

Falls Church, Virginia 22041

File: D2012-095

Date:

SEP 24 2012

In re: **ROHIT C. SHARMA, ATTORNEY**

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

The respondent will be disbarred from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On June 12, 2012, the DHS filed a Notice of Intent to Discipline in this case. The DHS alleged that disciplinary sanctions are warranted under 8 C.F.R. § 292.3(b), as set forth in 8 C.F.R. §§ 1003.102(c) and 103.102(i), in that the respondent knowingly or with reckless disregard made a false statement of material fact or law, or willfully mislead, misinformed, or deceived an officer of the DHS concerning a material and relevant matter, and knowingly or with reckless disregard falsely certified a copy of a document as being a true and complete copy of an original.

On July 5, 2012, the DHS submitted a "Petition For Immediate Suspension" and "Motion to Amend Notice of Intent to Discipline." The DHS presented a June 11, 2012, "Order Approving Resignation" from the Supreme Court of Oklahoma. The court order states that the respondent resigned from the Oklahoma Bar Association pending disciplinary proceedings. The court order ruled that the respondent's name was stricken from the roll of attorneys in Oklahoma, and observed that "resignation pending disciplinary proceedings is tantamount to disbarment."

Based on the Oklahoma order, the DHS petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

Therefore, on August 1, 2012, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. We also granted the DHS' motion to amend the Notice of Intent to Discipline to include the June 11, 2012, Oklahoma order, 8 C.F.R. § 292.3(b), as set forth in 8 C.F.R. § 1003.102(e), and the DHS' motion to change the requested discipline to disbarment. The respondent was granted an additional period of 30 days to file an answer to the Notice of Intent to Discipline, as amended.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline (Amended). 8 C.F.R. § 1003.105 (2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). The respondent's failure to file a response within the time period, as set out in our August 1, 2012, order, 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(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The Notice of Intent to Discipline (Amended) proposes that the respondent be disbarred from practice before the DHS, and the Disciplinary Counsel for 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 proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The proposed sanction is appropriate, considering the DHS' charges, which the respondent does not dispute. Notice of Intent to Discipline (Amended), at 6-7 (citing and applying American Bar Association "Standards For Imposing Lawyer Sanctions" in proposing the sanction for the respondent's violation of 8 C.F.R. § 292.3(b), as set forth in 8 C.F.R. §§ 1003.102(c) and 103.102 (i), and proposing summary discipline for the respondent's violation of 8 C.F.R. § 292.3(b), as set forth in 8 C.F.R. § 1003.102(e)).

Accordingly, we hereby disbar the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our August 1, 2012, order of suspension, we will deem the respondent's disbarment to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS.

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(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD