

Falls Church, Virginia 22041

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File: D2009-057

Date:  AUG 18 2010

In re: MAXIME AUSTRIA FRIAS, 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 expelled from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

The respondent was suspended from the practice of law by the Virginia State Bar Disciplinary Board on February 27, 2009. Consequently, on March 27, 2009, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. 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 April 14, 2009, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On March 27, 2009, the Virginia State Bar Disciplinary Board revoked the respondent's license to practice law, noting that "[b]y tendering his Consent to Revocation at a time when disciplinary charges are pending, [the respondent] admits that the charges in the attached Affidavit Declaring Consent to Revocation are true." Moreover, on December 10, 2008, in the United States District Court for the Eastern District of Virginia, Norfolk Division, the respondent pled guilty to "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h), relating to his immigration law practice. That is, the respondent was convicted of two counts of making a false statement, in violation of 18 U.S.C. §1001.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline (Amended). See 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii).<sup>1</sup> 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. § 1292.3(e)(3)(ii).

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<sup>1</sup> On June 23, 2010, the DHS filed a Notice of Intent to Discipline (Amended), with adequate proof of service on the respondent. 8 C.F.R. § 292.3(e)(1)(2010).

The Notice of Intent to Discipline (Amended) proposes that the respondent be expelled 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(d)(2); 1292.3(e)(3)(ii).

Since the proposed sanction is appropriate in light of the respondent's disbarment in Virginia, and commission of serious crimes relating to his immigration law practice, we will honor it. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our April 14, 2009, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby expels 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(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



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FOR THE BOARD