File: D2006-113 Date: September 13, 2006

In re: MILTON GARY WOLF, 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

ORDER:

PER CURIAM. On February 28, 2006, the Superior Court of California, County of Los Angeles, convicted the respondent, based on a plea agreement, of grand theft. The respondent was placed on probation for 5 years and ordered to pay fines. The felony crime is a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h). On May 10, 2006, the Supreme Court of California accepted the respondent's voluntary resignation.

Consequently, on July 6, 2006, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On July 11, 2006, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on July 19, 2006, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS 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 but has failed to do so. *See* 8 C.F.R. § 1003.105(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. § 1003.105(d)(1), (2).

The Notice recommends that the respondent be suspended indefinitely from practicing before the EOIR. 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. § 1003.105(d)(2). Since the recommendation for indefinite suspension is appropriate in light of the respondent's serious crime, and in light of the fact that the respondent resigned from the State Bar of California, we will honor that recommendation. Accordingly, we hereby suspend indefinitely the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our July 19, 2006, order of suspension, we will deem the respondent's indefinite suspension to have commenced on that date.

The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also 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. § 1003.107(b).

FOR THE BOARD