

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

MAHDIS AZIMI,
Attorney-Respondent,
No. 6320242.

Commission No. 2023PR00003

FIRST AMENDED COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (“ARDC”), by her attorney, Rachel C. Miller, pursuant to Supreme Court Rule 753(b), complains of Respondent, Mahdis Azimi (“Respondent”), who was licensed to practice law in Illinois on November 5, 2015, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Failure to diligently represent a client and
making false representations to a client
– Nageswar Linga and Swarnlata Damor)*

1. At all times related to this complaint, Respondent operated as a sole practitioner of Azimi Law LLC. She maintains an office in Chicago, and she concentrates her practice in the area of immigration law.

2. Prior to May 2019, Heartland Alliance, a non-profit advocacy organization based in Chicago, filed a petition for alien fiancé(e), also known as an I-129F application, on behalf of Nageswar Linga (“Linga”) and his fiancée, Swarnlata Damor (“Damor”). At that time, Damor lived in India.

FILED

February 09, 2024

ARDC CLERK

3. Between May 2019 and November 2019, Respondent worked as a volunteer attorney at Heartland Alliance through its National Immigration Justice Center program, and the organization assigned her to assist Linga and Damor in the next steps in Damor's immigration process, including preparing a consular application and preparing for an immigration interview. Respondent prepared the consular application and prepared Linga and Damor for the immigration interview.

4. When Respondent's volunteer placement ended in November 2019, she provided her contact information to Linga in case he decided to retain her for additional legal services in the future.

5. On February 8, 2020, Damor entered the United States on a K-1 visa, which is also known as a "fiancé(e) visa."

6. On February 15, 2020, Linga and Damor married.

7. In March 2020, Linga contacted Respondent to discuss filing an I-485 application in order to adjust Damor's immigration status from a fiancée visa to a lawful permanent resident visa ("green card"). Respondent and Linga agreed that Linga would pay Respondent a flat fee of \$1,500 in exchange for representation in preparing and filing the I-485 application. Respondent and Linga also agreed that Linga would pay Respondent \$1,250 for the filing fee. Linga paid Respondent a total of \$2,750 for the retainer and the filing fee.

8. On March 10, 2020, Respondent, Linga and Damor met to prepare the I-485 application, as well as an I-131 application in order to obtain travel documents for Damor to leave the country. Respondent subsequently submitted the I-485 application and the I-131 application in June 2020 to United States Citizenship and Immigration Services ("USCIS").

9. Shortly after Respondent filed the applications, Linga told Respondent that Damor needed to return to India. Respondent informed Linga that an applicant generally may not leave the United States while an I-485 application is pending without first obtaining advance parole with an I-131 application. At that time, USCIS had not granted Damor's I-131 application.

10. On June 12, 2020, Damor returned to India.

12. After Damor left the United States, Respondent and Linga discussed the option of applying for a humanitarian parole for Damor.

13. In June 2021, Respondent and Linga agreed that Linga would pay Respondent a flat fee of \$1,500 to file a humanitarian parole application and also pay Respondent \$575 for the filing fee. Linga paid Respondent a total of \$2,075.

14. In June 2021, Respondent began preparing the humanitarian parole application for Damor, but she did not file the application.

15. On July 21, 2021, USCIS notified Damor that her I-485 application had been deemed abandoned due to her departure from the United States without prior approval of her I-131 application.

16. Between September 22, 2021 and November 1, 2021, Linga periodically requested that Respondent provide him with a copy of the application for humanitarian parole that she filed.

18. On September 28, 2021, Respondent sent Linga a text message and stated, "Hi, sir. I'm well, how are you? I haven't forgotten. I'm not in the office but when I get back I will send you a copy."

19. On October 14, 2021, Respondent sent Linga a text message and stated:

"I'm on a call. I got your message- I am on a call right now. I'm sorry if you are frustrated but I have been ill and not working as much in the office so when I go in

today/tomorrow I will scan it in and send it to you. I appreciate your patience, just as I was patient with you.”

20. On November 1, 2021, Respondent send Linga a text message and stated, “Once we get a receipt number, I will put in an expedite [*sic*] request.”

21. Respondent’s representations in paragraphs 18, 19, and 20 were false, because she had not filed the humanitarian parole application.

22. Respondent knew at the time she made the representations in paragraphs 18, 19, and 20 that they were false.

23. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent’s failure to file a humanitarian parole application, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly making the false statements described in paragraphs 18, 19, and 20, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Failure to communicate with a client and making false representations to a client – Burlent Yurtsever)

24. On February 7, 2021, Respondent and Bulent Yurtsever (“Yurtsever”) agreed that Respondent would represent Yurtsever’s fiancée, Cagla Unver (“Unver”), and her minor son, Cagan Erbas (“Erbas”) in filing two immigration petitions. Specifically, Respondent agreed to file a Form I-129F (“petition for alien fiancé”) for Unver and Erbas, as well as a D-S160 for consular processing. Respondent and Yurtsever agreed that Yurtsever would pay a flat fee retainer of \$2,000

for the representation. Yurtsever paid the \$2,000 flat fee retainer, and Respondent deposited the funds into her operating account.

25. On April 7, 2021, Respondent submitted the petition for alien fiancé form for Unver and Erbas to United States Citizenship and Immigration Services (“USCIS”).

26. On April 8, 2022, Respondent received a request for evidence from USCIS. The request for evidence required Respondent to submit certain documents, including evidence of wedding preparations, evidence of ongoing communications between the couple, evidence of financial support, and other relevant documents, related to Yurtsever and Unver’s marriage by July 5, 2022.

27. On May 28, 2022, Respondent submitted the documents described in paragraph 26, above, to USCIS.

28. On July 22, 2022, USCIS approved the petition for alien fiancé form.

29. On September 12, 2022, USCIS transferred the petition for alien fiancé to the United States Embassy in Ankara, Turkey, which marked the beginning of the consular processing stage and preparation for submission of the D-S160.

30. In September 2022, Respondent met with Yurtsever to obtain additional documents for the D-S160 submission.

31. On October 27, 2022, Yurtsever sent a message to Respondent on the messaging application WhatsApp and asked, “Have you submit [*sic*] my form.”

32. On October 27, 2022, Respondent replied to Yurtsever’s message in WhatsApp described in paragraph 33, above, and stated, “Yes.”

33. Respondent’s statement to Yurtsever in paragraph 32, above, confirming that she filed Yurtsever’s D-S160 was false, because she had not filed the D-S160.

34. Respondent knew at the time that she made the statement in paragraph 32, above, that it was false.

35. Prior to December 13, 2022, Yurtsever retained a new attorney and paid the attorney \$1,500 as a flat fee retainer to file his D-S160.

36. On December 13, 2022, the Administrator docketed an investigation of Respondent's conduct based on Yurtsever's report that Respondent told him she filed his D-S160 form when she had not.

37. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent's false statement to Yurtsever that she had filed his D-S160 form when she had not, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010); and
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly making the false statement described in paragraph 33, above, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Failure to diligently represent a client, failure to communicate with a client, failure to surrender a client file after termination, and making a false statement – Parvaneh Moghimzadeh)

38. In April 2021, Respondent and Parvaneh Moghimzadeh ("Moghimzadeh") agreed that Respondent would represent Moghimzadeh in filing a Form I-130 ("petition for alien relatives") for Moghimzadeh's three siblings in Iran. Respondent and Moghimzadeh agreed that Moghimzadeh would pay a flat fee of \$1,500 for the representation.

39. Between April 2021 and December 2021, Moghimzadeh paid \$1,500 to Respondent, and Respondent deposited the funds into her operating account.

40. On February 7, 2022, Moghimzadeh's daughter, Anahita Ayremour ("Ayremour"), emailed Respondent and asked if the applications were submitted with the filing fees. Respondent did not respond, and Ayremour sent another email on February 18, 2022 to respond following up.

