

Falls Church, Virginia 22041

File: D2012-006

Date: **MAR 06 2012**

In re: GEORGE MICHAEL EVANS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

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

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

On December 2, 2011, the respondent was disbarred by the Supreme Court of Florida. Consequently, on January 18, 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 the respondent be similarly suspended from practice before that agency. Therefore, on January 30, 2012, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline on January 30, 2012. 8 C.F.R. § 1003.105(c)(1). The respondent acknowledges that he is subject to discipline by the Board. He did, however, seek to "clarify" that, rather than admitting that he violated the rules regulating the Florida bar, the referee found him guilty of violating such rules. On February 10, 2012, the respondent filed a "Notice of Resignation" with the Board, stating that he was entering a resignation notice before the DHS and Board.

In light of the respondent's filings, we find it appropriate to issue a final order on the government's charges. 8 C.F.R. § 1003.106(a)(1); 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012) (in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a prima facie showing that there are any material issues of fact in dispute); *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011); EOIR Disciplinary Counsel's "Motion For Summary Adjudication".

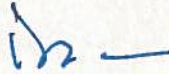
The respondent fails to show that there is any material issue of fact in dispute in this matter. EOIR Disciplinary Counsel's "Motion For Summary Adjudication".¹ The proposed sanction of five years is appropriate, in light of the respondent's suspension in Florida, and given that attorneys disbarred in Florida may not petition for reinstatement until at least five years after being disbarred, Notice of Intent to Discipline at 2. As the respondent is currently under our January 30, 2012, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for five years, effective January 30, 2012.

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



FOR THE BOARD

¹The EOIR Disciplinary Counsel stipulates that the respondent only admitted that he had been found guilty of a violation of Florida rules, not that he admitted to the violation. EOIR Disciplinary Counsel's "Motion For Summary Adjudication", at ¶ 3.