

Falls Church, Virginia 22041

File: D2008-252

Date:

≡ JAN 15 2009

In re: GLORIA SALAZAR CALONGE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 2 years, effective December 9, 2008.

The Virginia State Bar Disciplinary Board suspended the respondent from the practice of law for 2 years on March 18, 2008. The Supreme Court, Appellate Division, Third Judicial Department of New York suspended the respondent from the practice of law for 2 years on June 19, 2008. Consequently, on November 25, 2008, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. 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. Therefore, on December 9, 2008, 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. *See* 8 C.F.R. § 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent submitted a timely answer on December 18, 2008. The respondent admits that, on October 14, 2007, in the United States District Court for the Eastern District of Virginia, Alexandria Division, she pled guilty to a single count of misprision of a felony, in violation of 18 U.S.C. § 4. The respondent further admits that she was suspended from the practice of law in Virginia and New York. The respondent further admits that she did not notify the DHS of her conviction and discipline, as required by 8 C.F.R. § 292.3(c)(4). The respondent does not request a hearing on the charges, and that opportunity is therefore waived. *See* 8 C.F.R. § 1003.105(c)(3). We therefore find it appropriate to issue a final order on the government's charges.

The Notice recommends that the respondent be suspended from practice before the DHS for 2 years. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. We find that the government's recommendation is appropriate, and we will honor it.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS, for a period of 2 years. The respondent asserts that she was not aware of the obligation to inform the DHS of her conviction and discipline, despite this requirement being found at 8 C.F.R. § 292.3(c)(4). She also argues that she did not enter her appearance in any matters before the DHS after October 8, 2007, when she entered a plea in district court. The respondent therefore asserts that her suspension should not be deemed to have commenced on December 9, 2008, the date of the Board's immediate suspension order. Given that the respondent did not notify the DHS of her conviction and discipline, the Board finds it appropriate to deem the respondent's suspension to have commenced on December 9, 2008.

The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b). In order to be reinstated, the respondent must demonstrate that she 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 she has been reinstated to practice law in Virginia and New York before she may be reinstated by the Board. See 8 C.F.R. § 1001.1(f). The Board notes that a practitioner who has been suspended for more than one year "may file a petition for reinstatement directly with the Board after one-half of the suspension period has expired or one year has passed, whichever is greater."

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 2 years, effective December 9, 2008.

FURTHER ORDER: 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 her.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).



FOR THE BOARD