

Falls Church, Virginia 22041

File: D2000-058

Date: DEC 4 2000

In re: FRANK W. RICCI, 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 March 1, 2000, the respondent pled guilty to the crime of money laundering before the United States District Court for the Southern District of Florida. On August 14, 2000, the Supreme Court of Indiana suspended the respondent from the practice of law in that state, pending final resolution of the disciplinary charges brought against him.

Consequently, on September 14, 2000, the Office of General Counsel (OGC) 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 21, 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 28, 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, he 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 of Intent to Discipline 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 OGC seeks the respondent's expulsion from practice before the EOIR in light of the gravity of his criminal conviction. 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 of the OGC, 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 OGC's recommendation is appropriate in light of the respondent's misconduct and the state bar's action, we will honor that recommendation.

Accordingly, the respondent is hereafter barred from practice before the Board, the Immigration Courts, and the Service. The respondent is instructed to maintain compliance with the directives set forth in our prior order and to notify the Board if any further disciplinary action is taken by the state bar.

Given the reciprocal nature of the discipline we impose, we advise the respondent that, should he be reinstated by the state bar, we will entertain a request to reinstate him before the EOIR and the Service as well. Any such request must provide appropriate evidence of the respondent's reinstatement, disclose any terms and conditions of his reinstatement, and otherwise demonstrate 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)).

  
FOR THE BOARD