

3. From September 2023 to present Respondent's address of record with the D.C. Bar has been 70 Crestwood Lane, Stafford VA 22554.

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

Mills/De Lira Villa

2022-D075

4. On July 29, 2014, April De Lira Villa retained Respondent to assist her with an immigration matter. Ms. De Lira Villa wanted to file an I-601 application for waiver for grounds of inadmissibility and an I-130 petition for her husband.

5. Respondent presented Ms. De Lira Villa with a retainer agreement that set the scope of the representation as "(a) Petition for Residency (I-130); (b) File for Hardship Waiver (I-601) and supporting petitions; (c) Attorney will pay for psychological evaluation." The fee was set at \$6,000.

6. On July 29, 2014, Ms. De Lira Villa paid Respondent \$3,000.

7. Ms. De Lira Villa made several more payments during the representation, as follows:

- a. 9/3/14-\$300
- b. 10/1/14-\$300
- c. 12/15/14-\$300
- d. 3/5/15-\$300

e. 5/5/15-\$300

f. 9/7/15-\$300

8. On September 14, 2014, Respondent filed an I-130 petition which was denied on September 2, 2015.

9. On March 9, 2016, Respondent filed a second I-130 petition. Respondent received a receipt for the filing.

10. On January 3, 2017, USCIS approved the second I-130 but Respondent did not receive an approval notice. Respondent did not follow up with USCIS.

11. On March 26, 2018, Respondent advised Ms. De Lira Villa that he would file the I-601 and his entry of appearance and asked her for supporting documents.

12. Ms. De Lira Villa provided the information requested a few days later.

13. Respondent did not file an I-601 to continue the husband's adjustment of status.

14. To file the hardship waiver (I-601), Respondent first had to file a National Visa Center (NVC) Immigrant Visa Application fee and Affidavit of Support Review fee.

15. NVC issued two invoices for the required fees to be paid. Respondent did not pay the requested fees.

16. On February 12, 2020, the National Visa Center emailed a termination letter to Ms. De Lira Villa and sent a copy to Respondent.

17. On February 27, 2020, in response to the NVC termination email, Respondent advised Ms. De Lira Villa that he would “straighten it out”. Respondent advised her that the I-130 approval notice was mailed to his old address.

18. Between April 2020 and February 2021, Respondent sent at least three emails to Ms. De Lira Villa stating that NVC was not responding to his inquiries, and it was only working on emergency cases because of the pandemic.

19. On February 1, 2021, Respondent voluntarily resigned from the State of Washington Bar.

20. On February 8, 2021, Respondent stopped responding to Ms. De Lira Villa’s requests for case status updates.

21. On July 28, 2021, Ms. De Lira Villa mailed correspondence to Respondent asking for an update and answers to her questions regarding the case.

22. On February 18, 2022, USCIS terminated the case.

23. On April 5, 2022, Ms. De Lira Villa filed a disciplinary complaint against Respondent with the Washington State Bar. The complaint was forwarded to D.C. Disciplinary Counsel.

24. Respondent has not returned Ms. De Lira Villa’s client file.

25. On May 31, 2022, Respondent responded to the complaint and admitted that he “dropped the ball” in this case and did not effectively communicate with the client during the representation.

26. On September 15, 2023, Disciplinary Counsel requested a complete copy of the client file which included all financial records for the representation.

27. Respondent did not respond to Disciplinary Counsel’s further inquiries.

28. On January 30, 2024, Disciplinary Counsel filed a Motion to Enforce the subpoena served on Respondent requiring him to provide the client file. The Court granted the motion on March 29, 2024, directing Respondent to provide the documents responsive to the subpoena within 10 days.

29. Respondent did not provide any documentation or communicate with Disciplinary Counsel.

30. Respondent’s conduct violated the following District of Columbia Rules of Professional Conduct:

a. Rules 1.1(a) and 1.1(b), in that Respondent failed to provide competent representation to a client.

b. Rule 1.3(a), in that Respondent failed to represent his client with zeal and diligence within bounds of the law;

c. Rule 1.4(a) and (b), in that Respondent failed to keep the client informed and failed to promptly comply with reasonable requests for

information and failed to explain matters to the extent reasonably necessary to permit his clients to make informed decisions regarding the representation.

d. Rule 1.5(a), in that Respondent charged an unreasonable fee to the client.

e. Rule 1.15(a), in that Respondent did not maintain financial records; and

f. Rule 1.16(d), in that Respondent failed to take timely steps to protect his client's interests by surrendering papers and property to which the client is entitled; and returning unearned fees, and;

g. Rule 8.1(b), in that Respondent knowingly failed to respond reasonably to a lawful demand for information from a disciplinary authority; and

a. Rule 8.4(d), in that Respondent engaged in conduct that seriously interfered with the administration of justice.

