

**United States Department of Justice
Executive Office for Immigration
Review Immigration Court**

In the Matter of	:	
	:	Attorney Discipline Proceedings
	:	
Daniel G. Garcia	:	Case ## D2018-019, D2019-0052
	:	
Respondent	:	
	:	

Charges: 8 C.F.R. §§ 1003.102(c), 1003.102(l), 1003.102(n), 1003.102(o), 1003.102(q)

Proposed Discipline: Suspension from Practice before the Board of Immigration Appeals (BIA), the Immigration Courts, and the Department of Homeland Security (DHS) for a Period of at Least Two Years

Appearances: The Respondent appearing *pro se*

Paul Rodrigues and Diane Kier, Disciplinary Counsel, on behalf of the Executive Office for Immigration Review

Toinette M. Mitchell, Disciplinary Counsel, on behalf of the Department of Homeland Security

Decision and Order of the Adjudicating Official

On November 21, 2022, the Disciplinary Counsels of the Office of the General Counsel for the Executive Office for Immigration Review and the U.S. Citizenship and Immigration Services (USCIS) filed with the Board of Immigration Appeals (BIA) a Joint Notice of Intent to Discipline (NID) attorney Daniel G. Garcia. *See* Exh. 1. The NID contains 252 allegations and alleges that Mr. Garcia engaged in professional misconduct under 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(l), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(o), and 8 C.F.R. § 1003.102(q). Mr. Garcia filed a response on January 11, 2023.

On February 15, 2023, the BIA referred the matter to the Office of the Chief Immigration Judge (OCIJ) for the appointment of an adjudicating official. On February 21, 2023, OCIJ appointed Immigration Judge Elizabeth A. Kessler to serve as the adjudicating official (AO) in this matter.

On May 11, 2023, the Government filed a Motion to Deem Allegations Admitted, to which Mr. Garcia failed to file a reply. On June 7, 2023, and in accordance with governing regulations, the Court deemed the allegations admitted upon the government's motion and given that Mr. Garcia had failed to respond adequately to the NID and did not oppose the Government's motion.¹

Mr. Garcia has been found to have engaged in the following professional misconduct: (1) knowingly or with reckless disregard making a false statement of material fact or law, or willfully misleading, misinforming, threatening or deceiving any person concerning any material and relevant matter relating to a case, including knowingly or with reckless disregard offering false evidence, in violation of 8 C.F.R. § 1003.102(c); (2) repeatedly failing to appear for scheduled hearings in a timely manner without good cause, in violation of 8 C.F.R. § 1003.102(l); (3) conduct that is prejudicial to the administration of justice or undermines the integrity of the adjudicative process, in violation of 8 C.F.R. § 1003.102(n); (4) failing to provide competent representation to a client, in violation of 8 C.F.R. § 1003.102(o); and (5) failing to act with due diligence and promptness in representing a client, in violation of 8 C.F.R. § 1003.102(q).

At a status conference on June 9, 2023, the parties agreed that the sole remaining issue concerned the appropriate sanctions to be imposed. Mr. Garcia also stated that he was willing to engage in settlement negotiations with the Government regarding sanctions. Disciplinary Counsels indicated that they too were willing to discuss potential settlement on sanctions, and Mr. Garcia confirmed his contact information for Disciplinary Counsels. A status conference was scheduled for August 9, 2023, with the AO noting that should the parties reach agreement before that time a joint motion could be filed to conserve time and resources.

On August 3, 2023, Disciplinary Counsels filed a Motion to Enter Order on Disciplinary Sanctions stating that they had reached out to Mr. Garcia on two separate occasions regarding Mr. Garcia's availability for a settlement conference and that Mr. Garcia had not responded to either request. Disciplinary Counsels requested that the AO proceed to enter sanctions in the form of a suspension of at least two years from practice.

At the status conference on August 9, 2023, Mr. Garcia was given the opportunity to reply and to address his lack of response to Disciplinary Counsels' communications. He indicated that he and his wife were having a hectic summer, as they were watching their 11-year-old grandson and had experienced a death in the family. Mr. Garcia did indicate that he was willing to agree to the proposed discipline of a two-year suspension from practice. At that point, though, Disciplinary Counsels indicated that they would no longer support to a two-year suspension and would seek a suspension of greater than two years given aggravating factors.

¹ The admitted and sustained misconduct in part concerns Mr. Garcia's practice of submitting bond redetermination requests presenting his daughter as a "bond sponsor" for disparate individuals without disclosing his relationship to her and while mischaracterizing the relationship between her and the detainees, as well as misrepresenting the addresses at which the detainees would reside if granted bond. Exh. 1, Counts 1-12. In other cases, Mr. Garcia presented various members of the Guallpa family as bond sponsors while using the same addresses, obfuscating the relationship between the bond sponsors and detainees, and making misleading statements. *Id.*, Counts 13-19. In three other cases, Mr. Garcia failed to appear for four scheduled hearings. *Id.*, Counts 20-22.

The parties agreed to file final briefs on sanctions and for the AO to issue a ruling on sanctions without any additional hearings. Mr. Garcia filed his final brief on September 25, 2023. In that filing, he states in part, “Each individual family and the detainee knew the names of their sponsors . . . and were aware of the risks involved with having a sponsor who may or may not know the detainee.” Resp’s Statement – Reply at 2. Mr. Garcia does not address or explain the considerable and repeated misrepresentations that he made in numerous bond proceedings before various immigration judges in this regard. Seeming to place blame on the detainees for any subsequent failures to appear, he adds, “As counsel for these individuals, I did my best to attempt to impress upon them the necessity of complying with the Judge’s conditions of release.” *Id.* at 3. Mr. Garcia does not address in his final brief his misconduct in failing to appear for scheduled immigration hearings,² nor does he address the appropriate sanctions for any of the sustained professional misconduct.

On September 28, 2023, Disciplinary Counsels filed a reply. Disciplinary Counsels note that, while the Government initially recommended a suspension of “at least” two years, they now believe a two-year suspension inadequate, in part due to Mr. Garcia’s “repeated indifference to these proceedings and failure to take any real accountability for his actions or admit that his actions amounted to professional misconduct.” Gov’t’s Reply to Resp’s Statement Brief. Disciplinary Counsels seek Mr. Garcia’s suspension from practice for longer than two years, but no longer than three, *see* Exh. 5 at 4, “to protect the public and immigration system from his ethical and moral failings.” Gov’t’s Reply to Resp’s Statement at 2.

Record of Disciplinary Proceedings

The following documentary evidence was admitted into the record and considered in these disciplinary proceedings: Exhibit 1, the Joint Notice of Intent to Discipline (NID); Exhibit 1A, the Government’s Initial Evidentiary Exhibits (A-CC); Exhibit 2, the Respondent’s Initial Response (filed on December 21, 2022); Exhibit 3, the Respondent’s Response (filed on January 11, 2023); Exhibit 4, the Government’s Motion to Deem Allegations Admitted; and Exhibit 5, the Government’s Brief in Support of Disciplinary Sanctions. The AO has also reviewed and considered the final briefs submitted by Mr. Garcia and the Government, as well as statements made at the status hearings and surrounding events.

Analysis and Findings

Under the regulations governing professional conduct for practitioners before EOIR, 8 C.F.R. § 1003, subpart G, an adjudicating official or the BIA may impose sanctions against a practitioner where it is “in the public interest to do so.” 8 C.F.R. § 1003.101(a); *see also* INA § 240(b)(6). The regulations specify that it will be in the public interest to do so “when such person has engaged in criminal, unethical, or unprofessional conduct, or in frivolous behavior, as set forth in § 1003.102.” 8 C.F.R. § 1003.101(a).

Mr. Garcia has been found to have engaged in professional misconduct under 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(l), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(o), and 8 C.F.R. § 1003.102(q). As the AO has found that grounds for disciplinary sanctions have been

² In his initial reply, he suggested that his failures to appear were due to technical issues or oversights, but all allegations of professional misconduct pertaining to those were deemed admitted and sustained.

established, the AO must determine the proper sanction. 8 C.F.R § 1003.106(b). An adjudicating official may impose sanctions of disbarment, suspension, public or private censure, or “[s]uch other disciplinary sanctions as the adjudicating official or the [BIA] deems appropriate.” 8 C.F.R § 1003.101(a).

Disciplinary Counsels cite to the American Bar Association’s Standards for Imposing Lawyer Sanctions (ABA Standards) as an appropriate guideline or framework for evaluating sanctions. Exh. 1 at 37. The ABA Standards are not binding here but do provide helpful instruction and guidance. *See Matter of Gupta*, 28 I&N Dec. 653, 657 (BIA 2022) (“While we are not bound by the ABA Standards, we find them persuasive on this issue.”). The ABA Standards note, “After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose.” ABA Standards, Std. 9.1. The ABA Standards further state that suspension may be appropriate under various circumstances, to include where a lawyer submits false or misleading statements or documents or withholds material information, *id.*, Std 6.12, where a lawyer knowingly violates a court order or rule, *id.*, Std. 6.22, and where a lawyer “knowingly engages in conduct that is a violation of a duty as a professional and causes injury or potential injury to a client, the public, or the legal system,” *id.*, Std. 7.2, among other circumstances. Under Standard 2.3, where suspension is imposed, suspension should generally be “for a period of time equal to or greater than six months, but in no event should the time period prior to application for reinstatement be more than three years.” *Id.*, Std 2.3.

Aggravating Factors. The ABA Standards list numerous, non-exclusive factors that may justify an increase in the degree of discipline to be imposed. *See* ABA Standards at 9.22 (“Aggravating factors include: (a) prior disciplinary offenses; (b) dishonest or selfish motive; (c) a pattern of misconduct; (d) multiple offenses; (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (g) refusal to acknowledge wrongful nature of conduct; (h) vulnerability of victim; (i) substantial experience in the practice of law; (j) indifference to making restitution; (k) illegal conduct, including that involving the use of controlled substances.”) The following aggravating factors mentioned in the ABA Standards appear pertinent in Mr. Garcia’s case: (b) dishonest or selfish motive; (c) a pattern of misconduct; (d) multiple offenses; (g) refusal to acknowledge wrongful nature of conduct; (h) vulnerability of victim; and (i) substantial experience in the practice of law.

Mr. Garcia’s motive appears to some extent selfish, as he gained financially from representing the individuals, and dishonest, as he sought to deceive immigration courts into granting bond or setting bond at lower amounts than they might otherwise have done. Mr. Garcia has substantial experience practicing law, since 1981. As Disciplinary Counsels correctly observe, Mr. Garcia’s “experience should have instilled in him the idea and knowledge that his actions were improper.” Gov’t’s Br. in Support of Disciplinary Sanctions at 10.

In this case, the record includes evidence of extensive professional misconduct by Mr. Garcia over numerous years, to include a pattern of misrepresentations in connection with bond proceedings. Evidence shows that he presented his daughter as a bond sponsor in 12 separate

cases in 2016 and 2017. Exh. 1A at 1-376. In seven additional cases, heard in 2018 and 2019, he presented four members of the Guallpa family as bond sponsors. *Id.* at 377-686. In each of those 19 cases, he misrepresented the relationship between the bond sponsor and detainee in an attempt to secure bond for the clients. *See, e.g., id.* at 9, 36 (signed “Affidavit of Support” by Melissa Raquel Garcia misrepresenting [REDACTED] as a “friend” even though [REDACTED] testified at a bond hearing that she did not know anyone by the name Melissa Garcia); *id.* at 54, 73 (signed “Affidavit of Support” by Melissa Raquel Garcia misrepresenting [REDACTED] as a “friend” even though [REDACTED] testified at her bond hearing that she had never met her and had spoken to her on the phone only one time); *id.* at 443, 459-60 (signed “Affidavit of Support” by Joel Guallpa misrepresenting [REDACTED] as a “friend” even though at the bond hearing [REDACTED] could not provide the name of his sponsor); and *id.* at 552, 569 (signed “Affidavit of Support” by Maria Eliana Guallpa misrepresenting [REDACTED] as a “friend” even though at the bond hearing [REDACTED] stated that she had never met her).

