

Falls Church, Virginia 22041

File: D2014-0365

Date:

OCT 04 2016

In re: ROBERT ANDREW MOGLE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Jeannette V. Dever
Associate Legal Advisor

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

On September 10, 2014, the Supreme Court of Florida suspended the respondent from the practice of law in that state. Consequently, on December 19, 2014, the Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) petitioned for the respondent’s immediate suspension from practice before the Board and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before the DHS. We granted the petition on January 22, 2015.

On April 14, 2016, the Supreme Court of Florida issued a final order approving the Report of Referee and disbarring the respondent from the practice of law in Florida, effective immediately. The Disciplinary Counsel for EOIR then filed a Notice of Intent to Discipline (“NOID”), and the DHS asked that any discipline imposed on the respondent to restrict his ability to practice before the Board and the Immigration Courts also restrict his ability to practice before the DHS.

The respondent was required to file a timely answer to the allegations contained in the NOID but has failed to do so. *See* 8 C.F.R. § 1003.105. The respondent’s failure to file a response within the time period prescribed in the NOID constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. *Id.*

The NOID proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the NOID, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105. The proposed sanction is appropriate, in light of the respondent’s disbarment by the Supreme Court of Florida. Further, as the respondent is currently under our January 22, 2015, 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. The disbarment is deemed to have commenced on January 22, 2015.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

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.


FOR THE BOARD