

Falls Church, Virginia 22041

File: D2012-001

Date: FEB 22 2012

In re: MARIO SAUSVILLE-MACIAS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

The respondent will be indefinitely suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On January 9, 2012, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The DHS presents a "Certification" from the Attorney Registrar for the Disciplinary Board of the Supreme Court of Pennsylvania. She states that the respondent was transferred to inactive status by order of the Pennsylvania Supreme Court on November 30, 1990, and on September 1, 2010, was administratively suspended. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

Therefore, on January 24, 2012, 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. 8 C.F.R. § 1003.105 (2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). 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(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The Notice of Intent to Discipline proposes that the respondent be indefinitely suspended from practice before the DHS. The Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well.

As the respondent failed to file a timely answer, the regulations direct us to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). |

The DHS with its Notice of Intent to Discipline presents evidence that it earlier sent the respondent letters concerning his eligibility to appear before the DHS as an attorney, but no response was received (Notice of Intent to Discipline at ¶¶ 5-6, Exhs. 1-3).

The DHS alleged in its Notice of Intent to Discipline that since November 30, 1990, the respondent filed 290 applications or petitions accompanied by a Form G-28, "Notice of Entry of Appearance of Attorney or Representative", with the DHS, in which he claimed to be eligible to appear as an attorney when he was not, 14 of which were filed after September 1, 2010.

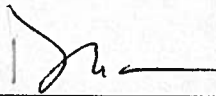
The proposed sanction is appropriate, considering the respondent's suspension from the practice of law in Pennsylvania. 8 C.F.R. § 1003.102(e)(1); 8 C.F.R. § 292.3(b); Notice of Intent to Discipline, at ¶ 8. The proposed sanction is also appropriate in light of the fact that the respondent made false statements about his qualifications and eligibility to practice. 8 C.F.R. § 1003.102(f); 8 C.F.R. § 292.3(b); Notice of Intent to Discipline, at ¶ 9. Accordingly, we hereby indefinitely suspend the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our January 24, 2012, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board, the Immigration Courts, and the DHS.

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 him.

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(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD