

Falls Church, Virginia 22041

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File: D2012-193

Date: SEP 11 2012

In re: DAVID WILLIAM IVERSON, 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 90 days, effective June 28, 2012.

On May 29, 2012, the Supreme Court of Florida suspended the respondent from the practice of law for 90 days, effective 30 days from the date of its order. Consequently, on August 10, 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 August 22, 2012, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline. 8 C.F.R. §§ 1003.105 (2012), 292.3(e); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). The respondent does not meaningfully dispute the allegations in the Notice of Intent to Discipline. The respondent argues only that his suspension should run concurrently with the suspension imposed in Florida; in other words, his suspension by the Board should be deemed to coincide with the discipline imposed in Florida. The DHS states that it does not object to the Board issuing a final order of suspension with an effective date of June 28, 2012.

In light of the respondent's filing, we find it appropriate to issue a final order on the government's charges. 8 C.F.R. §§ 1003.106(a), 292.3(c)(3); 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012)(in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a prima facie showing that there are any material issues of fact in dispute); *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011).

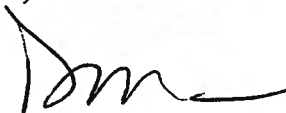
Further, after consideration of the respondent's answer, as well as the government's filing, the Board will deem the suspension to be imposed nunc pro tunc to June 28, 2012, the effective date of the respondent's suspension in Florida.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 90 days, nunc pro tunc to June 28, 2012.

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, appearing to be 'DM', is written above a horizontal line.

FOR THE BOARD