

Falls Church, Virginia 22041

---

---

File: D2000-050

Date: NOV 30 2000

In re: SHELDON IRWIN WALKER, 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:

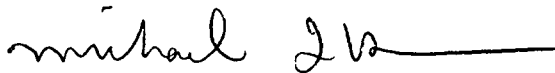
PER CURIAM. On October 2, 1998, the respondent was convicted in the United States District Court, Southern District of New York, of Conspiracy to Make False Statements and Commit Fraud, False Statements, and Mail Fraud. On April 13, 1999, the Supreme Court of the State of New York, Appellate Division, First Judicial Department, disbarred the respondent from the practice of law in that state.

Consequently, on September 1, 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 7, 2000, the Immigration and Naturalization Service moved to join in the disciplinary action. On September 15, 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 expel 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 New York's action. *See id.* Accordingly, we grant the requests of the OGC and the Service. As the respondent is currently under our September 15, 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, and 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