31. Respondent's conduct also violated Rule XI, Section 2(b)(3), by failing to comply with an Order of the Court.

Mills/Lagana
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32. In April 2018, Letha Lagana retained Respondent to assist her with her immigration case, specifically to obtain lawful permanent resident status and work authorization. Mrs. Lagana is a citizen of Canada married to a United States citizen.

33. Respondent set the legal fee at \$4,000 for the representation and informed her the filing fees would be \$1,760.

34. The Laganas' paid Respondent \$3,000 in cash to start the process of her case.

35. Respondent told Mrs. Lagana that her case would take six months to process.

36. In January 2019, Mr. and Mrs. Lagana met with Respondent to sign documents. At this meeting, they paid him \$2,000 in cash - \$1,760 for the filing fees and \$240 towards the remaining \$1,000 balance. This was the last time they saw Respondent.

37. On March 10, 2020, USCIS rejected the I-485 application because Respondent failed to send the most current version of the application. USCIS sent Respondent a rejection notice. Respondent did not advise the clients of the rejection notice and did not refile the petition.

38. In July 2020, USCIS approved the I-130 petition filed by Respondent.

39. Mrs. Lagana had trouble obtaining information from Respondent. He did not respond to many of her calls and emails. Their last communication was an email exchange in September 2020.

40. On March 23, 2022, Mrs. Lagana filed a disciplinary complaint with the Washington State Bar. The complaint was forwarded to D.C. Disciplinary Counsel.

41. On May 31, 2022, Respondent responded to the complaint and admitted that he failed to provide any case status updates to the clients after he filed the I-485 with USCIS. He also admitted that he did not follow up with USCIS about the application.

42. Respondent stated in his response that USCIS refunded the filing fees. Respondent had not refiled the forms. He did not refund the filing fees of \$1,760 to the clients.

43. On September 15, 2023, Disciplinary Counsel requested a complete copy of the client file and financial records for the representation.

44. Respondent did not respond to Disciplinary Counsel's further inquiries.

45. On January 30, 2024, Disciplinary Counsel filed a Motion to Enforce the Subpoena served on Respondent requesting him to provide the client file. The Court granted the motion on March 29, 2024, directing Respondent to provide the documents responsive to the subpoena within 10 days.

46. Respondent did not provide any documentation or communicate with Disciplinary Counsel.

47. Respondent's conduct violated the following District of Columbia Rules of Professional Conduct:

- a. Rules 1.1(a) and 1.1(b), in that Respondent failed to provide competent representation to a client.
- b. Rule 1.3(a), in that Respondent failed to represent his client with zeal and diligence within bounds of the law;
- c. Rule 1.4(a) and (b), in that Respondent failed to keep the client informed and failed to promptly comply with reasonable requests for information and failed to explain matters to the extent reasonably necessary to permit his clients to make informed decisions regarding the representation.
- d. Rule 1.5(a), in that Respondent charged an unreasonable fee to the client.
- e. Rule 1.15(a), in that Respondent did not maintain financial records;
and
- f. Rule 1.15(c), in that Respondent failed to return filing fees to the client and thereby engaged in reckless misappropriation, and;

- g. Rule 1.16(d), in that Respondent failed to take timely steps to protect his client's interests by surrendering papers and property to which the client is entitled; and returning advance filings fees, and;
- h. Rule 8.1(b), in that Respondent knowingly failed to respond reasonably to a lawful demand for information from a disciplinary authority; and
- i. Rule 8.4(d), in that Respondent engaged in conduct that seriously interfered with the administration of justice.

48. Respondent's conduct also violated Rule XI, Section 2(b)(3), by failing to comply with an Order of the Court.

Respectfully submitted,

Hamilton P. Fox III

Hamilton P. Fox, III
Disciplinary Counsel
Bar Number: 113050

Caroll G. Donayre

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VERIFICATION

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

Executed on this 7th day of November 2024.

Caroll G. Donayre

Caroll G. Donayre
Assistant Disciplinary Counsel

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.

Hamilton P. Fox III

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Disciplinary Counsel

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