

Falls Church, Virginia 22041

File: D2000-057

Date: DEC 4 2000

In re: ROBERT PAUL MUENCHRATH, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer Barnes, Esquire

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

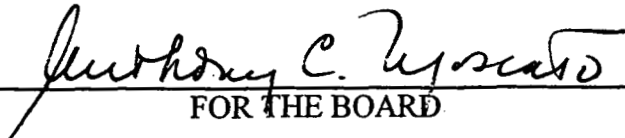
PER CURIAM. On February 4, 1999, the Supreme Court of Minnesota indefinitely suspended the respondent from the practice of law in that state.

Consequently, on September 14, 2000, the Office of General Counsel for the Executive Office for Immigration Review (OGC) initiated disciplinary proceedings against the respondent by issuing and properly serving a Notice of Intent to Discipline. On September 21, 2000, the Immigration and Naturalization Service moved to join in the disciplinary action. On September 28, 2000, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). Though the respondent was properly served, the respondent has not filed an answer. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)). This failure constitutes an admission of the allegations in the Notice of Intent to Discipline. *Id.*

The OGC asks us to indefinitely suspend the respondent from practice before the Executive Office for Immigration Review (EOIR), and the Service asks for that discipline to extend to practice before it as well. We find this sanction warranted in light of the Supreme Court of Minnesota's action. *See id.* Accordingly, we grant the requests of the OGC and the Service. As the respondent is currently under our September 28, 2000, order of suspension, we will deem the period of expulsion to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order.

The respondent may apply for reinstatement after a period of one year provided that the respondent meets the definition of an attorney or representative as set forth in 8 C.F.R. §§ 1.1(f) and (j), and demonstrates by clear, unequivocal, convincing evidence that the respondent possesses the moral and professional qualifications to appear before EOIR and the Service, and that reinstatement will not be detrimental to the administration of justice. *See* 65 Fed. Reg. 39,513, 39,530 (June 27, 2000) (to be codified at 8 C.F.R. § 3.107(b)).

  
FOR THE BOARD