

Falls Church, Virginia 22041

File: D2019-0252

Date: OCT 17 2019

In re: Marilyn R. THOMASSEN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Catherine M. O'Connell
Disciplinary Counsel

ON BEHALF OF EOIR: Paul Rodrigues
Disciplinary Counsel

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

The respondent is an attorney admitted to practice in California. On September 27, 2018, the United States Securities and Exchange Commission ("SEC") filed a civil complaint against her in the United States District Court for the Central District of California (Notice of Intent to Discipline, Exh. 1). The respondent was alleged to have engaged in a fraudulent scheme to defraud investors in relation to an immigrant investor program administered by the U.S. Citizenship and Immigration Services ("USCIS") of DHS. On October 2, 2018, the court issued a final judgment against the respondent (Notice of Intent to Discipline, Exh. 2). The respondent was permanently enjoined from future similar violations, and was ordered to pay a civil penalty of \$187,767.00. *Id.* On October 24, 2018, the SEC, pursuant to a settlement agreement, suspended the respondent from appearing or practicing before the SEC as an attorney (Notice of Intent to Discipline, Exh. 3).

The Disciplinary Counsel for the DHS filed a Notice of Intent to Discipline with the Board, and served a copy of the document on the respondent on August 1, 2019 (to her address of record with the State Bar of California), and on August 22, 2019 (to her address of record with the DHS) (Disciplinary Counsel for the DHS' "Motion for Final Order Imposing Discipline" at 1).¹ The DHS argues that the respondent is subject to suspension by the Board under 8 C.F.R. § 1003.102(e).

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the 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). On October 1, 2019, the Disciplinary Counsel for the DHS filed its "Motion for Final Order Imposing Discipline."

¹ The Disciplinary Counsel for the DHS did not petition for the respondent's immediate suspension from practice under 8 C.F.R. § 1003.103(a)(4).

The Notice of Intent to Discipline and “Motion for Final Order Imposing Discipline” propose that the respondent be indefinitely suspended from practicing before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review asks the Board to extend that discipline to practice before the Board and the Immigration Courts as well. Because the respondent has failed to file an answer, the regulations generally direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(d)(2). The proposed sanction is appropriate, in light of the discipline imposed against the respondent by the SEC.

ORDER: The “Motion for Final Order Imposing Discipline” filed by the DHS Disciplinary Counsel is granted.

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

FURTHER ORDER: The respondent shall promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against her.

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

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



FOR THE BOARD