

Falls Church, Virginia 22041

File: D2008-261

Date:

≡ MAR - 4 2009

In re: KAVEH ARDALAN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

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

The respondent's unopposed motion for reinstatement to practice will be granted.

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 Department of Homeland Security (the "DHS") initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review then 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. On December 31, 2008, the Board issued a final order, suspending the respondent from practice for 6 months, effective August 15, 2008.

The respondent moves that the Board reinstate him to practice. The DHS does oppose the petition for reinstatement, observing that the period of suspension has expired, and the respondent is now able to meet the definition of attorney at 8 C.F.R. §§ 1.1 and 1101.1(f). The EOIR Disciplinary Counsel also does not oppose the respondent's reinstatement. The respondent will be reinstated to practice.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD