

Falls Church, Virginia 22041

File: D2009-188

Date: SEP 2 2010

In re: TOUSSAINT T. TYSON, 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 suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS") for three years.

The DHS alleges that the respondent violated 8 C.F.R. § 1292.3(b), as set forth in 8 C.F.R. §§ 1003.102(c) and (f), relating to knowing false statements about his qualifications.¹ That is, between October 1, 2006, and July 7, 2009, the respondent filed 79 applications or petitions accompanied by a Form G-28, "Notice of Entry of Appearance of Attorney or Representative", with the DHS, in which he claimed to be an attorney in good standing in Pennsylvania, in order to establish his eligibility to appear before the agency (Notice of Intent to Discipline (Amended), Atts. 2, 3). In fact, the respondent was, and is not, a member in good standing of the state bar of Pennsylvania, having been transferred to inactive status in that state effective December 22, 1993 (Notice of Intent to Discipline (Amended), Att. 1).

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline (Amended). 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii)² 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 (Amended) recommends that the respondent be suspended from practice before the DHS, for three years. The Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and immigration courts as well.

¹The DHS did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1292.3(c).

² On July 6, 2010, the DHS filed a Notice of Intent to Discipline (Amended), with adequate proof of service on the respondent. 8 C.F.R. § 292.3(e)(1)(2010).

As the respondent failed to file a timely 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. 8 C.F.R. §§ 1003.105(d)(2); 1292.3(e)(3)(ii). The recommendation is appropriate in light of the fact that the respondent violated 8 C.F.R. § 1292.3(b), as set forth in 8 C.F.R. §§ 1003.102(c) and (f), by making false statements about his qualifications and eligibility to practice. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS, for three years.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for three years, effective 15 days from the date of this order. See 8 C.F.R. § 1003.105(d)(2)(2010).

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

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).

A handwritten signature in black ink, appearing to be 'D. M. W.', written over a horizontal line.

FOR THE BOARD