File: D2003-016 Date: DEC - 6 2004

In re: ANTHONY E. RAMOS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF DHS: Rachel A. McCarthy, Ethics Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ON BEHALF OF RESPONDENT: Pro se

ORDER:

PER CURIAM. The respondent was disbarred from the practice of law by the Supreme Court of Florida on December 18, 1997.

Consequently, on October 25, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On November 4, 2004, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and immigration courts.

The respondent argues that he should not be immediately suspended from practice, and that he should be granted "summary judgment" on the charges. Although he admits that he has been disbarred in Florida, he claims that he has not "appeared before the Department". He has also improperly filed before the Board requests for admissions, interrogatories, and a request to produce documents.[1] However, the regulations make clear that any "practitioner" is subject to sanctions under the attorney discipline regulations. *See* 8 C.F.R. § 1292.3. A "practitioner" includes any attorney, as defined at 8 C.F.R. § 1001.1(f). *See id.* Therefore, the government does not bear the burden of showing that the respondent has "appeared" before it. Rather, any practitioner who, like the respondent, has been disbarred by the highest court in a state, is subject to immediate suspension. *See* 8 C.F.R. § 1292.3(c).

In any event, we consider that the DHS has presented evidence that the respondent is the executive director of "All American Immigration Association", and has submitted numerous "Notice

[1]We grant the DHS' "Motion To Strike Discovery", for as the DHS argues, there is no provision for discovery before the Board in attorney discipline proceedings.

of Entry of Appearance As An Attorney or Representative" (G-28) forms to the DHS[2], in which he claims to be an "agent" for the party appearing before the DHS. Given this, the respondent has clearly "practiced" before the DHS. *See* 8 C.F.R. § 1001.1(i) (defining "practice" as "the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the [DHS], or any officer of the [DHS], or the Board").

Further, the regulations do not provide for a hearing prior to the issuance of the immediate suspension order. Instead, the Board is directed to issue an order "forthwith" upon the government's request, when sufficient evidence is presented concerning a disbarment. *See* 8 C.F.R. § 1292.3(c)(2).[3] The regulations provide that a hearing may be requested, and an adjudicating official appointed, in order to reach a final decision concerning the charges in the Notice of Intent to Discipline. *See* 8 C.F.R. §§ 1003.106; 1292.3.

Therefore, the petition is granted, and the respondent is hereby suspended from the practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. *See* 8 C.F.R. § 1292.3(c). We direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

The respondent has requested a hearing on the charges in the Notice of Intent to Discipline. Therefore, the record will be returned to the Office of the Chief Immigration Judge under 8 C.F.R. § 1003.106, which states that, in attorney discipline cases, that office shall appoint an adjudicating official (an Immigration Judge) when an answer is filed. *See also* 8 C.F.R. § 1292.3(f).

FOR THE BOARD

[2]The DHS provides several examples of the G-28 forms, and states that the respondent has filed 111 such forms.

[3]The respondent argues that an "emergency hearing" is required, because he was disbarred without notice, in absentia. As the DHS argues, and as the Supreme Court of Florida "Report of Referee" (Nov. 12, 1997), pp. 1-4, sets forth, the respondent was indeed given notice of the Florida proceedings, but chose not to answer the Bar's complaint, and later chose not to appear at a hearing concerning the sanction. We have considered the respondent's assertion that he was disbarred because of prejudiced members of the community. Such claims are utterly without basis given the Florida "Report of Referee", which details the respondent's misconduct, which led to his disbarment.