

Falls Church, Virginia 22041

File: D2012-487

Date: **APR 30 2013**

In re: BOBBY GORDON OKECHUKU ONYEMEH SEA, a.k.a. Bobby Gordon Sea,
ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

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

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

On November 26, 2012, in the United States District Court for the District of Minnesota, the respondent pled guilty to a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h). That is, the respondent pled guilty to filing a false tax return, in violation of 26 U.S.C. § 7206. Consequently, on February 21, 2013, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS.

The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on March 14, 2013, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On March 20, 2013, the respondent submitted a timely answer to the Notice of Intent to Discipline. The DHS on April 1, 2013, submitted a "Motion for Summary Adjudication".

Where a respondent is subject to summary disciplinary proceedings based on having pled guilty to a serious crime, the regulations provide that the attorney "must make a prima facie showing to the Board in his or her answer that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings, or with one or more of the exceptions set forth in 8 C.F.R. § 1003.103(b)(2)(i)-(iii)." See 8 C.F.R. §§ 1003.106(a), 292.3(c)(3); 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012). Where no such showing is made, the Board is to retain jurisdiction over the case, and issue a final order. *Id.*; DHS "Motion for Summary Adjudication", at ¶ 6; *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011).

The Board agrees with the DHS Disciplinary Counsel that there are no material issues of fact at issue. DHS "Motion for Summary Adjudication", at ¶ 6. The respondent raises legal issues that may be addressed by the Board. We find it appropriate to issue a final order on the government's charges.

The respondent does not deny that he pled guilty to filing a false tax return, in violation of 26 U.S.C. § 7206. This is a serious crime within the meaning of 8 C.F.R. § 1003.102(h), as it is a felony, and involves misrepresentation and fraud. The respondent only argues that he has not been sentenced yet for his crime, and that sentencing was scheduled for April 9, 2013.

As the DHS argues, the regulations for attorney discipline proceedings do not require that a respondent be sentenced before he may be disciplined by the Board. *Compare* 8 C.F.R. § 292.3(c)(3)(attorney discipline proceedings may not be completed until direct appeals from the criminal conviction have been completed). The government's proposed discipline of disbarment is appropriate, based on the respondent's having pled guilty to a serious crime, and we will honor it.

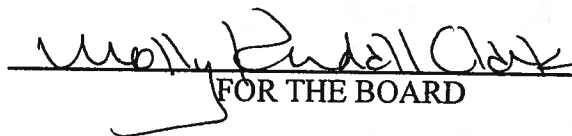
Accordingly, we hereby disbar the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our March 14, 2013, order of suspension, we will deem the respondent's disbarment to have commenced on that date.

ORDER: The Board hereby disbars 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(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

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)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD