

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

David Joshua KAUFMAN, D2024-0052

Respondent

FILED

MAY 06 2024

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge

Opinion by Creppy, Appellate Immigration Judge

CREPPY, Appellate Immigration Judge

The respondent will be indefinitely suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS"), effective February 12, 2024.

On January 19, 2024, the State Bar Court of California, Review Department, indefinitely suspended the respondent from the practice of law in California pending proof of the respondent's passage of the Multistate Professional Responsibility Examination. The suspension became effective on February 12, 2024. On March 7, 2024, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for the Department of Homeland Security ("DHS") filed a Joint Notice of Intent to Discipline, as well as a Joint Petition for Immediate Suspension, based upon the respondent's suspension in California. We granted the Joint Petition for Immediate Suspension on April 9, 2024.

The respondent was required to file a timely answer to the allegations contained in the Joint Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105(d)(1). The respondent's failure to file a response within the time prescribed in the Joint Notice of Intent to Discipline 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(d)(1)-(2).

The Joint Notice of Intent to Discipline proposes that the respondent be indefinitely suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective as of February 12, 2024, the effective date of the suspension in California. Because the respondent did not file an answer, the regulations direct us to adopt the proposed sanction

contained in the Joint Notice of Intent to Discipline, unless there are considerations that compel us to diverge from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's indefinite suspension from the practice of law in California. We will honor the proposed discipline and will order the respondent indefinitely suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective February 12, 2024.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective February 12, 2024.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of DHS.

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