

Falls Church, Virginia 22041

File: D2009-068

Date:

In re: NATALIA V. POLIAKOVA, ATTORNEY

JUN 25 2009

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 90 days.

On February 12, 2009, the Supreme Court of Florida suspended the respondent from the practice of law for 30 days, effective 30 days from the date of its order. Consequently, on April 2, 2009, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on April 17, 2009, 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 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)(3)(ii). The respondent's failure to file a response within the time period prescribed in the Notice, as extended by the Board to May 26, 2009, 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)(3)(ii).

The DHS alleges, and the respondent does not dispute, that the respondent failed to notify it that she had been suspended from the practice of law in Florida, as required by 8 C.F.R. § 292.3(c)(4). Notice of Intent to Discipline, at ¶ 4. The Notice recommends that the respondent be suspended from practice before the DHS, for 90 days. The Disciplinary Counsel for the Executive Office for Immigration Review asks that we extend that discipline to practice before the Board and Immigration Courts as well. As 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. §§ 1003.105(d)(2); 1292.3(e)(3)(ii).

Since the recommendation is appropriate in light of the respondent's suspension in Florida, as well as the respondent's failure to notify the DHS that she had been suspended from the practice of law in Florida, and "... as the complaint of professional misconduct that formed the basis of the order of suspension issued by the Supreme Court of Florida was related to her immigration law practice", Notice of Intent to Discipline, at ¶ 7, we will honor it. As the respondent is currently under our April 17, 2009, 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 90 days.

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 her.

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(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.105(d)(2)).



---

FOR THE BOARD