

Falls Church, Virginia 22041

File: D2001-047

Date: DEC 31 2001

In re: FRANK A.K. AWUAH, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On July 29, 1997, the respondent was indefinitely suspended from practice in Maryland by that state's Court of Appeals. On February 12, 1999, the court extended the 1997 indefinite suspension order for an additional thirty days. The respondent has not been reinstated to practice law in Maryland. The District of Columbia Court of Appeals reciprocally suspended the respondent on September 16, 1999, and June 29, 2000. The respondent has not been reinstated to practice in the District of Columbia.

Consequently, on September 14, 2001, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On September 19, 2001, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 1, 2001, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service 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. § 3.105(c)(1). 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. § 3.105(d)(1), (2).

The Notice recommends that the respondent be suspended indefinitely from practicing before the Board and the Immigration Courts. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an 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. § 3.105(d)(2). Since the recommendation is appropriate in light of the sanctions imposed by the courts in Maryland, and the District of Columbia, we will honor that recommendation. Accordingly, we hereby indefinitely suspend the respondent from practice before the Board, the Immigration Courts, and the Service. 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. The respondent may seek reinstatement under appropriate circumstances. See 8 C.F.R. § 3.107(b).

Mary Maguire Dunne

FOR THE BOARD