

Falls Church, Virginia 22041

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File: D2000-011

Date:

NOV 3 2000

In re: KENNETH R. RASTELLO, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer Barnes, Esquire

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

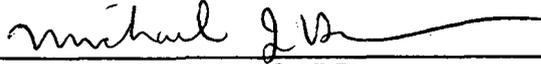
PER CURIAM. On December 14, 1999, the State of Michigan Attorney Discipline Board suspended the respondent from the practice of law in that state for a period of 180 days.

Consequently, on July 27, 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 August 1, 2000, the Immigration and Naturalization Service moved to join in the disciplinary action. On August 10, 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 suspend the respondent from practice before the Executive Office for Immigration Review for a period of 180 days, 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 August 10, 2000, order of suspension, we will deem the 180-day 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.

The respondent will be reinstated to practice upon his submission, and our review and approval, of evidence that he has been reinstated to the practice of law in Michigan and therefore 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