

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



In the Matter of :

MICHAEL ALEXEI, ESQUIRE :

A Member of the Bar of the :
District of Columbia Court of Appeals. :

Bar Number: 999055 :

Date of Admission: :
February 7, 2011 :

Disciplinary Docket No. 2016-D375

SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are 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 February 7, 2011, and assigned Bar number 999055.

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

2. In March 2014, Maria Victoria Dijamco contacted Respondent to schedule a consultation pertaining to her immigration case.

3. On March 27, 2014, Respondent and Ms. Dijamco had a meeting in Respondent's office. Respondent agreed to research her case at no charge.

4. On April 19, 2014, Respondent agreed to represent Ms. Dijamco. Respondent presented her with two retainer agreements. The first retainer stated that the scope of the representation included preparing a letter to the client's former attorney and filing a formal bar complaint against the former attorney for no legal fee. This retainer also said that Respondent would prepare a fee dispute resolution complaint against the former attorney and charge a one-third contingency fee.

5. The second retainer agreement stated that the scope of the representation would be filing the following documents "(1) I-485 with attached forms and evidence including "supplement A" under INA 245(i) for a legal fee of \$1,500; (2) Nunc Pro Tunc humanitarian reinstatement of I-130 Request, for a legal fee \$750.00; and (3) I-290B Motion including the "law brief" for a legal fee of \$2,750." Respondent set the total legal fee at \$5,000, with the initial payment of \$2,500 and a second payment of \$2,500.

6. On April 19, 2014, Ms. Dijamco paid the \$2,500 to Respondent by check.

7. On April 21, 2014, Respondent deposited the \$2,500 in his law firm's trust account at Capital One Bank ending in #1837.

8. On April 25, 2014, four days after the deposit of Ms. Dijamco's first payment, Respondent wrote himself a check for \$1,900 bringing the balance in the account to \$2,010.98.

9. On April 26, 2014, Ms. Dijamco decided to proceed by filing a complaint of ineffective assistance of counsel against her former attorneys and enclosing the complaint with her request for relief in her immigration case.

10. On May 21, 2014, a month after Ms. Dijamco paid Respondent, the balance in the trust account had fallen to \$738.98.

11. Up to this point, Respondent did not complete any substantive work in the case.

12. On May 29, 2014, Respondent presented Ms. Dijamco with the disciplinary complaints he drafted against her former attorneys for her signature.

13. On July 5, 2014, Respondent presented Ms. Dijamco with an addendum to the previous retainer agreement of April 19, 2014. The addendum stated that the

client would pay Respondent: (1) \$1,000 to prepare and file two bar complaints against her former attorneys and review the record of her immigration proceedings; (2) \$850 to prepare and file a new I-864 affidavit of support with additional evidence and; (3) \$900 to prepare a nunc pro tunc adjustment of status request cover letter to USCIS with detailed legal arguments.

14. On September 8, 2014, Respondent submitted the disciplinary complaint to the Attorney Registration and Disciplinary Commission of Illinois.

15. On January 21, 2015, Ms. Dijamco gave Respondent the second \$2,500 payment. On January 26, 2015, Respondent deposited this payment in his personal account at PNC ending in #2103. On January 28, 2015, Respondent made a personal credit card payment in the amount of \$6,218.68 out of his personal bank account.

16. By January 28, 2015, the balance in Respondent's personal account ending in #2103 had dropped to \$1,075.22, below the amount he should have maintained in trust for Ms. Dijamco.

17. On January 30, 2015, Respondent filed an I-485 form for adjustment of status on behalf of Ms. Dijamco.

18. USCIS notified Ms. Dijamco that her I-485 interview was scheduled for September 15, 2015.

19. Respondent sent Ms. Dijamco an email advising her that his fee to represent her at the interview was \$850.

20. On September 15, 2015, USCIS conducted an interview of Ms. Dijamco pertaining to the I-485 filed by Respondent to determine the client's eligibility for adjustment of status. Respondent attended the interview with Ms. Dijamco.

21. On September 25, 2015, Ms. Dijamco paid Respondent \$850 for attending the September 15, 2016 interview with her.

22. On September 26, 2015, USCIS issued a decision denying relief. USCIS noted that it never received a properly filed request for reinstatement. In addition, USCIS established that no qualifying I-601 Application for Waiver of Grounds of Inadmissibility was filed on behalf of the client.

23. Respondent failed to provide evidence to USCIS to prove that Ms. Dijamco's case warranted humanitarian of her approved form I-130.

24. Respondent erroneously asserted that a Form I-601 waiver was not necessary in Ms. Dijamco's case in order to waive the ground of inadmissibility. Furthermore, Respondent erroneously cited two cases that do not provide support for an exception to the I-601 waiver.

25. On February 4, 2016, Ms. Dijamco paid Respondent \$350.00 for his work on her employment authorization application I-765. Respondent did not provide Ms. Dijamco with a retainer for his work on the employment authorization.

26. On February 21, 2016, Respondent deposited the \$350 check in his personal account with PNC bank ending in #2103.

27. On March 8, 2016, Respondent filed the employment authorization application I-765 with USCIS on behalf of Ms. Dijamco.

28. On October 31, 2016, Ms. Dijamco filed a complaint against Respondent.

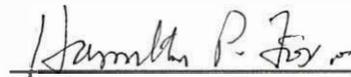
29. In response to the disciplinary complaint, Respondent states that he worked on Ms. Dijamco's employment authorization at no charge to her.

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

- a. Rules 1.1(a) and (b), in that he failed to represent his client competently;
- b. Rule 1.5 (a), in that he charged an unreasonable fee;
- c. Rule 1.15(a), in that he recklessly or intentionally misappropriated the client's funds;

- d. Rule 1.15(b), in that he failed to maintain trust funds in an approved depository in compliance with District of Columbia's IOLTA program;
- e. Rule 1.15(e), in that he failed to obtain the client's consent to deposit the legal fees in an account other than a trust account;
- f. Rule 8.1 (a), in that Respondent knowingly made a false statement of fact to a disciplinary authority.

Respectfully submitted,



Hamilton P. Fox, III
Disciplinary Counsel



Carol Donayre Somoza
Assistant Disciplinary Counsel

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VERIFICATION

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.



Caroll Donayre Somoza
Assistant Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 16th day of January 2020.

My Commission Expires: 03/31/22



Notary Public



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

In the Matter of	:	
	:	
MICHAEL ALEXEI, ESQUIRE	:	
	:	
Respondent,	:	: Disciplinary Docket No. 2016-D375
	:	
	:	

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.



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