The bond-related misconduct by Mr. Garcia extended over an astonishing array of cases across the country. Mr. Garcia presented fraudulent bond sponsor affidavits to immigration courts in San Antonio, Texas; El Paso, Texas; Houston, Texas; Port Isabel, Texas; Oakdale, Louisiana; Tucson, Arizona; Florence, Arizona; Aurora, Colorado; and San Francisco, California. Exh. 1A. Moreover, as Disciplinary Counsels correctly note, the “scope of [Mr. Garcia’s] misconduct is unknown due to its deceptive nature, and absent evidence to the contrary, may be ongoing.” Gov’t’s Br. in Support of Disciplinary Sanctions at 4. Mr. Garcia took advantage of immigration judges’ presumption of practitioners’ good faith and of the high volume and size and extent of the immigration courts, in which his practices could evade detection. *Id.*

Mr. Garcia also engaged in professional misconduct when he failed to appear without sufficient cause for scheduled hearings on November 14, 2017, December 5, 2017, March 5, 2019, and April 22, 2019. The first two hearings were in the same matter. With respect to the November 14 hearing, he had filed a late request for a continuance of a master calendar hearing due to a conflict with an individual hearing in another immigration court but did advise the client to attend the master calendar hearing. The case was reset for December 5, but he was ordered to appear in person and then did not due to a conflict. Scheduling conflicts frequently occur in immigration court, and Mr. Garcia should have timely brought the conflict to the judge’s attention or pursued other recourse rather than failing to appear. For the other two hearings, he had been granted permission to appear telephonically, but the judge’s calls in those cases were not answered and went to voicemail. While these oversights and shortcomings are far less grave than the misrepresentations in the bond proceedings, they do demonstrate lack of diligence and could have been handled better. *See* Exh. 1 at 31-33 (NID outlining sequence of events in failures to appear); Exh. 3 at 3 (Response stating that Mr. Garcia “did not deliberately or intentionally avoid appearance at any scheduled hearings”).

Mr. Garcia takes limited responsibility for his professional misconduct in connection with the bond proceedings and failures to appear. His initial response claims that he “represented the clients with what was available to them for their cases,” without taking responsibility for his role in the production and presentation of fraudulent and misleading

sponsor affidavits. Exh. 3 at 2. His closing brief suggests that the detainees and their family members “were aware of the risks” and “knowingly accepted going through with the process,” without acknowledging his own role or the extent of his misconduct. Resp’s Statement – Brief at 2. With respect to his failures to appear, in his initial response he lays vague blame on technical difficulties or other errors. Exh. 3 at 3. The AO appreciates that, at the close of his initial reply, Mr. Garcia did state, “I render my full and unconditional apology to this institution and all personnel and agencies to which it relates.” Exh. 3 at 19. Still, particularly with respect to the presentation of misleading sponsorship affidavits in bond proceedings, he does not take specific responsibility with respect to presenting falsely his daughter and members of the Guallpa family as friends of individuals they did not know or had never met.

Mr. Garcia’s conduct took advantage of a vulnerable population. In at least one case, evidence shows that members of the Guallpa family extorted an individual for use of the address. Exh. 1A, Tab W. Several individuals granted bond did not appear for future immigration court hearings and were ordered removed in absentia. Given the misconduct in the handling of their cases, we simply cannot assume that it was in their best interest to fail to appear for their hearings after release on bond; some may have had viable claims of relief or an avenue for work authorization. Given the misrepresentations concerning where they would live, some may not have received notice of their next hearing and may not have known how to find out the date, time, and location of their next hearing.

Mitigating Factors. The ABA Standards provide mitigating factors that may justify a reduction in the degree of discipline. *See* ABA Standards 9.32 (“Mitigating factors include: (a) absence of a prior disciplinary record; (b) absence of a dishonest or selfish motive; (c) personal or emotional problems; (d) timely good faith effort to make restitution or to rectify consequences of misconduct; (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (f) inexperience in the practice of law; (g) character or reputation; (h) physical disability; (i) mental disability or chemical dependency including alcoholism or drug abuse when: (1) there is medical evidence that the respondent is affected by a chemical dependency or mental disability; (2) the chemical dependency or mental disability caused the misconduct; (3) the respondent’s recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and (4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely; (j) delay in disciplinary proceedings; (k) imposition of other penalties or sanctions; (l) remorse; (m) remoteness of prior offenses.” In this case, the following mitigating factors appear: (a) absence of a prior disciplinary record; (c) personal or emotional problems; and (g) character or reputation.

Mr. Garcia has no prior disciplinary record. He has been under some personal strain involving family matters, to include in recent years. Exh. 2. Mr. Garcia has engaged in commendable religious and volunteer work over many years and has dealt admirably with significant challenges throughout his life. *See generally* Exh. 3 at 3-18. Mr. Garcia did ultimately agree to accept the findings of professional misconduct and not to contest those allegations, saving the AO and Disciplinary Counsels significant time, which the AO appreciates very much.³ The AO will take these mitigating factors into account.

³ The AO wishes that Mr. Garcia had responded to Disciplinary Counsels’ efforts to contact him regarding a

Appropriate Sanctions. In the NID, Disciplinary Counsels proposed that pursuant to the relevant ABA Standards, Mr. Garcia should be suspended from the practice of law in front of the BIA, the DHS, and the Immigration Courts for a minimum of two years, but no longer than three years. *See* Exhs. 1 and 5. Disciplinary Counsels now request that the suspension be for “more than two years” given Mr. Garcia’s failure to grasp the severity of his misconduct, evidenced within these disciplinary proceedings. Gov’t’s Reply to Resp’s Statement Brief. As noted, at the August 9, 2023, status conference, Mr. Garcia stated that he was willing to accept a two-year suspension from the practice of law before EOIR.

Suspension is warranted given the serious and ongoing nature of misrepresentations before the Immigration Courts, especially in the presentation of fraudulent bond sponsor affidavits in 19 custody hearings before various immigration judges in courts across the country. Suspension aligns with provisions in the ABA Standards stating that suspension may be appropriate where a lawyer submits false or misleading statements or documents or withholds material information, ABA Standards, Std 6.12, and where a lawyer “knowingly engages in conduct that is a violation of a duty as a professional and causes injury or potential injury to a client, the public, or the legal system,” *id.*, Std. 7.2. In presenting the false bond sponsor affidavits and failing to disclose in some cases that his daughter was being put forth as a sponsor and “friend” of individuals, Mr. Garcia presented false and misleading documents and withheld material information. His conduct caused injury to the legal system and the public, particularly as judges were deceived and as some individuals were granted bond or a lower bond than they would have received had the system been permitted to function with integrity.

A significant term of suspension is warranted given the aggravating factors outlined above, particularly that the misconduct related to bond proceedings extended over several years and occurred in many cases before immigration courts across the country. That Mr. Garcia wanted to help non-U.S. citizens does not obviate his misconduct or excuse misrepresentations to the immigration courts and related professional misconduct. Still, Mr. Garcia does present evidence of civic and religious volunteer activity over many years, as well as considerable support and service to his family members. The mitigating factors here support a period of suspension below the three-year maximum suggested by the ABA Standards.

