

Falls Church, Virginia 22041

File: D2006-195

Date: MAR 30 2007

In re: JUAN CHACON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE (AMENDED)¹

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

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

ORDER:

PER CURIAM. On August 23, 2006, the California State Bar Court, Hearing Department, recommended to the California Supreme Court that the respondent's probation be revoked, that the previous stay of execution of a one-year suspension be lifted, and the respondent be actually suspended for one year, and ordered the respondent placed on involuntary inactive enrollment.

Consequently, on November 8, 2006, the Office of General Counsel for the Executive Office for Immigration Review (Office of General Counsel) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On November 9, 2006, the Department of Homeland Security (the "DHS") asked that the respondent be similarly suspended from practice before that agency. Therefore, on November 20, 2006, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On November 15, 2006, the Supreme Court of California suspended the respondent from the practice of law for one year. On January 23, 2007, the Office of General Counsel filed a Notice of Intent to Discipline, which was served on the respondent on February 2, 2007. 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 from practicing before the Board and the Immigration Courts, for a period of 1 year. 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

¹The Board issued an order on March 16, 2007, in which it stated that the respondent's immediate suspension commenced on a date different than the actual suspension date of November 20, 2006. The Board's final order is hereby amended to reflect the correct date of the immediate suspension order.

us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2). Since the recommendation is appropriate in light of the sanctions imposed in California, we will honor that recommendation. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 1 year.

As the respondent is currently under our November 20, 2006, order of suspension, we will deem the respondent's 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.

After the suspension period expires, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS. *See* 8 C.F.R. § 1003.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in California before he may be reinstated by the Board. *See* 8 C.F.R. § 1001.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law).



FOR THE BOARD