

Falls Church, Virginia 22041

File: D2017-0343

Date: NOV 02 2017

In re: Wayne R. HARTKE a.k.a. 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 of Immigration Appeals (“Board”), the Immigration Courts, and the Department of Homeland Security (“DHS”) for 3 years.

On October 27, 2016, the Virginia State Bar Disciplinary Board suspended the respondent from the practice of law in Virginia for 3 years, effective immediately. On August 25, 2017, the Virginia State Bar Disciplinary Board suspended the respondent for 5 years effective October 27, 2019, for violating professional rules that govern candor toward the tribunal. The suspension will be consecutive to the 3-year suspension issued on October 27, 2016.

The Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) petitioned for the respondent’s immediate suspension from practice before the Board and the Immigration Courts on September 11, 2017. The Disciplinary Counsel for EOIR stated that the respondent remains suspended from the practice of law in Virginia, as of the date of its filing.

The DHS asked that the respondent be similarly suspended from practice before that agency. We granted the petition on October 10, 2017.

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. 8 C.F.R. § 1003.105 (2017). The respondent’s failure to file a response within the time period prescribed in the Notice of Intent to Discipline 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(d)(1).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 3 years. The DHS asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate, in light of the discipline imposed against the respondent in Virginia. Further, as the respondent is currently under our October 10, 2017, order of suspension, we will deem his 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 3 years. The suspension is deemed to have commenced on October 10, 2017.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

A handwritten signature in cursive script, appearing to read "Cecilia R. S.", is written above a horizontal line.

FOR THE BOARD