

Falls Church, Virginia 22041

File: D2012-095

Date: AUG 01 2012

In re: ROHIT C. SHARMA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION\MOVATION

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

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

The “Petition For Immediate Suspension” and “Motion to Amend Notice of Intent to Discipline” filed by the Department of Homeland Security (the “DHS”) will be granted, and the respondent will be given 30 days to file an answer to the amended Notice of Intent to Discipline.

On June 12, 2012, the DHS filed a Notice of Intent to Discipline in this case.¹ The DHS alleged that disciplinary sanctions are warranted under 8 C.F.R. § 292.3(b), as set forth in 8 C.F.R. §§ 1003.102(c) and 103.102 (i), in that the respondent knowingly or with reckless disregard made a false statement of material fact or law, or willfully mislead, misinformed, or deceived an officer of the DHS concerning a material and relevant matter, and knowingly or with reckless disregard falsely certified a copy of a document as being a true and complete copy of an original.

On July 5, 2012, the DHS submitted the “Petition For Immediate Suspension” and “Motion to Amend Notice of Intent to Discipline.” The DHS presents a June 11, 2012, “Order Approving Resignation” from the Supreme Court of Oklahoma. The court order states that the respondent resigned from the Oklahoma Bar Association pending disciplinary proceedings. The court order ruled that the respondent’s name was stricken from the roll of attorneys in Oklahoma, and observed that “resignation pending disciplinary proceedings is tantamount to disbarment.”

Based on the Oklahoma order, the DHS 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. The motion will be granted.

The DHS on July 5, 2012, also filed a “Motion To Amend Notice of Intent to Discipline.” The DHS wishes to amend the Notice of Intent to Discipline to include the June 11, 2012, Oklahoma order, and seeks to change the requested discipline to disbarment. The motion will be granted.

¹The DHS initially did not petition for the respondent’s immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a); 77 Fed. Reg. 2011, 2014 (Jan. 13, 2012).

Under the circumstances of the case, the Board will grant the respondent an additional period of 30 days to file an answer to the Notice of Intent to Discipline, as amended. 8 C.F.R. § 1003.105(d)(Board may extend time for answer). A failure to file an answer within the time period, as extended, will constitute an admission of the allegations in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105 (2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

ORDER: The “Petition For Immediate Suspension” is granted, and the respondent is hereby suspended from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a)(2012); 8 C.F.R. § 292.3(c). *See* 77 Fed. Reg. 2011, 2014 (Jan. 13, 2012).

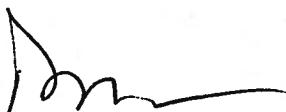
FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The “Motion to Amend Notice of Intent to Discipline” is granted.

FURTHER ORDER: An answer is due within 30 days. A failure to file an answer within the time period, as extended, will constitute an admission of the allegations in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105 (2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).



FOR THE BOARD