After considering the aggravating and mitigating factors, as well as the entire record, the AO concludes that Mr. Garcia should be suspended from the practice of law before the Immigration Courts, the BIA, and the DHS for a period of two years and four months.⁴

Order

Mr. Garcia engaged in professional misconduct under 8 C.F.R. § 1003.102(c), 8 C.F.R. §

potential settlement on sanctions, as that may have saved time devoted to evaluating sanctions. He did express at the last hearing that he would accept a suspension of two years, which the AO accepts as demonstrating some contrition.
⁴ Should Mr. Garcia in the future seek to be reinstated to the practice of law before the Immigration Courts, the BIA, and the DHS, he must follow the procedures for reinstatement set out at 8 C.F.R. § 1003.107 at the appropriate time.

1003.102(l), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(o), and 8 C.F.R. § 1003.102(q). As such, he is subject to attorney discipline and the imposition of sanctions under 8 C.F.R. § 1003.101.

As discipline, Mr. Garcia is suspended from the practice of law before the Immigration Courts, the BIA, and the DHS for a period of two years and four months.

**ELIZABETH
KESSLER**

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Elizabeth A. Kessler
Adjudicating Official / Immigration Judge

Final Decision
File No. D2018-0190, D2019-0052

CERTIFICATE OF SERVICE

THIS DOCUMENT SERVED BY:

MAIL (M) PERSONAL SERVICE (P) **ELECTRONIC MAIL (E)**

TO: (x) RESPONDENT () RESPONDENT'S ATTORNEY (x) DHS (x) EOIR OGC

DATE: 10/26/23 BY COURT STAFF: CRB

**United States Department of Justice
Executive Office for Immigration Review
Immigration Court**

In the Matter of	:	
	:	Attorney Discipline Proceedings
	:	
Daniel G. Garcia	:	Disciplinary Cases # D2018 – 0190, D2019-0052
	:	
Respondent	:	
	:	

Charges: 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(l), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(o), 8 C.F.R. § 1003.102(q)

Proposed Discipline: Suspension from Practice before the Board of Immigration Appeals (BIA), the Immigration Courts, and the Department of Homeland Security (DHS) for a Period of Two Years

Issue: Motion to Deem Allegations Admitted

Appearances: the Respondent appeared pro se

Paul Rodrigues and Diane Kier, Disciplinary Counsel, on behalf of the Executive Office for Immigration Review

Toinette M. Mitchell, Disciplinary Counsel, on behalf of the Department of Homeland Security

**Order of the Adjudicating Official on
Government’s Motion to Deem Allegations Admitted**

On November 21, 2022, the Disciplinary Counsel of the Office of the General Counsel for the Executive Office for Immigration Review (Disciplinary Counsel) and Disciplinary Counsel for U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) filed with the Board of Immigration Appeals (BIA) a Joint Notice of Intent to Discipline (NID) attorney Daniel Garcia. The NID alleges that Mr. Garcia engaged in professional misconduct under 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(l), 8 C.F.R. § 1003.102(n), 8

C.F.R. § 1003.102(o), and 8 C.F.R. § 1003.102(q).

On January 11, 2023, Mr. Garcia filed a response.

On February 15, 2023, the BIA referred the matter to the Office of the Chief Immigration Judge (OCIJ) for the appointment of an adjudicating official.

On February 21, 2023, OCIJ appointed Immigration Judge Elizabeth A. Kessler to serve as the adjudicating official (AO) in this matter.

On May 11, 2023, the Government filed a Motion to Deem Allegations Admitted.

It is now June 7, 2023, and the Respondent has filed no reply to the Government's Motion.

Analysis and Findings

The following material has been received and reviewed: Exhibit 1, the Join Notice of Intent to Discipline (NID); Exhibit 1A, the Government's Initial Evidentiary Exhibits (A-CC); Exhibit 2, the Respondent's Initial Response (Filed on December 21, 2022); Exhibit 3, the Respondent's Response (Filed on January 11, 2023); and Exhibit 4, the Government's Motion to Deem Allegations Admitted and Attachment.

