

Falls Church, Virginia 20530

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File: D2014-247

Date: **SEP 30 2014**

In re: FRANK FRANCIS BARILLA, ATTORNEY  
IN PRACTITIONER DISCIPLINARY PROCEEDINGS  
FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Diane H. Kier  
Associate Legal Advisor

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 30 days.

On June 26, 2014, the Supreme Court of California issued an order suspending the respondent from the practice of law in the state for 30 days. Consequently, on August 14, 2014, 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 Department of Homeland Security (DHS) then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on September 9, 2014.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105 (2013); 8 C.F.R. § 292.3(e). 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); 8 C.F.R. § 292.3(e).

The Notice of Intent to Discipline proposes that the respondent be suspended from practice for 30 days before the Board and the Immigration Courts. The Disciplinary Counsel for DHS asks that we extend that discipline to practice before the DHS. Because 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 (2013); 8 C.F.R. § 292.3(e).

The proposed sanction is appropriate in light of the respondent's suspension from the practice of law by the Supreme Court of California. We therefore will honor that proposal. Further, as the respondent is currently under our September 9, 2014, order of suspension, we will deem the respondent's suspension to have commenced on that date.

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ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 30 days.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent also is 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, the Immigration Courts, and the 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).

  
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FOR THE BOARD