

Falls Church, Virginia 22041

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File: D2000-061

Date: FEB 2 2001

In re: ROSAURA GONZALEZ RUCCI, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On August 24, 2000, the Supreme Court of Puerto Rico suspended the respondent from the practice of law in that jurisdiction for a period of six months.

Consequently, on December 1, 2000, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On December 11, 2000, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. Therefore, on December 21, 2000, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.<sup>1</sup>

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but failed to do so. By regulation, the respondent had 30 days in which to respond to the Notice. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). The record reflects, and the respondent admits, that she received the Notice on December 22, 2000. Her response, however, was not filed until January 23, 2001, or 32 days after she was served with the Notice of Intent to Discipline. Her response is untimely.

The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1), (2)).

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<sup>1</sup> The respondent claims that she did not receive the Petition for Immediate Suspension or the Board's order granting that petition until recently. We note, however, that the respondent does not contest her receipt of the Notice of Intent to Discipline on which this order is based. Given that the instant order incorporates the sanctions imposed by our prior order, the respondent's challenge to the Petition for Immediate Suspension are now moot.

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts for a period of six months. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(2)). Since the recommendation is appropriate in light of the Supreme Court of Puerto Rico's disciplinary action, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service for a period of six months. As the respondent is currently under our December 21, 2000, order, we will deem her suspension to have commenced on that date. 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.

Upon the completion of the respondent's period of suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the Service, provided that she meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See id.* at 39,530 (to be codified at 8 C.F.R. § 3.107(a)). Accordingly, the respondent is instructed to notify the Board of her standing before the Supreme Court of Puerto Rico and her ability to practice law there at the conclusion of her period of suspension.

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should she be reinstated to practice in Puerto Rico prior to completion of her period of suspension, we may entertain a request for reinstatement before EOIR and the Service if that request complies with the instructions set forth above.



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FOR THE BOARD