

Falls Church, Virginia 22041

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File: D2000-073

Date: DEC 12 2000

In re: MARK E. MAIER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer Barnes, Esquire

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On October 22, 1998, the Court of Appeals of the State of Maryland indefinitely suspended the respondent from the practice of law in that state.

Consequently, on September 29, 2000, the Office of General Counsel for the Executive Office for Immigration Review (OGC) initiated disciplinary proceedings against the respondent by issuing and properly serving a Notice of Intent to Discipline. On October 5, 2000, the Immigration and Naturalization Service moved to join in the disciplinary action. On December 4, 2000, 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. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). Though the respondent was properly served, the respondent has not filed an answer. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)). This failure constitutes an admission of the allegations in the Notice of Intent to Discipline. *Id.*

The OGC asks us to indefinitely suspend the respondent from practice before the Executive Office for Immigration Review, and the Service asks for that discipline to extend to practice before it as well. We find this sanction warranted in light of the state bar's action. *See id.* Accordingly, we grant the requests of the OGC and the Service. As the respondent is currently under our December 4, 2000, order of suspension, we will deem the period of suspension to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order.

Given the reciprocal nature of the discipline we impose, we advise the respondent that, should he be reinstated by the state bar, we will entertain a request to reinstate him before the EOIR and the Service as well. Any such request must provide appropriate evidence of the respondent's reinstatement, disclose any terms and conditions of his reinstatement, and otherwise demonstrate that he meets the definition of an attorney or representative as set forth in 8 C.F.R. §§ 1.1(f) and (j). *See* 65 Fed. Reg. 39,513, 39,530 (June 27, 2000) (to be codified at 8 C.F.R. § 3.107(a)).



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FOR THE BOARD