

Falls Church, Virginia 22041

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File: D2000-055

Date: DEC 21 2000

In re: CHARLES H. BOWSER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

PER CURIAM. On April 21, 1998, the respondent pled guilty in the United States District Court of the Eastern District of Virginia to a felony charge of executing a document containing false statements. On September 4, 1998, the District of Columbia Court of Appeals suspended the respondent from the practice of law in that jurisdiction.

Consequently, on September 1, 2000, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) 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 September 7, 2000, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. On September 15, 2000, 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. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). Though the respondent was properly served, the respondent has not filed an answer. *See id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1)). The respondent's failure to do so 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 expelled from practicing before the EOIR. 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 District of Columbia Court of Appeals' disciplinary action, we will honor that recommendation.

Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the Service. As the respondent is currently under our September 15, 2000, order of suspension, we will deem the expulsion 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.

After one year from the effective date of the expulsion, 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)). The respondent is therefore to notify the Board of his standing before the District of Columbia and his ability to practice law there. We will consider the respondent for reinstatement once he demonstrates by clear, unequivocal, and convincing evidence that he possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, or the Service, or all three, and that his reinstatement will not be detrimental to the administration of justice. *Id.* (to be codified at 8 C.F.R. § 3.107(b)(1)).

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should he be reinstated to practice in the District of Columbia, we will 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