

**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



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<b>In the Matter of</b>	:	
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<b>DENISE A. DANIELS, ESQUIRE,</b>	:	<b>Disciplinary Docket No. 2021-D075</b>
	:	
<b>Respondent,</b>	:	
	:	
	:	
<b>A Member of the Bar of the</b>	:	
<b>District of Columbia Court of Appeals.</b>	:	
<b>Bar Number: 399285</b>	:	
<b>Date of Admission: May 27, 1986</b>	:	

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**SPECIFICATION OF CHARGES**

The disciplinary proceeding instituted by this petition is based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar. R. X and XI, § 2(b). Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar. R. XI. Pursuant to D.C. Bar R. XI, § 1(a), jurisdiction is found because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on May 27, 1986, and assigned Bar number 399285.

The facts giving rise to the charges of misconduct are as follows:

2. At all times relevant to the conduct alleged herein, Respondent was an attorney working in the Office of Chief Counsel/Civil Enforcement at the Transportation Security Administration, which is part of the United States Department of Homeland Security.

3. Scott Klippel is an attorney who represents individuals who are issued a Notice of Violation by the TSA. A Notice of Violation informs the recipient of the initiation of a civil penalty action for an alleged violation of a security requirement outlined in the Transportation

Security Regulations. Mr. Klippel regularly represents individuals who have received a Notice of Violation for being in possession of a firearm at a TSA checkpoint.

***Count I***  
***TSA Notice of Violation No. 2018TPA0079***

4. On August 28, 2020, the TSA issued a Notice of Violation to J.H. in case number 2018TPA0079. The Notice indicated that TSA proposed to issue a civil penalty in the amount of \$3,920.

5. On December 1, 2020, Mr. Klippel emailed Richard Kravitz, an attorney at the TSA, to enter his appearance as counsel for J.H. regarding the Notice of Violation. Mr. Klippel also provided a Statement of Facts and requested to settle the matter with TSA.

6. Also on December 1, 2020, Respondent's supervisor, Nikki Harding, assigned the J.H. matter to Respondent. Ms. Harding forwarded an email to Respondent that day, which indicated that "outside counsel" had requested an informal conference on behalf of J.H. Mr. Klippel's appearance was noted in TSA's case management system.

7. On December 8, 2020, Respondent made a note in TSA's case management system that she had "[r]eviewed attorney notes..." That same day, around 3:45 p.m., Respondent called J.H. directly. During this phone call, Respondent asked J.H. whether he wanted to discuss his case with her at an informal conference and potentially reduce his civil penalty. J.H. informed Respondent that he was represented by counsel and provided her with Mr. Klippel's contact information.

8. Later that same afternoon, Respondent emailed Mr. Klippel an Order Assessing Civil Penalty in the amount of \$975. Respondent did not mention in this email that she had spoken

directly with J.H. Mr. Klippel replied the following day, indicating that he would provide a receipt when his client paid the penalty.

9. Respondent's conduct in Count I violated Rule 4.2(a) of the District of Columbia Rules of Professional Conduct in that, while representing the TSA, she communicated about the subject of the representation with a person known to be represented by another lawyer in the matter, and she did so without authorization or the lawyer's prior consent.

***Count II***  
***TSA Notice of Violation No. 2018RDU0165***

10. On September 25, 2020, the TSA issued a Notice of Violation to S.M. in case number 2018RDU0165. The Notice indicated that TSA proposed to issue a civil penalty in the amount of \$3,920.

11. On October 30, 2020, S.M. emailed the TSA to request an informal conference.

12. On November 2, 2020, Ms. Harding assigned the S.M. matter to Respondent.

13. On December 15, 2020, Mr. Klippel emailed Respondent to enter his appearance as counsel for S.M. regarding the Notice of Violation. Mr. Klippel indicated that he understood that Respondent was assigned to the matter because she had previously informed S.M. of that by phone. Mr. Klippel also indicated that he would send a Statement of Facts to Respondent by email the next day.

14. On December 16, 2020, Mr. Klippel emailed Respondent the promised Statement of Facts and asked that TSA settle the matter for a \$750 fine.

15. On January 13, 2021, Respondent emailed S.M. directly. This email subject line reads "TSA Case 2018RDU0165." Respondent identified herself as an attorney with the TSA, wrote that she was trying to reach S.M. to conduct an informal conference, and asked S.M. to

contact her. Respondent did not include Mr. Klippel on this email. S.M. forwarded this email to Mr. Klippel.

16. On May 18, 2021, Richard Kravitz emailed Mr. Klippel an Order Assessing Civil Penalty in the amount of \$850.

17. Respondent's conduct in Count II violated Rule 4.2(a) of the District of Columbia Rules of Professional Conduct in that, while representing the TSA, she communicated about the subject of the representation with a person known to be represented by another lawyer in the matter, and she did so without authorization or the lawyer's prior consent.

***Count III***  
***Respondent's Failure to Respond to Disciplinary Counsel's Investigation***

18. On January 31, 2021, Mr. Klippel filed a complaint with Disciplinary Counsel regarding Respondent's communications with both J.H. and S.M. Mr. Klippel copied Respondent and her supervisor, Nikki Harding, on an email to Disciplinary Counsel that same day transmitting various exhibits referenced in his complaint.

19. On April 21, 2021, Disciplinary Counsel docketed an investigation of this matter based on the complaint from Mr. Klippel.

