

Falls Church, Virginia 22041

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File: D2009-208

Date:



OCT 22 2009

In re: STEPHEN A. RODRIGUEZ

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

The respondent will be indefinitely suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On July 1, 2009, the Review Department of the California State Bar Court, In Bank, suspended the respondent from the practice of law indefinitely, because the respondent did not comply with the terms of his probation as specified in a February 21, 2008, California Supreme Court order. Consequently, on September 2, 2009, 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 DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on September 29, 2009, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. See 8 C.F.R. § 1003.105(c)(1). The respondent submitted a timely answer on October 2, 2009. The respondent admits each allegation in the Notice of Intent to Discipline, and does not seek a hearing. We therefore find it appropriate to issue a final order on the government's charges. See 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.106(a)(1)); EOIR "Motion for Summary Adjudication", at ¶ 3 (in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a *prima facie* showing that there are any material issues of fact in dispute).

The Notice proposes that the respondent be indefinitely suspended from practice before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline to practice before it as well. In his answer, the respondent asserts that the action taken by the Board should be reciprocal to that taken in California. As the authorities in California suspended the respondent from the practice of law indefinitely, the Board's imposition of indefinite suspension would indeed be reciprocal to that meted out in California. The government's proposed indefinite suspension order is appropriate, and we will honor it.

The respondent argues that his suspension should be “voided” if he is reinstated to practice law in California. Rather, the respondent must petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b). See EOIR “Motion for Summary Adjudication”, at ¶ 2. Such action may not be taken until the respondent is reinstated to the practice of law in California and meets the regulatory definition of attorney. 8 C.F.R. §§ 1001.1(f); 1003.107(a); EOIR “Motion for Summary Adjudication”, at ¶ 2.

As the respondent is currently under our September 29, 2009, order of suspension, we will deem the respondent’s suspension to have commenced on that date.

ORDER: The “Motion for Summary Adjudication” filed by the EOIR Disciplinary Counsel is granted.

FURTHER ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board, the Immigration Courts, and the DHS.

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 him.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today’s order of the Board becomes effective immediately. See 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.105(d)(2)).



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FOR THE BOARD