NOT FOR PUBLICATION

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

MATTER OF:

Jon E. PURIZHANSKY, D2006-0197

Respondent

FILED

JUN 28 2024

ON BEHALF OF RESPONDENT: Carmen A. Vacco, Esquire

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

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

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
On Motion from a Decision of 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, who was expelled[1] from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS"), has filed a motion for reinstatement to practice. The respondent's motion is opposed by the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS. The respondent's motion will be denied.

On October 30, 2006, in the United States District Court for the Western District of New York, the respondent pled guilty and was convicted of one count of conspiracy to defraud the United States, a felony, in violation of 18 U.S.C. § 371. The respondent's conviction is a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h). On December 8, 2006, the respondent was suspended from the practice of law by the Supreme Court of New York, Appellate Division, Fourth Judicial Department, until further order of the court.

On March 22, 2007, the Disciplinary Counsel for DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for EOIR then asked that the respondent be similarly

[1] Expulsion from practice before the Board is now called disbarment. 8 C.F.R. § 292.3(a)(1)(i); 8 C.F.R. § 1003.101(a)(1).

suspended from practice before EOIR, including the Board and the Immigration Courts. On April 6, 2007, we granted the petition for the respondent's immediate suspension pending final disposition of this proceeding.

The respondent did not file a timely answer to the Notice of Intent to Discipline and did not dispute the allegations contained in the Notice. *See* 8 C.F.R. § 1003.105(d)(1). Given that the respondent's conviction was a serious crime, we issued an order on May 18, 2007, expelling the respondent from practice before the Board, the Immigration Courts, and DHS.

On May 8, 2024, the respondent filed a motion seeking early reinstatement to practice before the Board, the Immigration Courts, and DHS, claiming that he was readmitted to the practice of law in New York on June 19, 2008, after serving a 1-year suspension, and that he has been an attorney in good standing since that date. The respondent also argues that he has demonstrated that he possesses the requisite moral and professional qualifications to appear before the Board, the Immigration Courts, and the DHS, and that his reinstatement will not be detrimental to the administration of justice.[2]

On May 17, 2024, the Disciplinary Counsels for DHS and EOIR (collectively, the "Disciplinary Counsels") filed a joint response opposing the respondent's motion for reinstatement. While the Disciplinary Counsels do not dispute that the respondent is now eligible to practice law in New York and that he meets the definition of attorney as provided in 8 C.F.R. §1001.1(f), they oppose his reinstatement on the grounds that he has not demonstrated that he possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, and DHS. 8 C.F.R. § 1003.107(b)(2). The Disciplinary Counsels also submitted evidence that they claim demonstrates that the respondent omitted derogatory information concerning his moral and professional qualifications from his motion for reinstatement. Specifically, the District Counsels submitted a 2019 Stipulated Order for Permanent Injunction and Monetary Judgment from the United States District Court for the Western District of New York, which ordered the respondent to be permanently restrained and enjoined from engaging in any form of debt collection and to pay $235,000 individually, and $6,750,000 jointly and severally with his co-defendants.

Expulsion or disbarment is presumptively permanent. 8 C.F.R. § 1003.101(a)(1); *Matter of Gupta*, 28 I&N Dec. 653, 654, 657 nn. 1, 5 (BIA 2022). If an expelled or disbarred attorney seeks to be reinstated, to practice before the Board, the Immigration Courts, and DHS, the attorney must satisfy the requirements for "early reinstatement", which are more stringent than those imposed on attorneys who have completed their period of suspension. *Matter of Gupta*, 28 I&N Dec. at 657 n.5. The regulations provide that as an attorney who has been expelled or disbarred from practice, the respondent bears the burden of demonstrating "by clear and convincing evidence that [he]

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[2] Together with his motion for reinstatement, the respondent submitted the following documents: an affidavit from the respondent in support of his motion for reinstatement; an order from the New York court suspending the respondent from the practice of law for 1 year, dated April 20, 2007; the Board's May 18, 2007, order expelling the respondent from practice; a "Certificate of Good Standing" from the Supreme Court of New York, Appellate Division, Fourth Judicial Department, dated April 22, 2024; and five news articles concerning the respondent's company, Joblio.