41. On February 22, 2022, Respondent replied to Ayremour's email and stated, "I have filed the applications for your mother's siblings."

42. Respondent's statement described in paragraph 41, above, was false, because Respondent had not filed the applications for Moghimzadeh's siblings.

43. Respondent knew at the time that she made the statement described in paragraph 41, above, that it was false.

44. Between February 2022 and January 2023, Moghimzadeh made periodic requests to Respondent for status updates on her petition for alien relative applications, including proof of filing.

45. At no time between February 2022 and January 2023 did Respondent file any petition for alien relative applications for Moghimzadeh's siblings.

46. Prior to January 27, 2023, Moghimzadeh made periodic requests to Respondent for her client file.

47. At no time did Respondent provide Moghimzadeh her client file.

48. On January 27, 2023, the Administrator docketed an investigation into Respondent's conduct based on a report from Moghimzadeh's daughters, Armita Brunell and Ayremour.

49. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent's failure to file the petition for alien relative applications, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent's failure to provide updates on the petition for alien relative applications to Moghimzadeh, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);
- b. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct including Respondent's failure, despite Moghimzadeh's periodic requests, to provide her client file to her, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly making the false statement described in paragraph 43, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Failure to diligently represent a client, failure to return an unearned portion of a fee, making a false statement, failure to cooperate with the ARDC – Belet Bodakh)

50. Prior to August 2022, Respondent and Belet Bodakh ("Bodakh") discussed Respondent representing Bodakh in preparing and filing an affidavit of support with the National Visa Center for Bodakh's father, preparing her father for his immigrant visa interview, and preparing her father's immigrant visa and alien registration application. Bodakh also retained Respondent to prepare and file documents for Bodakh's mother, including an application for action on an approved application, an affidavit of support, an immigrant visa and alien registration

application, as well as Bodakh's mother for her immigrant visa interview. Respondent and Bodakh agreed that Bodakh would pay a fixed fee retainer of \$2,500 for each parent.

51. Between August 9, 2022 and September 20, 2022, Bodakh paid Respondent \$5,000.

52. At no time between August 2022 and March 2023 did Respondent file the immigration documents referenced in paragraph 50, above.

53. In March 2023, Bodakh informed Respondent that she was terminating the attorney-client relationship, and she requested that Respondent provide her with a refund.

54. On June 7, 2023, Respondent informed Bodakh that she sent Bodakh a refund check in the mail.

55. Respondent's statement described in paragraph 54, above, was false, because Respondent had not sent Bodakh a refund.

56. Respondent knew at the time that she made the statement described in paragraph 54, above, that it was false.

58. On August 30, the Administrator served a subpoena to Respondent at her registered email address, mahdis@azimilaw.com, requiring her presence at a sworn statement via Zoom, a video conferencing platform, on September 25, 2023. The subpoena included a rider requesting production of Bodakh's entire client file on or before September 18, 2023.

59. On September 24, 2023, Respondent emailed Counsel for the Administrator and stated that she had had a Covid-19 exposure through work and felt ill. She requested an extension of the sworn statement, and Counsel for the Administrator agreed to continue the sworn statement to October 13, 2023.

60. As of the date of the filing of this complaint, Respondent has not provided Bodakh's client file.

61. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent's failure to file Bodakh's parents' immigrant visa and alien registration application, affidavits of support, and Bodakh's mother's application for action on an approved application, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct including Respondent's failure, despite Bodakh's periodic requests, to provide her a refund of the unearned portion of the retainer fee, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010);
- c. knowingly failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to provide Bodakh's client file despite receiving a subpoena, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010); and
- d. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly making the false statement that Respondent sent a refund check to Bodakh, described in paragraph 54, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT V

(Failure to communicate with a client, failure to surrender a client file after termination, and making a false statement – Kseniia Cherkashina)

62. Prior to February 14, 2022, Respondent and Kseniia Cherkashina ("Cherkashina") discussed Respondent representing Cherkashina in filing a petition for adjustment of status. Respondent agreed to represent Cherkashina in exchange for Cherkashina paying a total flat fee retainer of \$2,500. Respondent and Cherkashina agreed that the breakdown of the fee payment

would be as follows: \$1,000 to begin the matter, \$1,000 upon finalization of the adjustment of status petition, and \$500 prior to filing the adjustment of status petition.

