

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
DANIEL G. GARCIA
STATE BAR CARD NO. 07631820**

§
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§

CAUSE NO. 68986

AGREED JUDGMENT OF SUSPENSION

On this day the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law, and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. Respondent waives any and all defenses that could be asserted under Rule 9.04 of the Texas Rules of Disciplinary Procedure. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Daniel G. Garcia, Bar Card No. is 07631820, is an attorney licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) The Motion to Deem Allegations Admitted filed June 7, 2023, in a matter styled United States Department of Justice Executive Office for Immigration Review, Immigration Court, *In the Matter of Daniel G. Garcia, Respondent*, Attorney Disciplinary Proceedings, Disciplinary Cases # D2018-0190, D2019-0052, states in pertinent part as follows:

**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(1), 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 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.

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. I, Counts 1-12. In other cases, Mr. Garcia allegedly presented various members of the Gualpa 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.

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(1), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(0), 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(1), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(0), and 8 C.F.R. § 1003.102(q).

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

- (3) The Order of the Adjudicating Official (redacted) entered October 26, 2023, states in pertinent part as follows:

Order

Mr. Garcia engaged in professional misconduct under 8 C.F.R. § 1003.102(c), 8 C.F.R. § 1003.102(1), 8 C.F.R. § 1003.102(n), 8 C.F.R. § 1003.102(0), 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.

- (4) Respondent, Daniel G. Garcia, is the same person as the Daniel G. Garcia, who is the subject of the Order of the Adjudicating Official entered by the

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

United States Department of Justice Executive Office for Immigration Review, Immigration Court.

- (5) The Order of the Adjudicating Official entered by the United States Department of Justice Executive Office for Immigration Review, Immigration Court, is final.

Conclusions of Law. Based upon the foregoing findings of facts, the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the United States Department of Justice Executive Office for Immigration Review, Immigration Court, is warranted in this case.
- (3) Respondent should be actively suspended from the practice of law for a period of two years and four months.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Daniel G. Garcia, State Bar Card No. 07631820, is hereby **SUSPENDED** from the practice of law in Texas for a period of two (2) years and four (4) months beginning April 17, 2024, and extending through August 16, 2026.

It is further **ORDERED, ADJUGED, and DECREED** that Respondent, Daniel G. Garcia, during said suspension is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body, or holding himself out to others using his name, in any manner, in conjunction with the words “attorney at law,” “attorney,” “counselor at law”, or “lawyer.”

It is further **ORDERED** that Respondent, Daniel G. Garcia, within thirty (30) days of the signing of this judgment, shall notify each of his current clients and opposing counsel, if any, in

writing, of this suspension. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients, or to another attorney designated by such client or former client, within thirty (30) days of the date of this judgment, if requested.

It is further **ORDERED** that Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property requested by any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property.

It is further **ORDERED** that Respondent, Daniel G. Garcia, within thirty (30) days of the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court, if any, in which Respondent, Daniel G. Garcia, has any matter pending, of his suspension, of the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing. Respondent is also **ORDERED** to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent shall file with the State Bar of Texas, Statewide

Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing in Court.

It is further **ORDERED** that, within thirty (30) days of the date of this judgment, Respondent shall surrender his law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that this Judgment of Suspension shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 17th day of April 2024.

A handwritten signature in blue ink, appearing to read "Kevin H.", followed by a long horizontal line.

CHAIR PRESIDING

APPROVED AS TO FORM AND CONTENT:



Daniel G. Garcia
Bar No. 07631820
Respondent



Amanda M. Kates
Bar No. 24075987
Attorney for Petitioner