

Falls Church, Virginia 20530

File: D2015-0084

Date: JUL 13 2015

In re: WAYNE RICHARD HARTKE, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Jeannette V. Dever, Associate Legal Advisor

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

On April 17, 2015, the Virginia State Bar Disciplinary Board suspended the respondent from the practice of law in Virginia for six months, effective March 27, 2015. Consequently, on May 20, 2015, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition for immediate suspension on June 30, 2015.

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 (2013). 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 (2013).

The Notice proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for six months. Because the respondent has failed to file an answer, the regulations direct the Board 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 (2013).

The proposed sanction is appropriate in light of the fact that on April 17, 2015, the Virginia State Bar Disciplinary Board suspended the respondent from the practice of law in Virginia for six months, effective March 27, 2015. Because the respondent is currently under our June 30, 2015, 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 six months.

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.

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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 (2013).

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) (2013).

A handwritten signature in black ink, appearing to be "R. M. ...", is written above a horizontal line.

FOR THE BOARD