63. On March 11, 2022, Timothy Shaw (“Shaw”), Cherkashina’s fiancé, paid Respondent \$1,000 by credit card. Respondent deposited the funds into her operating account.

64. On July 14, 2022, Shaw paid the second installment of \$1,000 to Respondent. Respondent deposited the funds into her operating account.

65. At no time between March 11, 2022 and August 11, 2022 did Respondent file a petition for adjustment of status.

66. On August 11, 2022, Respondent, or someone acting at her direction, sent an email from information@azimilaw.com to Cherkashina and Shaw that stated, “We filed your case early this week. We will send you a copy of our filing soon.”

67. At no time did Respondent correct the statement described in paragraph 66, above, to Cherkashina.

68. On September 24, 2022, Cherkashina retained a new attorney, Oksana Sakhniuk-Specter (“Sakhniuk-Specter”). Cherkashina agreed to pay Sakhniuk-Specter a flat fee retainer of \$2,000, with the first installment due on September 24, 2022. Cherkashina paid Sakhniuk-Specter \$1,000 by credit card.

69. On September 28, 2022, Sakhniuk-Specter sent Respondent an email and stated: “Please provide me with the USCIS Receipt Notices for I-130, I-485, I-765, I-131 immigration forms so I can properly file my appearance with the USCIS. This is a very time sensitive matter, and your immediate response is greatly appreciated.”

70. At no time did Respondent send Sakhniuk-Specter the requested forms, nor did she send Cherkashina’s client file.

71. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent's failure to correct the statement that Cherkashina's petition for adjustment of status had been filed, in violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);
- b. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct including Respondent's failure to provide Cherkashina's attorney her client file, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly failing to correct the false statement that Cherkashina's case had been filed, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

(Failure to diligently represent a client, failure to return an unearned portion of a fee, commingling client funds and attorney funds, and failure to cooperate with the ARDC – Saroose Mortazavi)

72. Prior to October 4, 2022, Respondent and Saroose Mortazavi ("Mortazavi") discussed Respondent representing Mortazavi and his wife, Asal Barakpour ("Barakpour"), in filing a petition for adjustment of status. Respondent agreed to represent Mortazavi in exchange for Mortazavi paying a total flat fee retainer of \$2,500, and a filing fee of \$1,760.

73. On October 4, 2022, Mortazavi paid Respondent \$2,500 by credit card. Respondent deposited the funds into her operating account.

74. On November 2, 2022, Mortazavi paid Respondent \$1,760 by credit card for the filing fee. Respondent deposited the funds into her operating account and not into a client trust account.

75. When Respondent deposited funds described in paragraph 70, above, into her operating account, she did not maintain a client trust account.

76. On November 4, 2022, Respondent entered her appearance in Barakpour's matter.

77. At no time between December 2022 and June 14, 2023 did Respondent file a petition for adjustment of status.

78. At no time did Respondent send Mortazavi a refund of the unearned portion of the fee.

79. On August 30, the Administrator served a subpoena to Respondent at her registered email address, mahdis@azimilaw.com, requiring her presence at a sworn statement via Zoom, a video conferencing platform, on September 25, 2023. The subpoena included a rider requesting production of Mortazavi's entire client file on or before September 18, 2023.

80. On September 24, 2023, Respondent emailed Counsel for the Administrator and stated that she had had a Covid-19 exposure through work and felt ill. She requested an extension of the sworn statement, and Counsel for the Administrator agreed to continue the sworn statement to October 13, 2023.