possesses the moral and professional qualifications required to appear before the Board and the Immigration Courts or DHS, and that [his] reinstatement will not be detrimental to the administration of justice." 8 C.F.R. § 1003.107(b)(2) (providing requirements for early reinstatement for a disbarred practitioner); *see Matter of Krivonos*, 24 I&N Dec. 292, 293 (BIA 2007) (denying reinstatement to practitioner who had been convicted of immigration-related fraud even though practitioner was reinstated by the state bar).

The Disciplinary Counsels do not dispute that the respondent meets the regulatory definition of attorney. Gov't Opp. at 2; 8 C.F.R. § 1001.1(f). However, for the following reasons, we agree with the Disciplinary Counsels that the respondent did not satisfy his burden of establishing that his motion for reinstatement should be granted.

First, the scope of the respondent's criminal misconduct weighs against reinstatement, as "immigration-related fraud strikes at the heart of the country's immigration laws and undermines the integrity of the entire system." *Matter of Krivonos*, 24 I&N Dec. at 293. Before the Board, the respondent has not expressed remorse or provided any account of the events that led to his 2006 conviction for conspiracy to defraud the United States in connection with the procurement of a visa.[3] The respondent's failure to directly address or take responsibility for the conduct that led to his expulsion undermines his claim that he has demonstrated the requisite moral qualifications for reinstatement.

Second, as the Disciplinary Counsels highlight, the respondent has not presented evidence that he has kept abreast of recent developments in immigration law. This weighs against a conclusion that the respondent presently has the professional qualifications required to represent clients before the Immigration Courts, the Board, and DHS. Gov't Opp. at 2.

Third, the 2019 stipulated order from a U.S. District Court (Gov't Opp., Attach. 1) weighs heavily against a conclusion that the respondent has met his burden to show that he has the requisite moral qualifications for reinstatement. Although as part of the stipulated order the respondent did not admit any of the facts alleged in the civil complaint, he did agree to be permanently enjoined from engaging in debt collection activities and to pay large amounts to the Federal Trade Commission and the Attorney General of New York. Gov't Opp., Attach. 1. As noted by the Disciplinary Counsels, the respondent did not disclose the existence of this stipulated order to the Board, despite the fact that the order bears directly on the respondent's moral qualifications for practice and tends to show that his reinstatement would be detrimental to the administration of justice. Gov't Opp. at 3.

Together with his motion, the respondent submitted evidence indicating that he is the founder and chief executive of a company focused on matching vulnerable foreign workers with labor

[3] We note that, according to the 2007 New York state court order suspending the respondent from the practice of law, the respondent expressed "extreme remorse" to that court for his misconduct, and allegedly represented in those proceedings that the false statements that led to his conviction were made to assist a friend and were not done for personal profit or gain. *Matter of Purizhansky*, 840 N.Y.S.2d 846 (N.Y. App. Div. 2007). The respondent has not made similar factual claims or expressions of remorse in these proceedings.

opportunities in the United States. Respondent's Mot., Exh 4. While he argues that his leadership of this company is a positive factor demonstrating his moral and professional qualifications for practice, for the purposes of the current motion, we find it to be significantly outweighed both by the nature of his 2006 conviction for conspiracy to defraud the United States and by his undisclosed 2019 stipulated order banning the respondent from engaging in debt collection activities.

Thus, we conclude that the respondent has not met his burden to show by clear and convincing evidence that he currently has the moral and professional qualifications to again practice before the Board, the Immigration Courts, and DHS, or that his reinstatement would not be detrimental to the administration of justice at this time. 8 C.F.R. §§ 1003.107(a)(2), (b)(2)-(3). Accordingly, the following order will be entered.

ORDER: The respondent's motion for reinstatement is denied.