

Falls Church, Virginia 22041

File: D2004-120

Date: SEP 23 2004

In re: TORITSEFE NANNA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Ethics Counsel

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

ORDER:

PER CURIAM. On June 17, 2004, the Appellate Division, Supreme Court, First Judicial Department, County of New York, accepted the practitioner's resignation from the bar, struck her name from the roll of attorneys and counselors-at-law in the State of New York, effective nunc pro tunc to April 15, 2004. The petitioner was ordered to make monetary restitution to former clients she identified in her affidavit of resignation dated April 15, 2004.

Consequently, on July 1, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before that agency. On July 15, 2004, the Office of General Counsel for the Executive Office for Immigration Review asked that the respondent be similarly suspended from practice before the Board of Immigration Appeals and the Immigration Courts. Therefore, on August 4, 2004, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

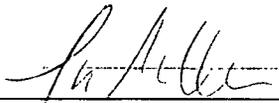
The respondent was required to file a timely and complete answer to the allegations contained in the Notice of Intent to Discipline. *See* 8 C.F.R. § 3.105(c). In an answer dated July 28, 2004, the respondent requested leniency in the imposition of disciplinary sanctions, stating as a "special matter of defense" that she was diagnosed with breast cancer in October 1999. While a sympathetic circumstance, the respondent has not denied any of the allegations contained in the Notice of Intent to Discipline, and she has not requested a hearing. We find that this constitutes an admission of the allegations contained in the Notice of Intent to Discipline, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 3.105(c).

The Notice recommends that the respondent be suspended from practicing before the DHS. The Office of General Counsel of the Executive Office for Immigration Review asks that we extend that discipline to practice before the Board and the Immigration Courts as well. Since the recommendation is appropriate in light of the sanctions imposed by the State of New York, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our August 4, 2004, order of suspension, we will deem the respondent's suspension 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 her.

After 1 year from the effective date of the respondent's suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the DHS, provided that the respondent meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). 8 C.F.R. § 3.107(b). Therefore, should the respondent seek reinstatement, the respondent must notify the Board of her bar standing and her ability to practice law in the state of New York. We will consider the respondent for reinstatement once the respondent demonstrates by clear, unequivocal, and convincing evidence that she possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, the DHS, or all three, and that the respondent's reinstatement will not be detrimental to the administration of justice. 8 C.F.R. § 3.107(b)(1).

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should she be reinstated to practice in the state of New York, we may entertain a request for reinstatement before Board, the Immigration Courts, and the DHS if that request complies with the instructions set forth above.



FOR THE BOARD