

Falls Church, Virginia 22041

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File: D2017-0389

Date: DEC 13 2017

In re: Mark S. GALLEGOS, 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 91 days.

On August 10, 2017, the Supreme Court of Florida suspended the respondent from the practice of law in Florida, for 91 days, effective in 30 days. The suspension was based on the respondent's misconduct concerning immigration clients.

The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency, on October 23, 2017. The Disciplinary Counsel for the DHS stated that the respondent remains suspended from the practice of law in Florida, as of the date of its filing. The Disciplinary Counsel for the Executive Office for Immigration Review asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on November 2, 2017.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105 (2017). The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline 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(d)(1).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the DHS for 91 days. 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 of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

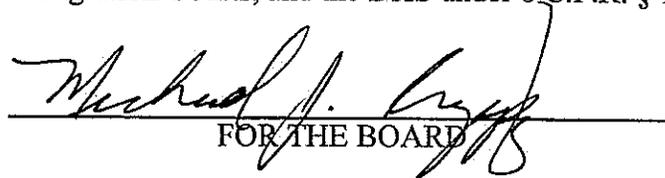
The proposed sanction is appropriate, in light of the discipline imposed against the respondent in Florida. Further, as the respondent is currently under our November 2, 2017, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 91 days. The suspension is deemed to have commenced on November 2, 2017.

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