

Falls Church, Virginia 20530

File: D2012-042

Date:

JUN 16 2014

In re: PETIA DIMITROVA KNOWLES a.k.a. Petya Fist, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

The respondent, who has been suspended from practice before the Board, Immigration Courts, and the Department of Homeland Security (the "DHS") for 90 days, has sought reinstatement to practice. The respondent's opposed request for reinstatement to practice will be granted.

On January 17, 2012, the Supreme Court of Florida approved the report of a referee recommending that the respondent be suspended from the practice of law.¹ Consequently, on March 26, 2012, 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 she be similarly suspended from practice before that agency.

Therefore, on April 16, 2012, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. We issued a final order on May 8, 2012, suspending the respondent from practice for 90 days.

The respondent moves that the Board reinstate her to practice, as our suspension period has expired. She presents evidence that she is authorized to practice law in New York, as of April 16, 2014.

The respondent also submits an October 2, 2012, letter from the Florida Bar. The letter states that the respondent's petition for voluntary retirement from the Florida Bar was approved, effective September 11, 2012. The Florida Bar website lists the respondent's status as "not eligible to practice in Florida" (EOIR Opp. at Exh. 2).

¹The EOIR Disciplinary Counsel presents evidence that the Supreme Court of Florida on July 12, 2012, increased the recommended suspension to a period of one year, effective nunc pro tunc on February 16, 2012 (EOIR Opp. at Exh. 1).

A regulation, 8 C.F.R. § 1003.107(a), states that

Upon notice to the Board, a practitioner who has been suspended will be reinstated to practice before the Board and the Immigration Courts or DHS, or before all three authorities, once the period of suspension has expired, provided that he or she meets the definition of attorney or representative as set forth in § 1001.1(f) and (j), respectively, of this chapter.

The regulation, 8 C.F.R. § 1001.1(f), defines as an attorney a person who is eligible to practice law in and is a member in good standing of a bar who "is not under any order suspending, enjoining, restraining, disbaring or otherwise restricting [her] in the practice of law." The EOIR Disciplinary Counsel contends that the respondent does not meet this definition.

The Board has considered the entirety of the particular circumstances in this matter. The respondent was permitted to voluntarily retire from the Florida Bar, effective September 11, 2012. The respondent's retirement petition was filed prior to the expiration of the Florida suspension order, EOIR Opp. at n.3. The period of suspension imposed by the Supreme Court of Florida would have elapsed on approximately February 16, 2013. The October 2, 2012, letter from the Florida Bar shows that the respondent is viewed by the Florida Bar as an attorney who has retired from the practice of law, rather than as an individual under a continuing suspension order. There is no evidence that this does not continue to be the case.


The respondent has presented evidence that she presently is an attorney in good standing in New York. The respondent submits an underlying subcommittee's report, based on a September 17, 2013, interview, which prompted the Committee on Character and Fitness to recommend that the respondent be admitted to practice in New York (Respondent's Reply at Exh. 25). The subcommittee considered the Florida suspension, but nonetheless determined that the respondent "possesses the necessary character and fitness for New York practice." *Id.*

Considering the entirety of circumstances presented, we find that the respondent has adequately demonstrated that she meets the definition of attorney under 8 C.F.R. § 1001.1(f), and we will reinstate the respondent.

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, she must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which she was formerly counsel, prior to her suspension.


FOR THE BOARD