

Falls Church, Virginia 22041

File: D2009-269

Date:

JUN 9 2010

In re: SAI HYUN LEE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Disciplinary Counsel

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

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

The DHS alleged that, on November 18, 2009, in the United States District Court for the Northern District of Georgia, Atlanta Division, the respondent entered a guilty plea to a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h), relating to the respondent's immigration law practice. That is, the DHS alleged, the respondent pled guilty to the felony of knowingly under oath and under penalty of perjury subscribing as true a false statement with respect to a material fact in an application filed with the United States Citizenship and Immigration Services, in violation of 18 U.S.C. § 1546.

Consequently, on April 7, 2010, 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 May 12, 2010, 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); 1292.3(e)(3)(ii). 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. § 1292.3(e)(3)(ii).

The Notice of Intent to Discipline proposes that the respondent be expelled from practice before the DHS. The Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent failed to file a timely answer, the regulations direct us 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(d)(2); 1292.3(e)(3)(ii).

Since the proposed sanction is appropriate in light of the respondent's "serious crime related to criminal and unprofessional conduct in her immigration law practice, and one of the terms of the plea agreement is that respondent agreed to surrender her license to practice law to the State Bar of Georgia within 30 days of November 18, 2009, and cease the practice of law," Notice of Intent to Discipline, at ¶ 6, we will honor it. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our May 12, 2010, order of suspension, we will deem the respondent's expulsion to have commenced on that date.

ORDER: The Board hereby expels 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 her.

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* 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



FOR THE BOARD