

Falls Church, Virginia 22041

File: D2012-094

Date: JUN 21 2012

In re: WAYNE KENNETH TEEBKEN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 60 days.

On November 17, 2011, the respondent was suspended from the practice of law for three years, stayed, with an actual suspension of 30 days, and probation for three years, by the Supreme Court of California. Consequently, on May 4, 2012, 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 May 15, 2012, 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. 8 C.F.R. § 1003.105 (2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). 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. 8 C.F.R. § 1003.105(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The DHS alleges, and the respondent does not dispute, that the respondent failed to notify it that he had been suspended from the practice of law in California, as required by 8 C.F.R. § 292.3(c)(4). Notice of Intent to Discipline, at ¶ 4.

The Notice of Intent to Discipline proposes that the respondent be suspended for 60 days from practice before the DHS, and the Disciplinary Counsel for EOIR 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 proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

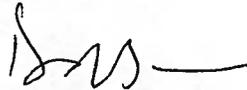
The proposed sanction is appropriate in light of the fact that the respondent was suspended from the practice of law in California, and failed to notify the DHS that he had been suspended, as required by 8 C.F.R. § 292.3(c)(4). Notice of Intent to Discipline, at ¶ 7. Therefore, we will honor the proposed sanction. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS, for 60 days. As the respondent is currently under our May 15, 2012, 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 60 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 him.

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(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

A handwritten signature in black ink, consisting of stylized initials and a horizontal line extending to the right.

FOR THE BOARD