

Falls Church, Virginia 20530

File: D2014-086

Date:

MAY 27 2014

In re: TREVOR M. PAYNE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

REISSUED DECISION¹

The respondent will be suspended from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS") for 60 days.

On March 5, 2014, the Supreme Court of the State of Colorado suspended the respondent from the practice of law in Colorado for 6 months, all but 60 days stayed upon the successful completion of a 3 year period of probation with conditions. The suspension became effective April 9, 2014. Consequently, on April 1, 2014, the Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for the Department of Homeland Security (DHS) then asked that the respondent be similarly suspended from practice before the DHS. The Board granted the petition for immediate suspension on April 23, 2014.

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 60 days. 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 respondent's suspension from the practice of law by the Supreme Court of the State of Colorado. Accordingly, the Board will

¹ The caption of our original order incorrectly stated that it was a Petition for Immediate Suspension. Accordingly, we are reissuing our final order of discipline against the respondent with a corrected caption.

honor that proposal. As the respondent is currently under our April 23, 2014, 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 60 days.

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 (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).



FOR THE BOARD