

Falls Church, Virginia 22041

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File: D2014-010

Date:

NOV 05 2015

In re: ALBERT BALDEO, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

On August 11, 2014, in the United States District Court for the Southern District of New York, the respondent was found guilty by a jury of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h). That is, the respondent was found guilty of one count of conspiracy to obstruct justice, and six counts of obstruction of justice, in violation of 18 C.F.R. § 1512(b)(3); (k) and 18 C.F.R. § 1512(b)(3); (2).

Consequently, on September 8, 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 DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition for immediate suspension on September 30, 2014.

On October 1, 2014, the respondent submitted a letter to the Board which we considered to be an answer to the Notice of Intent to Discipline. The respondent did not deny that he was found guilty of a serious crime by a jury. The respondent said that he was not currently engaging in the practice of law, and was abiding by the Board's immediate suspension order. On October 28, 2014, we stayed the proceedings concerning the Notice of Intent to Discipline until the conclusion of the direct appeal of the respondent's criminal conviction. 8 C.F.R. § 1003.103(b) (2013).

The EOIR Disciplinary Counsel on September 30, 2015, filed a "Motion to Lift The Stay And Adjudicate the Notice of Intent to Discipline". The EOIR Disciplinary Counsel presents evidence that on August 26, 2015, the United States Court of Appeals for the Second Circuit affirmed the decision of the District Court, concerning the respondent's conviction. The respondent submitted a letter seeking to have the Board postpone its final order in this case pending a rehearing application to the Second Circuit. However, on October 21, 2015, the Second Circuit denied the petition for rehearing and rehearing en banc. Therefore, the EOIR Disciplinary Counsel's motion is granted.

The respondent's answer acknowledged that he is subject to discipline by the Board based on his conviction. As there is no material issue of fact in dispute, the Board will enter a final order of discipline in this case. The proposed sanction of disbarment is appropriate in light of the circumstances. Accordingly, the Board will honor that proposal. As the respondent is currently under our September 30, 2014, order of suspension, we will deem the respondent's disbarment to have commenced on that date.

ORDER: The EOIR Disciplinary Counsel's "Motion to Lift The Stay And Adjudicate the Notice of Intent to Discipline" is granted.

FURTHER 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).



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FOR THE BOARD