

Falls Church, Virginia 22041

File: D2012-0130

Date: **SEP 10 2013**

In re: ANTHONY DENCIO AGPAOA, 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 disbarred from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On October 18, 2012, a judge of the California State Bar Court, Hearing Department - San Francisco issued a "Decision and Order Of Involuntary Inactive Enrollment", ordering the respondent enrolled as an inactive member of the State Bar of California. Consequently, on February 21, 2013, 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 March 20, 2013, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On May 8, 2013, the respondent was disbarred by the Supreme Court of California. It is also undisputed that the respondent has been disbarred by the United States Court of Appeals for the Ninth Circuit. The EOIR Disciplinary Counsel thereafter filed a Notice of Intent to Discipline.

The respondent was required to file a timely answer to the allegations contained in the 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 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).

The Notice proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105 (2013).

The proposed sanction is appropriate, in light of the fact that the respondent was disbarred by the Supreme Court of California. Moreover, the EOIR Disciplinary Counsel contends that the respondent should be disbarred

based on the serious nature of his misconduct and the extent of culpability, as well as the applicable mitigating and aggravating circumstances. Many of the charges lodged against the respondent involved immigration matters, and included the backdating of documents, altering money orders, engaging in physical altercations with clients, and using his client trust account for personal purposes.

(Notice of Intent to Discipline, at 2; Oct. 18, 2012, order of the judge of the California State Bar Court, Hearing Department - San Francisco). The Board will honor the proposed sanction. As the respondent is currently under our March 20, 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 (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