

Falls Church, Virginia 22041

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File: D2016-0313

Date: **MAR 27 2017**

In re: GLORIA DORA SAUCEDO, ACCREDITED REPRESENTATIVE

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

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

ON BEHALF OF RESPONDENT: Mark S. Rosen, Esquire

The respondent became an Accredited Representative of Hermandad Mexicana Transnacional on September 9, 2015.<sup>1</sup> On August 25, 2016, she entered a plea of nolo contendere to engaging in the unauthorized practice of law in violation of section 6126(a) of the California Business and Professional Codes. The Superior Court of California, County of Los Angeles, accepted the plea on the same date and found the respondent guilty of this crime.

Consequently, on December 6, 2016, the Disciplinary Counsel for the Department of Homeland Security ("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 then asked that the respondent be similarly suspended from practice before the Board of Immigration Appeals ("Board") and the Immigration Courts.

The respondent, through her attorney, filed an answer and opposition to the petition for immediate suspension, the Notice of Intent to Discipline and the motion for reciprocal discipline. The respondent also filed a declaration and a declaration from her attorney in support of her answer. In her documents, the respondent argues that her offense is not a serious crime as defined in 8 C.F.R. § 1003.102(h). She asserts that the plea bargain she entered in her criminal case specifies that the only crime she committed was counseling immigration applicants "in the manner that she has done for 25 years." She states that she never held herself out as an attorney and she never appeared before any courts; she only provided standard immigration consulting which included an initial discussion regarding eligibility for relief and advice regarding which form to use, where to go, and when. She claims that her actions were not morally wrong but were wrong only because she was not yet approved as an accredited representative.

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<sup>1</sup> The Board's order dated September 9, 2015, indicates that the respondent's organization only requested that she be accredited to practice before the Department of Homeland Security (DHS). Accordingly, she was granted only partial accreditation.

The respondent also requests a hearing regarding the charges in the Notice of Intent to Discipline, and she points out that her conviction is on appeal. Accordingly, she notes that summary disciplinary proceedings cannot be concluded at this time.

The Disciplinary Counsel for the DHS has filed a response to the respondent's answer and opposition. In this response, the Disciplinary Counsel for the DHS contends that the respondent's offense qualifies as a serious crime under 8 C.F.R. § 1003.102(h). The Disciplinary Counsel for the DHS notes that the respondent misrepresented to the public that she was authorized to provide immigration legal advice for many years before she became an accredited representative. She was convicted for these acts under section 6126(a) of the California Business and Professional Codes, and the Disciplinary Counsel for the DHS maintains that her crime involved misrepresentation, deceit or dishonesty. The Disciplinary Counsel for the DHS also points out that the respondent's acts constitute "practice" or "preparation constituting practice" as defined in 8 C.F.R. § 1.2.

We agree with the Disciplinary Counsel for the DHS that the evidence before us at this time provides a sufficient basis for immediately suspending the respondent from practice as an accredited representative. See 8 C.F.R. §§ 1003.103(a)(1), (2) and (4) (discussing grounds for immediate suspension and including no requirement that a conviction be final to support immediate suspension). Accordingly, the petition will be granted.

We, however, will wait to rule on the Notice of Intent to Discipline and the respondent's challenges to that filing, including her request for a hearing, until the parties notify us that the respondent's conviction is final or has been overturned. 8 C.F.R. § 1003.103(b) (stating that summary disciplinary proceedings "shall not be concluded until all direct appeals from an underlying criminal conviction shall have been completed"). Further, because it does not appear that the respondent was approved to practice or practiced before the Board or the Immigration Courts, we will only suspend the respondent from practice before the DHS.

ORDER: The petition is granted, and the respondent is hereby suspended from practice as an accredited representative before the DHS pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a).

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before 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 appropriate offices of the DHS.

  
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FOR THE BOARD