The NID sets forth 22 counts of alleged professional misconduct against Mr. Garcia in 22 immigration cases. Exh 1. Each of those 22 counts contains numbered factual allegations; a total of 252 paragraphs of numbered factual allegations appear in the NID. *Id.* The NID also contains professional misconduct charges numbered 253 to 261. *Id.* A substantial, 874-page evidentiary submission was filed in support of the NID. *See* Exh. 1A.¹

The procedure for filing an "answer" to the NID, as well as the requirements for the contents of the answer, appear in 8 C.F.R. § 1003.105(c). The answer "shall contain a statement of facts which constitute the grounds of defense and shall specifically admit or deny each allegation set forth in the Notice of Intent to Discipline." 8 C.F.R. § 1003.105(c)(2). Under 8 C.F.R. § 1003.105(c)(2), "[e]ach allegation in the Notice of Intent to Discipline which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced."

Mr. Garcia did not file any "answer," but did file an initial response on December 21, 2022, which was followed up by a second response on January 11, 2023. The Government now argues

¹ In brief, alleged misconduct in a series of counts concerns Mr. Garcia's practice of submitting bond redetermination requests presenting his daughter as a "bond sponsor" for disparate individuals without disclosing his relationship to her and while mischaracterizing the relationship between her and the detainees and misrepresenting the addresses at which the detainees would reside if granted bond. Exh. 1, Counts 1-12. In other cases, Mr. Garcia allegedly presented various members of the Guallpa family as "bond sponsors," while re-using the same addresses, obfuscating the relationship between the "bond sponsors" and detainees, and making misleading statements. *Id.*, Counts 13-19. In yet other cases, Mr. Garcia failed to appear for scheduled hearings without sufficient cause. *Id.*, Counts 20-22.

that, as neither filing by Mr. Garcia contains denials of any of the factual allegations or disciplinary charges, all allegations and charges should be deemed admitted and proved under the regulations.

The initial and subsequent responses filed by Mr. Garcia contain only brief, vague statements that he provided “what was available” to detainees for their cases, that these actions were “not intended to deceive,” and that he did not “deliberately or intentionally avoid appearance at any scheduled hearings.” Exh. 2 at 1-2; Exh. 3 at 2-3. Mr. Garcia devotes the majority of his main response to his background and experience, to include his involvement in church-related and other activities. Exh. 3 at 3-18. Neither document filed by Mr. Garcia specifically admits or denies any of the factual allegations or disciplinary charges. Even if his responses are construed as the “answer” to the NID, those documents contain no statements that specifically deny any of the factual allegations or contest the charges of professional misconduct. *See* 8 C.F.R. § 1003.105(c)(2). Mr. Garcia has even failed to reply to the Government’s motion.

As Mr. Garcia has failed to deny any of the allegations in the NID, under 8 C.F.R. § 1003.105(c)(2), “[e]ach allegation . . . shall be deemed to be admitted” and will “be considered as proved.” Based on this, all factual allegations and professional misconduct charges are deemed admitted and proven.² As such, Mr. Garcia is subject to discipline as charged in the NID under 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(l), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(o), and 8 C.F.R. § 1003.102(q).

The sole remaining issue concerns the appropriate sanction(s) to be imposed.

Order

The Government’s Motion to Deem Allegations Admitted is granted.

Mr. Garcia is subject to discipline under 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(l), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(o), and 8 C.F.R. § 1003.102(q).

Further proceedings will cover only the appropriate sanction(s) to be imposed.

**ELIZABETH
KESSLER**

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Elizabeth A. Kessler
Adjudicating Official / Immigration Judge

² The detailed and well-supported factual allegations, deemed admitted and proven, amply support the disciplinary charges. Exh. 1; Exh 4.

File No. D2018-0190, D2019-0052

CERTIFICATE OF SERVICE

THIS DOCUMENT SERVED BY:

MAIL (M) PERSONAL SERVICE (P) **ELECTRONIC MAIL (E)**

TO: x() RESPONDENT () RESPONDENT'S ATTORNEY (x) DHS (x) EOIR OGC

DATE: 6/8/2023 BY COURT STAFF: CRB