20. On April 23, 2021, Disciplinary Counsel emailed Respondent a copy of the complaint and a letter asking her to submit a written response to it. Disciplinary Counsel used Respondent's email address of record with the D.C. Bar. Disciplinary Counsel's email was not returned undelivered. Respondent failed to respond.

21. On May 19, 2021, Disciplinary Counsel sent Respondent a follow-up letter by first-class mail and certified mail, return-receipt requested. Disciplinary Counsel used Respondent's mailing address of record with the D.C. Bar. This mailing included a copy of the complaint and

Disciplinary Counsel's first letter. The certified mailing was returned undelivered, but the first-class mailing was not returned. Respondent failed to respond.

22. On June 23, 2021, Disciplinary Counsel emailed Respondent a copy of its May 19 letter. Disciplinary Counsel's email was not returned undelivered. Respondent failed to respond.

23. On July 13, 2021, Disciplinary Counsel filed with the Board on Professional Responsibility an amended motion to compel Respondent's written response to the complaint. Disciplinary Counsel served its amended motion on Respondent by email to her email address of record and her official TSA email address, as well as by first-class mail to her mailing address of record. Disciplinary Counsel's correspondence was not returned undelivered.

24. Respondent did not file an opposition or otherwise respond to Disciplinary Counsel's amended motion.

25. On July 30, 2021, the Board issued an Order compelling Respondent to submit a written response to Disciplinary Counsel's investigation within ten days. Pursuant to Board Rule 2.10(a), the Office of the Executive Attorney sent a copy of the Board's Order to Respondent. Respondent failed to comply with the Board's Order.

26. On August 17, 2021, an investigator with the Office of Disciplinary Counsel emailed Ms. Harding. The investigator informed Ms. Harding that Disciplinary Counsel was conducting a confidential investigation and asked her to tell Respondent to contact Disciplinary Counsel regarding the investigation. On August 18, 2021, Ms. Harding replied that she had spoken with Respondent, and that Respondent would call Disciplinary Counsel that day.

27. On August 19, 2021, Disciplinary Counsel's investigator emailed Ms. Harding again because Respondent had not contacted Disciplinary Counsel. Ms. Harding replied

approximately one hour later that she had again asked Respondent to do so. A few hours later, Respondent left a voicemail for the undersigned Assistant Disciplinary Counsel in which she acknowledged receiving correspondence from Disciplinary Counsel and apologized for not responding sooner. That same day, Disciplinary Counsel emailed Respondent requesting that she respond to the complaint, and attaching a copy of its May 19 letter, its amended motion to compel, and the Board's Order. Respondent failed to respond.

28. On August 30, 2021, Disciplinary Counsel's investigator emailed Ms. Harding and asked her to tell Respondent again to contact Disciplinary Counsel. Ms. Harding replied that day that she would do so.

29. On September 1, 2021, Respondent left a voicemail for the undersigned Assistant Disciplinary Counsel in which she again acknowledged receiving correspondence from Disciplinary Counsel and stated that she could prepare a written response to the complaint. That same day, Disciplinary Counsel emailed Respondent requesting again that she respond to the complaint. Respondent failed to respond.

30. On November 17, 2021, Disciplinary Counsel sent Respondent a letter by first-class mail and email requesting that she comply with the Board Order and respond to the complaint. Neither Disciplinary Counsel's letter nor email was returned undelivered. Respondent failed to respond.

31. As of the date the undersigned Assistant Disciplinary Counsel executed this Specification of Charges, Respondent has neither complied with the Board's Order nor otherwise contacted Disciplinary Counsel.

32. Respondent's conduct in Count III violated the following Rules of the District of Columbia Rules of Professional Conduct:

- a. Rule 8.1(b), in that she knowingly failed to respond reasonably to a lawful demand for information regarding this matter from the Office of Disciplinary Counsel;
- b. Rule 8.4(d), in that she engaged in conduct that seriously interfered with the administration of justice by failing to respond to Disciplinary Counsel's inquiries in the investigation of this matter; and
- c. D.C. Bar R. XI, § 2(b)(3), in that she failed to comply with an order of the Board.

Respectfully submitted,

/s/ Hamilton P. Fox, III

Hamilton P. Fox, III  
Disciplinary Counsel

/s/ Jason R. Horrell

Jason R. Horrell  
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL  
515 5<sup>th</sup> Street, N.W.  
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Washington, D.C. 20001  
202-638-1501

### **VERIFICATION**

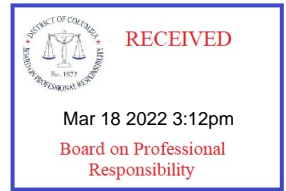
I declare under penalty of perjury under the laws of the United States of America that I verily believe that the facts stated in the Specification of Charges to be true and correct.

Executed on this 3<sup>rd</sup> day of March, 2022.

/s/ Jason R. Horrell  
Jason R. Horrell  
Assistant Disciplinary Counsel



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**In the Matter of** :  
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**DENISE A. DANIELS, ESQUIRE** : **Disciplinary Docket No. 2021-D075**  
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**Respondent** :  
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**Bar Registration No. 399285** :  
**Date of Admission: May 27, 1986** :  
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**PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS**

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals’ Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

**D. Procedures**

(1) **Referral to Hearing Committee** - When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** - Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** - The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** - Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** - Respondent is entitled to fifteen days' notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

**WHEREFORE**, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Office of Disciplinary Counsel

/s/ Hamilton P. Fox, III

Hamilton P. Fox, III

Disciplinary Counsel

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