

Falls Church, Virginia 22041

File: D2003-081

Date: JAN 8 2004

In re: ALOYSIUS O. EJIMAKOR, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ON BEHALF OF RESPONDENT: Chinyere M. Ugwanyi, Esq.

ORDER:

PER CURIAM. On July 31, 2003, the Office of General Counsel for the Executive Office for Immigration Review ("OGC") instituted disciplinary proceedings against the respondent.¹ The OGC alleged that the respondent violated 8 C.F.R. § 1003.102(f)(1), by making false statements about his qualifications. That is, while administratively suspended from the practice of law in New York, the respondent filed many notices of appearance with the Executive Office for Immigration Review, in which he misrepresented his status as a member in good standing of the New York bar.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. See 8 C.F.R. § 1003.105(c)(1). On October 27, 2003, counsel for the respondent filed a "Motion To Extend Time to Answer". The motion stated that the respondent was not in the country, and requested an extension until the end of January, 2004, to file an answer to the Notice of Intent to Discipline. On November 25, 2003, we granted an extension of 15 days for the respondent to file an answer. We cautioned that a failure to file an answer within the time period would constitute an admission of the allegations in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(d)(1).

The respondent's failure to file a response within the time period prescribed in the Notice, as extended, 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), (2).


The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 9 months. The Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization 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

¹The OGC did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a).

us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2). The recommendation is appropriate, and we will honor it. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 9 months.

The respondent is directed to 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. 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 DHS. The respondent is also instructed to notify the Board of any further disciplinary action against him.

After the suspension period expires, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS. See 8 C.F.R. § 1003.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in New York before he may be reinstated by the Board. See 8 C.F.R. § 1001.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law).



FOR THE BOARD