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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 24-BG-0785

In re BRIAN M. KURTYKA,

DDN:066-2024

A Suspended Member of the Bar of the
District of Columbia Court of Appeals

Bar Registration No. 440410

BEFORE: Easterly, McLeese, and Shanker, Associate Judges.

ORDER

(FILED—October 31, 2024)

On consideration of the certified order from the Supreme Court of Maryland disbaring respondent from the practice of law by consent; this court's August 28, 2024, order suspending respondent pending disposition of this matter and directing him to show cause why reciprocal discipline should not be imposed; and the statement of Disciplinary Counsel requesting that reinstatement be conditioned upon respondent's reinstatement in Maryland; and it appearing that respondent has not filed a response or his D.C. Bar R. XI, § 14(g) affidavit; and it further appearing that respondent has not opposed Disciplinary Counsel's proposed reinstatement condition; and it further appearing that respondent was convicted of embezzlement and forgery, it is

ORDERED that Brian M. Kurtyka is hereby disbarred from the practice of law in the District of Columbia with reinstatement conditioned upon his reinstatement in Maryland. *See In re Sibley*, 990 A.2d 483, 487-88 (D.C. 2010) (explaining that there is a rebuttable presumption in favor of imposition of identical discipline and exceptions to this presumption should be rare); *In re Fuller*, 930 A.2d 194, 198 (D.C. 2007) (explaining that a rebuttable presumption of identical reciprocal discipline applies unless one of the exceptions is established); *see also In re Gonzalez*, 318 A.3d 1208, 1219 (D.C. 2024) (where respondent acquiesced, imposing requirement of reinstatement in New Jersey in addition to proof of fitness in the District of Columbia). It is

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FURTHER ORDERED that, for purposes of reinstatement, Mr. Kurtyka's disbarment will not begin to run until such time as he files an affidavit that fully complies with the requirements of D.C. Bar R. XI, § 14(g).

PER CURIAM