

Falls Church, Virginia 22041

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File: D2006-162

Date: JUL 20 2007

In re: GARY ANTHONY SIPLIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

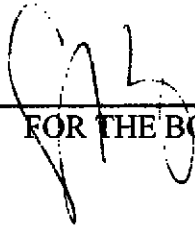
PER CURIAM. On November 3, 2006, the Circuit Court of the Ninth Judicial District of Orange County, Florida, entered judgment against the respondent on a 2-count indictment charging one felony count of grand theft, third degree, and one misdemeanor count of use of services of officers or employees, after the respondent was found guilty by a jury. As to the first count of the indictment, the respondent was sentenced to 1 day imprisonment, 36 months supervised probation, 300 hours of community service, and restitution. As to the second count of the indictment, the respondent was sentenced to 1 day imprisonment, and 12 months supervised probation, to be served concurrently. Both crimes are "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h). On September 1, 2006, the respondent was indefinitely suspended from the practice of law by the Supreme Court of Florida.

Consequently, on January 11, 2007, the Office of General 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. On January 18, 2007, the Department of Homeland Security (the "DHS") asked that the respondent be similarly suspended from practice before that agency. Therefore, on January 30, 2007, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

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. See 8 C.F.R. § 1003.105(c)(1). 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(d)(1), (2).

The Notice recommends that the respondent be suspended indefinitely from practicing before the Board and the Immigration Courts. The DHS asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2).

Since the recommendation for indefinite suspension is appropriate, given the respondent's criminal record, and suspension from the practice of law in Florida, we will honor that recommendation. Accordingly, we hereby suspend indefinitely the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our January 30, 2007, order of suspension, we will deem the respondent's indefinite suspension to have commenced on that date. 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. The respondent may seek reinstatement under appropriate circumstances. 8 C.F.R. § 1003.107(b).

A handwritten signature in black ink, consisting of several loops and a long tail, is positioned above a horizontal line.

FOR THE BOARD