

Falls Church, Virginia 20530

File: D2014-202

Date: SEP 22 2014

In re: MARIA CORA AVINANTE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 120 days.

On June 12, 2014, the Supreme Court of Hawai'i issued an order suspending the respondent from the practice of law in the state for 120 days. Consequently, on July 17, 2014, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Department of Homeland Security (DHS) then asked that the respondent be similarly suspended from practice before that agency. We granted the Petition for Immediate Suspension on August 13, 2014.

In our order granting the Petition for Immediate Suspension, we noted that the Notice of Intent to Discipline filed by EOIR's Disciplinary Counsel stated that the Supreme Court of the State of Hawai'i suspended the respondent from the practice of law for 6 months and, consequently, asked that the respondent be suspended from practice before the Board and the Immigration Courts for 6 months. We pointed out, however, that the order from the Supreme Court of Hawai'i appeared to suspend the respondent from practice for 120 days, despite the recommendation of the Disciplinary Board that she be suspended for 6 months. On August 14, 2014, EOIR's Disciplinary Counsel filed an amended Notice of Intent to Discipline asking that the respondent be suspended from practice before the Board and the Immigration Courts for 120 days.

The respondent was required to file a timely answer to the allegations contained in the amended Notice of Intent to Discipline but has failed to do so. See 8 C.F.R. § 1003.105 (2013). The respondent's failure to file a response within the time period prescribed in the amended Notice 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 (2013).

As we noted above, the amended Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 120 days. The Disciplinary Counsel for DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the

Board to adopt the proposed sanction contained in the amended Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105 (2013).

Because the proposed sanction is appropriate, in light of the respondent's suspension in Hawai'i, the Board will honor that proposal. Further, as the respondent is currently under our August 13, 2014, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 120 days.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against her.

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. § 1003.105(d)(2) (2013).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2) (2013).



FOR THE BOARD