

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

In the Matter of:

JESSICA ROSE ALLEN,
Attorney-Respondent,
No. 6315173.

Commission No. 2021PR00055

NOTICE OF FILING

TO: MATTHEW D. LANGO
COUNSEL FOR ADMINISTRATOR
A.R.D.C.
ARDCeService@iardc.org
mlango@iardc.org

PLEASE TAKE NOTICE that on JULY 28 , 2021, I will e-file the RESPONDENT'S ANSWER TO COMPLAINT by causing the original copy to be e-filed with the Clerk of the Attorney Registration and Disciplinary Commission.

Respectfully submitted,

 /s/ Samuel J. Manella
SAMUEL J. MANELLA

SAMUEL J. MANELLA #06190368
Counsel for Attorney-Respondent
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FILED
7/28/2021 10:25 AM
ARDC Clerk

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In the Matter of:

JESSICA ROSE ALLEN,
Attorney-Respondent,
No. 6315173.

Commission No. 2021PR00055

ANSWER TO COMPLAINT

Now comes JESSICA ROSE ALLEN, by her attorney, SAMUEL J. MANELLA, and for his Answer to the Complaint, states as follows:

Respondent is licensed to practice law in the State of Illinois since May 1, 2014.

COUNT I

*(Lack of Diligence and Dishonesty in Ishan Ahmed and
Aalia Khan's Immigration Matters)*

1. Throughout her legal career, Respondent has been employed as an associate attorney in the Law Office of James M. Allen & Associates, a general practice law firm located in Palatine, Illinois. James M. Allen is Respondent's father and Respondent is the only other attorney employed by the firm.

ANSWER:

Respondent admits the allegations contained within Paragraph 1 of Count 1 of the Complaint.

2. On June 24, 2019, Ishan Ahmed and his fiancée Aalia Khan appeared at Respondent's office for a consultation with regard to their immigration status. On that date, Respondent agreed to represent Mr. Ahmed, and Mr. Ahmed retained Respondent's firm for the purpose of filing an I-130 Petition for Alien Relative and an I-485 Petition for Adjustment of Status on his behalf.

ANSWER:

Respondent admits the allegations contained within Paragraph 2 of Count 1 of the Complaint.

3. On June 24, 2019, Mr. Ahmed signed a retainer agreement with Respondent's firm and tendered a check in the amount of \$500.00 towards a flat fee of \$1,500. Respondent provided a list of documentation for Mr. Ahmed to gather in order for her to file the petition on his behalf.

ANSWER:

Respondent admits the allegations contained within Paragraph 3 of Count 1 of the Complaint.

4. On September 11, 2019, Mr. Ahmed informed Respondent that he had collected all of the supporting documents necessary to file his petition. On September 26, 2019, Mr. Ahmed and Ms. Khan came to Respondent's office to sign an I-130 Petition for Alien Relative and a Notice of Appearance of Attorney. At that time, Mr. Ahmed tendered to Respondent the supporting documentation that he collected for his petition.

ANSWER:

Respondent admits the allegations contained within Paragraph 4 of Count 1 of the Complaint.

5. On September 26, 2019, Mr. Ahmed gave Respondent a cashier's check payable to U.S. Citizenship and Immigration Services ("USCIS") in the amount of \$535 for the I-130 petition filing fees. Respondent indicated that she would file Mr. Ahmed's petition with USCIS as soon as possible.

ANSWER:

Respondent admits the allegations contained within Paragraph 5 of Count 1 of the Complaint

6. Respondent prepared Mr. Ahmed's petition shortly after September 26, 2019. However, at no time between September 26 and November 25, 2019, did Respondent file Mr. Ahmed's petition.

ANSWER:

Respondent admits the allegations contained within Paragraph 6 of Count 1 of the Complaint.

7. Later, on November 25, 2019, Respondent and Ms. Khan agreed that Respondent's firm would represent Ms. Khan in filing an I-539 application to extend her existing Visa. At that time, Ms. Khan's existing Visa was set to expire on January 11, 2020.

