

Falls Church, Virginia 22041

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File: D2000-115

Date: MAR 19 2001

In re: ANDREW ROBERT SEBOK, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

On September 27, 2000, the Virginia State Bar Disciplinary Board suspended the respondent from the practice of law in that state for a period of 9 months.

Consequently, on February 2, 2001, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On March 1, 2001, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. Therefore, on March 8, 2001, 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* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). 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. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1), (2)).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 9 months with reinstatement conditioned on compliance with 8 C.F.R. §3.107 & §1.1(f). The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an 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. *Id.* at 35,529 (to be

codified at 8 C.F.R. § 3.105(d)(2)). Since the recommendation is appropriate in light of the sanctions imposed by the Virginia State Bar Disciplinary Board, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service for a period of 9 months. As the respondent is currently under our February 2, 2001, order of suspension, we will deem his 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 him.

Upon the completion of the respondent's period of suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the Service, provided that he meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See id.* at 39,530 (to be codified at 8 C.F.R. § 3.107(a)). Accordingly, the respondent is instructed to notify the Board of his bar standing and his ability to practice law in that state at the conclusion of his period of suspension.

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should he be reinstated to practice in Virginia prior to completion of his period of suspension, we may entertain a request for reinstatement before EOIR and the Service if that request complies with the instructions set forth above.



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FOR THE BOARD