

Falls Church, Virginia 22041

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File: D2016-0195

Date: NOV 22 2016

In re: JEFFERY TONEY, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Catherine M. O'Connell  
Disciplinary Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes  
Disciplinary Counsel

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for 90 days.

On July 7, 2016, the Supreme Court of Florida issued an order suspending the respondent from the practice of law in that state for 90 days, effective 30 days from the date of the order. Consequently, on September 23, 2016, the Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") then asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on October 27, 2016.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline ("Notice") 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 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.

The Notice proposes that the respondent be suspended from practicing before the DHS. The Disciplinary Counsel for EOIR asks the Board to extend that discipline to practice before the Board and the Immigration Courts as well. Because the respondent has failed to file an answer, the regulations direct the Board 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.

Because the proposed sanction is appropriate, in light of the respondent's suspension in Florida, the Board will honor that proposal. Further, as the respondent is currently under our October 27, 2016, order of suspension, we will deem the respondent's suspension to have commenced on that date.

**ORDER:** The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 90 days. The suspension is deemed to have commenced on October 27, 2016.

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.



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FOR THE BOARD