

Falls Church, Virginia 22041

File: D2002-107

Date: MAY - 1 2003

In re: SAMUEL G. KOORITZKY, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF SERVICE: Theresa A. Repede, Appellate Counsel

ORDER:

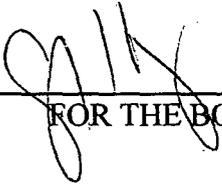
PER CURIAM. On December 11, 2002, the respondent was found guilty on all counts in a 57-count indictment in the United States District Court for the Eastern District of Virginia, Alexandria Division. The crimes involved conspiracy, labor certification fraud, making false statements, immigration fraud, and laundering of monetary instruments, in violation of federal law. The crimes, which related to the respondent's representation of immigration clients, are felonies and thus "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h).¹ On January 15, 2003, the District of Columbia Court of Appeals issued an interim order of suspension against the respondent. On January 22, 2003, the respondent's license to practice law in the state of Virginia was revoked.

Consequently, on March 6, 2003, the Immigration and Naturalization Service ("the Service", now part of the Department of Homeland Security, (DHS)), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Service. On March 14, 2003, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and immigration courts. Therefore, on April 8, 2003, 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. §§ 1003.105(c)(1); 1292.3(e)(i). 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. § 1292.3(e)(ii).

¹Regulations relating to the Executive Office for Immigration Review, found in title 8 of the Code of Federal Regulations, were reorganized on February 28, 2003, due to the Homeland Security Act of 2002. See 68 FR 9824 (February 28, 2003). There was no substantive changes made to the regulations. *Id.* at 9825. Until February 28, 2003, 8 C.F.R. § 1003.102(h) was found at 8 C.F.R. § 3.102(h).

The Notice recommends that the respondent be expelled from practicing before the Department of Homeland Security. The Office of General Counsel of EOIR asks that we extend that discipline to practice before it as well. Because the respondent failed to file a timely 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); 1292.3(e)(ii). Since the recommendation is appropriate in light of the sanctions imposed by the courts and authorities in Virginia and the District of Columbia, we will honor that recommendation. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the Service. As the respondent is currently under our April 8, 2003, order of suspension, we will deem the respondent's expulsion to have commenced on that date. 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. § 1003.107(b).



FOR THE BOARD