ANSWER:

Respondent admits the allegations contained within Paragraph 7 of Count 1 of the Complaint.

8. On November 25, 2019, Ms. Khan met with Respondent, signed a retainer agreement with Respondent's firm, and signed the application to extend her Visa.

ANSWER:

Respondent admits the allegations contained within Paragraph 8 of Count 1 of the Complaint.

9. Also, on November 25, 2019, Respondent told Ms. Khan that she had already filed Mr. Ahmed's I-130 petition with USCIS. This representation was false, as Respondent had prepared but not filed Mr. Ahmed's petition on that date. Respondent made this representation to Ms. Khan to conceal the fact that she had not filed Mr. Ahmed's petition. Respondent knew this representation was false at the time she made it.

ANSWER:

Respondent admits the allegations contained within Paragraph 9 of Count 1 of the Complaint.

10. Upon completion of Ms. Khan's I-539 application, Respondent was required to submit that application and supporting documents to either the USCIS P.O. Box located in Chicago by regular mail, or the USCIS Chicago Field Office by express mail. Respondent knew Ms. Khan's application was a time-sensitive matter. If Ms. Khan's visa application was not extended, she would become an out-of-status foreign national in the U.S. after January 11, 2020.

ANSWER:

Respondent admits in part the allegations contained within Paragraph 9 of Count 1 of the Complaint that upon completion of Ms. Khan's I-539 application or any USCIS filing, Respondent was required to submit the petitions to a USCIS Lockbox Facility with differing

addresses depending on whether the petitions were mailed by U.S. Postal Service (USPS) or by FedEx, UPS, and DHL deliveries, but denies the location was a Chicago Field Office and can neither admits nor deny the location was a PO Box in Chicago. Respondent affirmatively states that generally USCIS filings do not get mailed to Field Offices but rather Lockbox Facilities or Service Centers and that there are several USCIS Lockbox, PO addresses, and Service Centers throughout the U.S. Respondent further states that dependent on the type of Visa/Status an applicant holds would determine where the petitions should be submitted. Respondent states that at the time Ms. Khan was in the United States, she was classified as a B nonimmigrant visa holder. Respondent affirmatively states the USCIS website states that B nonimmigrants file I-539 petitions to either a PO Box in Dallas if mailed by USPS Mail or to Lewisville, TX if mailed by FedEx, UPS, or DHL deliveries. Respondent further states that because Mr. Ahmed lived within the United States, if he submitted the I-130 with the I-485 the petitions would have been submitted to a Chicago Lockbox, if mailed by USPS Mail to a PO Box and if by FedEx, UPS, or DHL Delivery to Lockbox at 131 S. Dearborn, 3rd Floor, Chicago. If Ms. Khan's B nonimmigrant admission were to have not filed any petitions by her date admission expired (January 11, 2020) then Ms. Khan would have fallen out-of-status and possibly begin tolling unlawful presence. Respondent admits that Ms. Khan's applications was time-sensitive and that a filing needed to be made by January 11, 2020.

11. After November 25, 2019, Respondent prepared but did not file Ms. Khan's I-539 application.

ANSWER:

Respondent admits the allegations contained within Paragraph 11 of Count 1 of the Complaint.

12. On December 12, 2019, Mr. Ahmed sent an email to check on the status of Ms. Khan's I-539 application. After receiving his email, Respondent called Mr. Ahmed and told him that Ms. Khan's I-539 application had been completed and sent to USCIS. This statement was false, as Respondent had not submitted Ms. Khan's application to USCIS. Respondent made this representation to Mr. Ahmed in an effort to conceal from him the fact that she had not filed Ms. Khan's application. Respondent knew this statement was false at the time she made it.

ANSWER:

Respondent admits in part the allegations contained in Paragraph 12 of Count 1 of the Complaint but denies the allegation the email was sent on December 12, 2019, and affirmatively states the email was sent on December 19, 2019.

13. On January 7, 2020, Mr. Ahmed sent Respondent an email requesting an update on the status of Ms. Khan's I-539 application. On that date, Respondent responded to Mr. Ahmed's email by stating the application had "not yet been approved." This statement was false and misleading, as Respondent had not submitted Ms. Khan's application to USCIS. Respondent made this representation to Mr. Ahmed to conceal the fact that she had not filed Ms. Khan's application. Respondent knew this statement was false at the time she made it.

ANSWER:

Respondent admits the allegations contained within Paragraph 13 of Count 1 of the Complaint.

14. On January 8, 2020, Respondent had a telephone conversation with Ms. Khan regarding the status of Ms. Khan's application. In the conversation, Ms. Khan expressed concern over the status of her application, as she would become an out-of-status foreign national in the U.S. after January 11, 2020. In that conversation, Respondent again told Ms. Khan that her application had been filed and gave her a receipt number for her application.

ANSWER:

Respondent admits the allegations contained within Paragraph 14 of Count 1 of the Complaint.

15. Respondent's statements to Ms. Khan as described in paragraph 14 above were false, as Ms. Khan's application had not been filed with USCIS, and the receipt number provided to Ms. Khan by Respondent had no connection to her application.

ANSWER:

Respondent admits the allegations contained within Paragraph 15 of Count 1 of the Complaint.

16. On January 9, 2020, Ms. Khan contacted USCIS and provided a representative of USCIS with the receipt number given to her by Respondent in an effort

to find out the status of her application. On that date, a representative of USCIS informed Ms. Khan that the receipt number Respondent provided to her had no relation to her application and that USCIS did not have any applications on file for Ms. Khan or Mr. Ahmed.

ANSWER:

Respondent neither admits nor denies the allegations contained within Paragraph 16 of Count 1 of the Complaint due to insufficient knowledge.

17. Subsequently, on January 9, 2020, Ms. Khan emailed Respondent informing her of her conversation with USCIS and terminated Respondent's firm's services. Later that afternoon, Mr. Ahmed went to Respondent's office, where Respondent's father, James Allen returned all original documentation to Mr. Ahmed, as well as the \$535 cashier's check payable to USCIS, and a check was issued payable to Mr. Ahmed in the amount of \$1,050 for a full refund of fees paid to Respondent.

ANSWER:

Respondent admits the allegations contained within Paragraph 17 of Count 1 of the Complaint.

18. Following Respondent's termination, Mr. Ahmed and Ms. Khan hired new counsel to represent them in their immigration matters.

ANSWER:

Respondent neither admits nor denies the allegations contained within Paragraph 18 of Count 1 of the Complaint due to insufficient knowledge.

19. 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 not filing Ahmed's I-130 petition or Khan's I-539 application in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including repeatedly and knowingly making false statements about the status of Ahmed and Khan's applications to USCIS, during the period from November 25, 2019 to January 9, 2020, both by stating that she had mailed their applications and by providing Khan with a false receipt number, as described in paragraphs 9, 12, 13, and 14 above,

in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ANSWER:

Respondent admits the allegations contained within Paragraph 19 (a) . Respondent admits engaging in misrepresentation as alleged in Paragraph 19 (b) and denies the balance of Paragraph 19 (b) of Count 1 of the Complaint.

WHEREFORE, Attorney-Respondent respectfully requests the complaint be dismissed.

Respectfully submitted,

/s/ SAMUEL J. MANELLA _____

SAMUEL J. MANELLA

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1. Throughout her legal career, Respondent has been employed as an associate attorney in the Law Office of James M. Allen & Associates, a general practice law firm located in Palatine, Illinois. James M. Allen is Respondent's father and Respondent is the only other attorney employed by the firm.

ANSWER:

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3. On June 24, 2019, Mr. Ahmed signed a retainer agreement with Respondent's firm and tendered a check in the amount of \$500.00 towards a flat fee of \$1,500. Respondent provided a list of documentation for Mr. Ahmed to gather in order for her to file the petition on his behalf.

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ANSWER:

Respondent admits the allegations contained within Paragraph 5 of Count 1 of the Complaint

6. Respondent prepared Mr. Ahmed's petition shortly after September 26, 2019. However, at no time between September 26 and November 25, 2019, did Respondent file Mr. Ahmed's petition.

ANSWER:

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7. Later, on November 25, 2019, Respondent and Ms. Khan agreed that Respondent's firm would represent Ms. Khan in filing an I-539 application to extend her existing Visa. At that time, Ms. Khan's existing Visa was set to expire on January 11, 2020.

ANSWER:

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ANSWER:

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9. Also, on November 25, 2019, Respondent told Ms. Khan that she had already filed Mr. Ahmed's I-130 petition with USCIS. This representation was false, as Respondent had prepared but not filed Mr. Ahmed's petition on that date. Respondent made this representation to Ms. Khan to conceal the fact that she had not filed Mr. Ahmed's petition. Respondent knew this representation was false at the time she made it.

ANSWER:

Respondent admits the allegations contained within Paragraph 9 of Count 1 of the Complaint.

10. Upon completion of Ms. Khan's I-539 application, Respondent was required to submit that application and supporting documents to either the USCIS P.O. Box located in Chicago by regular mail, or the USCIS Chicago Field Office by express mail. Respondent knew Ms. Khan's application was a time-sensitive matter. If Ms. Khan's visa application was not extended, she would become an out-of-status foreign national in the U.S. after January 11, 2020.

ANSWER:

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addresses depending on whether the petitions were mailed by U.S. Postal Service (USPS) or by FedEx, UPS, and DHL deliveries, but denies the location was a Chicago Field Office and can neither admits nor deny the location was a PO Box in Chicago. Respondent affirmatively states that generally USCIS filings do not get mailed to Field Offices but rather Lockbox Facilities or Service Centers and that there are several USCIS Lockbox, PO addresses, and Service Centers throughout the U.S. Respondent further states that dependent on the type of Visa/Status an applicant holds would determine where the petitions should be submitted. Respondent states that at the time Ms. Khan was in the United States, she was classified as a B nonimmigrant visa holder. Respondent affirmatively states the USCIS website states that B nonimmigrants file I-539 petitions to either a PO Box in Dallas if mailed by USPS Mail or to Lewisville, TX if mailed by FedEx, UPS, or DHL deliveries. Respondent further states that because Mr. Ahmed lived within the United States, if he submitted the I-130 with the I-485 the petitions would have been submitted to a Chicago Lockbox, if mailed by USPS Mail to a PO Box and if by FedEx, UPS, or DHL Delivery to Lockbox at 131 S. Dearborn, 3rd Floor, Chicago. If Ms. Khan's B nonimmigrant admission were to have not filed any petitions by her date admission expired (January 11, 2020) then Ms. Khan would have fallen out-of-status and possibly begin tolling unlawful presence. Respondent admits that Ms. Khan's applications was time-sensitive and that a filing needed to be made by January 11, 2020.

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ANSWER:

Respondent admits the allegations contained within Paragraph 14 of Count 1 of the Complaint.

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17. Subsequently, on January 9, 2020, Ms. Khan emailed Respondent informing her of her conversation with USCIS and terminated Respondent's firm's services. Later that afternoon, Mr. Ahmed went to Respondent's office, where Respondent's father, James Allen returned all original documentation to Mr. Ahmed, as well as the \$535 cashier's check payable to USCIS, and a check was issued payable to Mr. Ahmed in the amount of \$1,050 for a full refund of fees paid to Respondent.

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in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ANSWER:

Respondent admits the allegations contained within Paragraph 19 (a) . Respondent admits engaging in misrepresentation as alleged in Paragraph 19 (b) and denies the balance of Paragraph 19 (b) of Count 1 of the Complaint.

WHEREFORE, Attorney-Respondent respectfully requests the complaint be dismissed.

Respectfully submitted,

/s/ SAMUEL J. MANELLA _____

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