

Falls Church, Virginia 22041

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File: D2019-0400

Date: FEB 12 2020

In re: Alexander Ying-Chi CHAN, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

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

On May 8, 2019, in the Superior Court of Washington for King County, the respondent, after entering a guilty plea, was found guilty of one count of conspiracy to commit tampering with a witness and one count of making a false or misleading statement to a public servant. On December 23, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The Disciplinary Counsels also filed a Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to his conviction for a serious crime.

The evidence the Disciplinary Counsels submitted in support of their petition and Notice of Intent to Discipline established that the respondent had been found guilty of a serious crime as defined in 8 C.F.R. § 1003.102(h). Immediate suspension therefore was required, and we granted the Petition for Immediate Suspension on January 21, 2020. *See* 8 C.F.R. § 1003.103(a)(4).

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).

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's convictions in Washington. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further,

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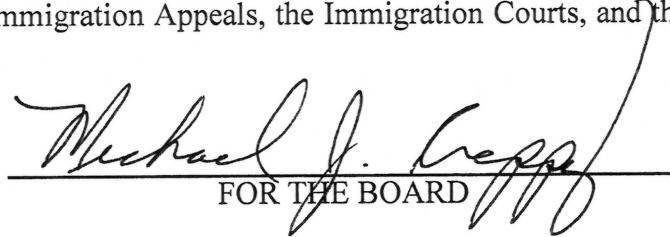
as the respondent is currently suspended under our January 21, 2020, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective January 21, 2020.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of Immigration Appeals 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 the DHS.

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

  
FOR THE BOARD