

Falls Church, Virginia 22041

File: D2010-141

Date:

JUL 28 2011

In re: FRANK PATRICK SPROULS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Eileen M. Connolly
Chief, Immigration Court Practice Section - East

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 90 days, nunc pro tunc to April 29, 2011.

On March 30, 2011, the respondent was suspended from the practice of law for one year, stayed, with an actual suspension of 90 days, and probation for two years, by the Supreme Court of California. Consequently, on July 5, 2011, the Disciplinary 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. The DHS then asked that the respondent be similarly suspended from practice before that agency.

Therefore, on July 20, 2011, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent filed a "Response to Notice of Intent to Discipline" on July 13, 2011, which will be considered a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 8 C.F.R. § 1003.105(c)(1). The respondent does not dispute the allegations in the Notice of Intent to Discipline, and acknowledges that he is subject to discipline by the Board. The respondent admits that he has no defense to the imposition of discipline under 8 C.F.R. § 1003.103(b).

The respondent argues only that his suspension should run concurrently with the suspension imposed in California; in other words, his suspension by the Board should be deemed to have commenced on April 29, 2011, the effective date of his discipline in California.

As there is no material issue of fact in dispute, and as the EOIR Disciplinary Counsel's proposed sanction of 90 days is appropriate, in light of the respondent's suspension in California, the Board will honor that proposal.

Further, after consideration of the respondent's answer and reply memo, as well as the government's filings, the Board will deem the suspension to be imposed nunc pro tunc to April 29, 2011, the effective date of the respondent's suspension in California.

On July 27, 2011, the respondent filed a motion to set aside the Board's immediate suspension order. The respondent argues that his suspension from the practice of law ends on July 29, 2011, and he is eligible to practice law in California as of August 1, 2011. The respondent is not eligible to practice law as of this date. Moreover, the respondent would need to present evidence that he has been reinstated to practice law in California, before the Board would reinstate him to practice.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 90 days, nunc pro tunc to April 29, 2011.

FURTHER ORDER: The respondent's motion to set aside the Board's July 20, 2011, immediate suspension order is denied.

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.

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)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



FOR THE BOARD