81. As of the date of the filing of this complaint, Respondent has not provided Mortazavi's client file.

82. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent's failure to file Mortazavi's petition for adjustment of status, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct

including Respondent's failure, despite Mortazavi's periodic requests, to provide him a refund of the unearned portion of the retainer fee, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010);

- c. failing to hold property of a client that is in the lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including depositing Mortazavi's \$1,760 payment for filing fees into Respondent's operating account, in violation of Rule 1.15(a) of the Rules of Professional Conduct (2010); and
- d. knowingly failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to provide Mortazavi's client file despite receiving a subpoena, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010); and

COUNT VII

(Failure to diligently represent a client, failure to communicate with a client, failure to safeguard client funds, failure to surrender a client funds and the client file upon termination, making a false statement in connection with a disciplinary matter, and failure to cooperate with the ARDC – Wilfred Kinyanjui)

83. Prior to November 2, 2022, Respondent and Wilfred Kinyanjui ("Kinyanjui") discussed Respondent representing Kinyanjui and his wife, Purity Ngando ("Ngando"), in filing a petition for adjustment of status. Respondent agreed to represent Kinyanjui in exchange for Kinyanjui paying a total flat fee retainer of \$2,500, and a filing fee of \$1,760.

84. Between November 2, 2022 and February 28, 2023 Kinyanjui paid Respondent's legal fee in installments.

85. Prior to March 4, 2023, Kinyanjui sent Respondent a money order for the \$1,760 filing fee. Respondent placed the money order in the client file and not into a client trust account.

86. When Respondent deposited funds described in paragraph 85, above, into her operating account, she did not maintain a client trust account, which is required by the Rules of Professional Conduct.

87. On March 4, 2023, Respondent sent Kinyanjui and Ngando an email and stated, “Yes, I did receive the money order. I will finish off everything and send you a draft copy before I file your Adjustment of Status petition.”

88. At no time between March 4, 2023 and May 17, 2023 did Respondent file a petition for adjustment of status, nor did Respondent respond to Ngando and Kinyanjui’s periodic requests for information about the petition for adjustment of status.

89. On May 17, 2023, Kinyanjui sent Respondent an email terminating the attorney-client relationship. He stated, “[w]e kindly request to have all our documents and the money orders back.” He also requested a “full refund of the money that [he] paid.”

90. At no time did Respondent send the money orders to Kinyanjui or Ngando.

91. On May 17, 2023, Kinyanjui submitted a report about Respondent’s conduct to the ARDC. He alleged that he paid Respondent \$2,500 for her to represent him in an immigration matter, that she had not responded to communication from him, and that he requested that she send him his client file, money orders and legal fees. The ARDC docketed an investigation on May 17, 2023.

92. On August 30, the Administrator served a subpoena to Respondent at her registered email address, mahdis@azimilaw.com, requiring her presence at a sworn statement via Zoom, a video conferencing platform, on September 25, 2023. The subpoena included a rider requesting production of Kinyanjui’s entire client file on or before September 18, 2023.

93. On September 24, 2023, Respondent emailed Counsel for the Administrator and stated that she had had a Covid-19 exposure through work and felt ill. She requested an extension of the sworn statement, and Counsel for the Administrator agreed to continue the sworn statement to October 13, 2023.

94. At no time prior to September 13, 2023 did Respondent provide Kinyanjui's client file.

95. On October 13, 2023, Respondent appeared for a sworn statement. During the statement, Counsel for the Administrator and Respondent engaged in following exchange:

Counsel: Did you send the money orders for the filing fees with the client documents that you sent to them?

Respondent: Yes.

96. Respondent's statements that she said she sent the client file and the money orders to Kinyanjui and Ngando, described in paragraph 95, above, were false.

97. Respondent knew at the time she made the statements described in paragraph 95, above, that they were false, because she had not sent Kinyanjui and Ngando the client file or money orders.

98. As of the date of the filing of this complaint, Respondent has not provide Kinyanjui's client file.

99. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent's failure to file Kinyanjui's petition for adjustment of status, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent's failure to respond to Kinyanjui and Ngando's periodic requests for information about the petition for adjustment of status, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);
- c. failing to hold property of a client that is in the lawyer's possession in connection with a representation in a client

trust account, by conduct including placing Kinyanjui's money order for filing fees into a client file and not depositing the funds into a client trust account, in violation of Rule 1.15(a) of the Rules of Professional Conduct (2010);

- d. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct including Respondent's failure, despite periodic requests, to provide the money orders, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010);
- e. knowingly making a false statement of material fact in connection with a disciplinary matter, by conduct including falsely stating that she sent Kinyanjui and Ngando the client file and money orders, in violation of Rule 8.1(a) of the Illinois Rules of Professional Conduct (2010);
- f. knowingly failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to provide Kinyanjui's client file despite receiving a subpoena, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010); and
- g. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly making the false statement that she provided Kinyanjui and Ngando their client file and money orders, as described in in paragraph 92, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VIII

(Failure to diligently represent a client, failure to communicate with a client, and failure to return an unearned portion of the retainer— Somayeh Mohammadi)

100. Prior to November 9, 2022, Respondent and Somayeh Mohammadi ("Mohammadi") discussed Respondent representing Mohammadi in preparing and filing an immigrant petition for alien workers pursuant to a national interest waiver. Respondent agreed to represent Mohammadi in exchange for Mohammadi paying a total flat fee retainer of \$6,000.

101. Between November 14, 2022 and February 1, 2023, Mohammadi paid Respondent \$6,000 by credit card.

102. At no time between November 9, 2022 and April 24, 2023 did Respondent file the immigrant petition for alien workers pursuant to a national interest waiver.

103. On April 24, 2023, Respondent told Mohammadi that she would send Mohammadi the completed immigrant petition for alien workers pursuant to a national interest waiver.

104. Between April 24, 2023 and May 15, 2023, Mohammadi made periodic requests for her client file and a refund of the unearned portion of the retainer fee.

105. At no time did Respondent provide Mohammadi with her client file or the unearned portion of the retainer fee.

106. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent's failure to send Mohammadi her immigrant petition for alien workers pursuant to national interest waiver or file Mohammadi's the petition, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent's failure to respond to Mohammadi's requests for information about immigrant petition for alien workers pursuant to national interest waiver, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);
- c. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct including Respondent's failure to provide Mohammadi's client file to her and Respondent's failure to refund the unearned portion of the retainer fee to Mohammadi, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010).

COUNT IX

(Failure to communicate with a client, commingling client funds and attorney funds, and failure to return an unearned portion of a retainer – Arshia Tavakoli)

107. Prior to January 30, 2023, Respondent and Arshia Tavakoli (“Tavakoli”) discussed Respondent representing Tavakoli in preparing and filing a humanitarian parole application. Respondent agreed to represent Tavakoli in exchange for Tavakoli paying a total flat fee retainer of \$1,500, a filing fee of \$575, and an administrative archival fee of \$50.

108. In an email dated January 30, 2023, Respondent told Tavakoli that the application required a sponsor, and his sponsor needed to fill out a questionnaire Respondent attached to the email. Respondent also sent an invoice to Tavakoli for the fixed fee of \$1,500.

109. On February 2, 2023, Tavakoli emailed Respondent that his aunt, Nahid Tootoonchi (“Tootoonchi”), would serve as his sponsor.

110. On February 10, 2023, Tootoonchi sent Respondent a check for \$2,125, which comprised Respondent’s fixed fee, the filing fee, and the administrative archival fee, and Respondent deposited the check into her operating account.

111. When Respondent deposited the funds described in paragraph 99, above, which included a filing fee, into her operating account, she did not maintain a client trust account.

112. Between February 10, 2023 and April 23, 2023, Tavakoli, Tootoonchi, and Tavakoli’s aunt, Nassrin Jalili (“Jalili”), made periodic requests about the status of Tavakoli’s humanitarian parole application.

