

Falls Church, Virginia 20530

File: D2014-257

Date: DEC 10 2014

In re: ALMA C. DEFILLO, 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 Disciplinary Counsel for the Executive Office for Immigration Review initiated these disciplinary proceedings on September 5, 2014, by filing a Notice of Intent to Discipline. The Department of Homeland Security (DHS) then asked that the respondent receive reciprocal discipline before that agency. The Notice of Intent to Discipline contends that the respondent is subject to discipline under 8 C.F.R. § 1003.102, based on an August 13, 2014, order of the Supreme Court of South Carolina. The respondent will be publicly censured. 8 C.F.R. § 1003.101(a)(3).

The respondent is licensed to practice law in Florida, not South Carolina. The Supreme Court of South Carolina on August 13, 2014, permanently debarred the respondent from seeking admission to practice in South Carolina without first obtaining a court order. The respondent was also prohibited from advertising or soliciting business in South Carolina without first obtaining a court order. The Supreme Court of South Carolina found that the respondent made false and misleading statements in advertising regarding the jurisdictional limitations on practice in that state, and made claims that she is a "specialist", although she is not a specialist certified by the court. The Supreme Court of South Carolina also concluded that the respondent made false statements of material fact concerning the extent of her practice and the extent of her advertising in South Carolina, to the South Carolina Office of Disciplinary Counsel, and thereafter failed to cooperate in the disciplinary investigation, or appear for a hearing.

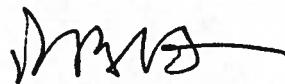
On October 2, 2014, the respondent submitted a letter to the Board in which she sought, in essence, to have these proceedings held in abeyance while she pursued a motion to reconsider with the Supreme Court of South Carolina. On November 10, 2014, we stayed the proceedings, pending the resolution of the respondent's motion to reconsider. The EOIR Disciplinary Counsel on November 13, 2014, submitted a motion seeking to have us vacate our November 10, 2014, decision. Submitted with the motion is an October 23, 2014, order of the Supreme Court of South Carolina, denying the respondent's petition for rehearing. Given this evidence, our November 10, 2014, order staying these proceedings is vacated.

The respondent's October 2, 2014, letter to the Board, broadly construed, was meant to serve as her "response", or Answer, to the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(c)(1). The respondent states that, if the Supreme Court of South Carolina were to grant her reconsideration motion, she would be able to "refute all allegations" against her. As noted, however, the Supreme Court of South Carolina denied her petition for rehearing on October 23, 2014. As the EOIR Disciplinary Counsel argued in its October 8, 2014, filing, the respondent's submission does not specifically admit or deny the allegations in the Notice of Intent to Discipline, or set out grounds of defense, and thus does not constitute a valid answer under 8 C.F.R. § 1003.105(c)(2). Therefore, the respondent is deemed to have admitted the allegations in the Notice of Intent to Discipline, and is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d). As the EOIR Disciplinary Counsel's proposed sanction of public censure is warranted, in light of the August 13, 2014, order of the Supreme Court of South Carolina, the Board will honor that proposal.

ORDER: The Board's November 10, 2014, order staying proceedings in this matter is vacated.

FURTHER ORDER: The respondent is publicly censured, based on the August 13, 2014, order of the Supreme Court of South Carolina, as discussed above.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against her.

A handwritten signature in black ink, appearing to be 'JMS', is written above a horizontal line.

FOR THE BOARD