his state suspension was merely based on "technical grounds," and that the California Supreme Court found that he did not engage in any kind of action involving moral turpitude.

The respondent further indicated that he thought there was a mechanism in place where the federal government was informed of his state suspension, and appears to take issue with the delay in the initiation of his federal immigration disciplinary proceedings, noting that he was "penalized for [the government's] late discovery of [his state] suspension which effectively added two more months of suspension" from practice before the Board, the Immigration Courts and DHS. The respondent also stated that because he believed his state suspension included his immigration practice, he ceased practicing immigration law as of July 1, 2022, and was surprised to learn that his six-month suspension before the immigration agencies did not begin until August 29, 2022. The respondent asserted that he sincerely believed that he was automatically reinstated to practice after six months and began submitting Form G-28s after March 1, 2023. The respondent stated

that he otherwise complied with the other requirements of his suspension that included informing his clients of his suspension to practice before the Board, the Immigration Courts and DHS. He only learned that he was still suspended on April 7, 2023, and upon re-reading the requirements to be reinstated, only then learned that he needed to file a motion for reinstatement.

The respondent indicated that he was sorry that he “unintentionally missed” filing a motion for reinstatement because he assumed that reinstatement was automatic, and that he had no intention of engaging in any kind of wrongdoing with DHS, the Immigration Courts, or the BIA. The respondent noted that he is recognized by the state bar as a certified immigration law specialist continuously for 30 years. He contends that “in the interest of justice, specifically for [him]self and for [his] clients who need [his] legal representation,” he urges that he be reinstated to practice.

At the outset, to the extent that the respondent has ascribed fault with the government’s “late discovery” of his state suspension that resulted in the delay in the initiation of his federal immigration disciplinary proceedings (thus, extending his period of suspension for two months more than his state suspension), we note that such delay can be attributed in large part to the respondent’s own failure to comply with his duty to notify EOIR or DHS Disciplinary Counsel of his state suspension order within 30 days of the issuance of the state decision, as provided in 8 C.F.R. §§ 292.3(c)(4), 1003.103(c). Likewise, to the extent that the respondent has claimed and continues to claim that the state bar did not find that he engaged in any acts involving moral turpitude, the state bar’s order expressly found that the respondent’s “efforts . . . to force the sale of [named] property, despite his conflicted involvement, constitutes a breach of his fiduciary duties, as well as an *act of moral turpitude by his overreaching*” (see Joint Petition for Immediate Suspension, Attachment 2, pp. 13, 29-30, 34) (emphasis added). Specifically, the state bar upheld Count Fifteen of the Notice of Disciplinary Charges, which alleged a violation of section 6106 of the California Business and Professions Code pertaining to “Moral Turpitude – Overreaching & Breach of Fiduciary Duty” (*id.*).²

The respondent’s motion for reinstatement will be denied. The respondent does not dispute the Disciplinary Counsels’ allegation that he practiced in matters before the USCIS, a component of DHS, during the period when he was suspended from practicing before the agency (Disciplinary Counsels’ Opposition at 2, ¶¶ 10-12). While we acknowledge the respondent’s claim that his premature practice was the result of his mistaken assumption that his reinstatement to practice before the Board, the Immigration Courts, and DHS, was “automatic,” he was notified of the reinstatement requirements under 8 C.F.R. § 1003.107 in the Board’s October 21, 2022, suspension order. Because the evidence submitted by the Disciplinary Counsels establishes that

² The state bar order provided, in pertinent part, the following:

. . . Count Fifteen has been proven by [the respondent’s] gross negligence in failing to advise [named individual] of his personal conflict related to the [named] property sale and the risks attendant to such conflict and for intentionally threatening others in his efforts to enforce the sale of the [named] property irrespective of his client’s best interests . . .

(*id.*).

the respondent did not comply with the Board's suspension order, the regulations require that we deny his motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3) (stating that, if a practitioner failed to comply with the terms of the suspension, the Board "shall deny" reinstatement and indicate the circumstances under which the practitioner may apply for reinstatement). We order that the respondent remain suspended for an additional 30 days, effective as of the date of this order, before moving again for reinstatement to practice. *Id.*

ORDER: The respondent's motion for reinstatement is denied.

FURTHER ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and DHS for 30 days, effective immediately upon issuance of this order.