

Falls Church, Virginia 22041

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File: D2001-130

Date: JAN 30 2003

In re: BORIS A. KRIVONOS

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Theresa A. Repede, Appellate Counsel

ORDER:

PER CURIAM. On September 20, 2002, the respondent pled guilty to one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371, in connection with his handling of one or more diversity immigrant visa matters, in the United States District Court, Eastern District of New York. The crime is a felony and therefore is a "serious crime" within the meaning of 8 C.F.R. § 3.102(h).

Consequently, on November 13, 2002, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On January 9, 2003, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency.

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. See 8 C.F.R. § 3.105(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 3.105(d)(1), (2).

The Notice recommends that the respondent be expelled from practicing before the Board and the Immigration Courts. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 3.105(d)(2). Since the recommendation is appropriate in light of respondent's criminal record, we will honor that recommendation. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the Service.

The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the Service that the respondent has been expelled from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the Service. The respondent is also

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instructed to notify the Board of any further disciplinary action against him. The respondent may seek reinstatement under appropriate circumstances. See 8 C.F.R. § 3.107(b).

A handwritten signature in black ink, appearing to be "S. J. W.", written over a horizontal line.

FOR THE BOARD