113. At no time between February 10, 2023 and April 23, 2023 did Respondent provide updates on the status of Tavakoli’s humanitarian parole application.

114. At no time between February 10, 2023 and April 23, 2023 did Respondent file Tavakoli’s humanitarian parole application.

115. Between April 27, 2023 and June 10, 2023, Tavakoli and his aunts made periodic requests for the client file and a refund of the unearned portion of the retainer fee.

116. On June 10, 2023, Respondent sent Jalili an email and stated “I will mail you a check when I am back in the office this upcoming week. I will also include the documents.”

117. At no time did Respondent send Tavakoli or his aunts the client file nor did Respondent refund any portion of the retainer fee.

118. On August 30, the Administrator served a subpoena to Respondent at her registered email address, mahdis@azimilaw.com, requiring her presence at a sworn statement via Zoom, a video conferencing platform, on September 25, 2023. The subpoena included a rider requesting production of Tavakoli’s entire client file on or before September 18, 2023.

119. On September 24, 2023, Respondent emailed Counsel for the Administrator and stated that she had had a Covid-19 exposure through work and felt ill. She requested an extension of the sworn statement, and Counsel for the Administrator agreed to continue the sworn statement to October 13, 2023.

120. As of the date of the filing of this complaint, Respondent has not provided Tavakoli’s client file.

121. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent’s failure to file Tavakoli’s humanitarian parole application, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent’s failure to respond to Tavakoli’s periodic requests for information about the status of his humanitarian parole application, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010);

- c. failing to hold property of a client that is in the lawyer's possession in connection with a representation separate from the lawyer's own property, by conduct including depositing Tavakoli's \$575 payment for filing fees into Respondent's operating account, in violation of Rule 1.15(a) of the Rules of Professional Conduct (2010);
- d. failing to take reasonable steps to the extent reasonably practicable to protect a client's interests, by conduct including Respondent's failure, despite Tavakoli's periodic requests, to provide him a refund of the unearned portion of the retainer fee and his client file, in violation of Rule 1.16(d) of the Rules of Professional Conduct (2010); and
- e. knowingly failing to respond to a lawful demand for information from a disciplinary authority, by conduct including failing to provide Tavakoli's client file despite receiving a subpoena, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010).

COUNT X

(Failure to diligently represent a client and failure to communicate with a client – Justin Fowlkes)

122. In January 2023, Respondent and Justin Fowlkes ("Fowlkes") discussed Respondent representing Fowlkes and his husband, Osaid Ahmed ("Ahmed") in preparing and filing a petition for adjustment of status. Respondent agreed to represent Fowlkes in exchange for Fowlkes paying a total flat fee retainer of \$3,000.

123. Between February 2023 and April 2023, Fowlkes paid Respondent \$3,000 in installments via credit card.

124. In June 2023, Respondent told Fowlkes and Ahmed that she had filed the petition for adjustment of status.

125. Between June 2023 and July 25, 2023, Fowlkes and Ahmed requested that Respondent send them tracking information showing that the petition for adjustment of status had been submitted to United States Citizenship and Immigration Services ("USCIS").

126. At no time did Respondent provide tracking information, nor did she provide additional updates on the status of the petition for adjustment of status.

127. On August 22, 2023, Fowlkes received an email from USCIS stating that the petition for adjustment of status that Respondent filed had been rejected on July 7, 2023, because Respondent submitted an out-of-date form.

128. At no time between July 7, 2023 and August 22, 2023 did Respondent tell Fowlkes or Ahmed that the petition for adjustment of status had been rejected.

129. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- f. failing to act with reasonable diligence and promptness in representing a client, by conduct including Respondent's failure to file Fowlkes's petition for adjustment of status on correct forms, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010); and
- g. failing to keep the client reasonably informed about the status of a matter, by conduct including Respondent's failure to respond to Fowlkes's periodic requests for information about the tracking number of his petition for adjustment of status, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Rachel C. Miller
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