

Falls Church, Virginia 22041

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File: D2008-261

Date: ~~DEC 31~~ DEC 31 2008

In re: KAVEH ARDALAN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Bar Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS") for 6 months, effective August 15, 2008.

On June 6, 2008, the respondent was suspended from the practice of law for one year, stayed, with an actual suspension of 6 months, and probation for 2 years, by the Supreme Court of California. Consequently, on November 13, 2008, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Office of General Counsel for the Executive Office for Immigration Review (EOIR) has asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on November 20, 2008, 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); 1292.3(e)(3)(ii). 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. § 1292.3(e)(3)(ii).

The Notice recommends that the respondent be suspended from practice before the DHS, for 6 months. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent failed to file a timely 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); 1292.3(e)(3)(ii). Since the recommendation is appropriate, given the respondent's suspension in California, the Board will honor that recommendation. Accordingly, the Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 6 months.

The DHS recommends that the effective date for the suspension period be August 15, 2008. The DHS presents evidence that the respondent notified the DHS of his suspension in California in a notice dated August 15, 2008. The respondent's suspension will therefore be deemed to have commenced on August 15, 2008.

**ORDER:** The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 6 months, effective August 15, 2008.

**FURTHER ORDER:** 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.

**FURTHER ORDER:** The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).



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FOR THE BOARD