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Board on Professional Responsibility

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of

JOHN T. SALATTI, ESQUIRE,
Respondent.

A Member of the Bar of the District of Columbia Court of Appeals
Bar Number: 503247
Date of Admission: March 5, 2007

Disciplinary Docket No. 2023-D169

AMENDED PETITION FOR NEGOTIATED DISCIPLINE

Disciplinary Counsel and Respondent John T. Salatti agree to enter into a negotiated discipline pursuant to D.C. Bar Rule XI, § 12.1 and Board Rule 17. Salatti is the subject of the above-referenced investigation by Disciplinary Counsel pursuant to D.C. Bar Rule XI §§ 6(a)(2), 8(a), and Board Rule 2.1.

Salatti is an attorney admitted to practice before the District of Columbia Court of Appeals.

I. STATEMENT OF THE NATURE OF THE MATTER

Disciplinary Counsel received a complaint alleging that Salatti failed to adequately communicate with an immigration client, failed to provide the same client with a written fee agreement, and assisted non-lawyers in engaging in the unauthorized practice of law. Salatti represented an immigration client in an application for an E-2 investor visa; however, he never communicated with the client and never provided the client with a written fee agreement explaining the basis and rate of the fee or the scope of the representation. Instead, Salatti relied on two non-lawyers to communicate with the client and simply signed all the forms and letters provided by the non-lawyers without reviewing them for accuracy and legal sufficiency.

II. STIPULATION OF FACTS AND CHARGES

The conduct and standards that Salatti stipulates to are as follows:

1. Salatti was admitted to the D.C. Bar on March 5, 2007, and assigned Bar Number 503247. Salatti is also admitted to practice in Georgia. Salatti joined the law firm Remus Enterprises Law Group, LLC, which was founded by Solon Phillips. As of May 2025, Salatti is listed as a partner on the firm website. Salatti also practices under his own firm name, The Law Offices of John Salatti.

2. In January 2023, Salatti agreed to represent an immigration client through a company called Visa to America. Visa to America advertises itself as a full-service immigration network firm composed of experienced immigration attorneys, financial advisors, and legal experts. Joseph Barr and Bob Babanian, both non-lawyers, are the principles of Visa to America. Although they are not lawyers, Barr and Babanian both provide legal services to Visa to America clients.

3. Yoni Nasi, an Israeli citizen, contacted Visa to America to assist him in obtaining an E-2 investor visa. An E-2 visa allows an individual to enter and work

in the United States based on an investment in a U.S. business. Nasi had a real estate development company in Israel and hoped to start a property management company in the United States. Visa to America sent Nasi an invoice for $8,000.00 for services related to his E-2 visa application. At the bottom of the invoice there was a note that read, "this amount does not include the Legal fees that will need to be paid to the attorney Solon Philips in DC or any other attorney that is assigned on the case, ($4,000)." Phillips was not ultimately assigned to the case, but Salatti was.

4. Visa to America and paralegals from Remus Enterprises Law Group prepared Nasi's request for E-2 Investor Status and submitted it to U.S. Customs and Immigration Services ("USCIS"). Although he did not prepare any of the materials that were part of the request, Salatti signed the cover letter, a form entering his appearance, a form requesting "Premium Processing," and the petition itself.

5. A few weeks after the petition was submitted, USCIS sent Salatti a request for evidence ("RFE") to support Nasi's petition. Barr saw the request on the online docket and asked Salatti to send it to Visa to America to prepare the reply. Visa to America then prepared the response, and, on May 8, 2023, Barr sent Salatti an email with the subject, "Hi John I need you to sign this ASAP, " and attached the cover letter for the RFE response. Salatti responded on the same day, writing, "Because time is of the essence, I have signed the letter and have just given it a cursory read through for typos, punctuation, proofing errors." The next day, Visa to

America submitted a response to the RFE, which included a cover letter signed by Salatti.

6. On May 11, 2023, Salatti received an email notification that Nasi's I-129 Petition for Nonimmigrant Work was approved. Salatti forwarded the email to Barr and Phillips, letting them know about the approval. Phillips responded, "I think you should forward this to Yoni too." Salatti asked Barr if he had any comment, and Barr replied, "I texted him and he is very aware that his case was approved I provided him the confirmation we will wait for the original once it [has] arrived you can withdraw your representation as we are done." Salatti did not forward the email to Nasi.

7. On June 5, 2023, Salatti sent Nasi a termination letter. Salatti wrote, "I write to congratulate you on receiving approval for your E-2 visa. With that outcome, the services that Visa to America and I agreed to perform for you have come to a close. Joseph has sent you your file and thus all our obligations to you have ended. This letter is formal notice to you that our work is complete and our professional relationship has ended." Despite the reference to "services … I agreed to perform," in his termination letter, Salatti had never entered into a written fee agreement with Nasi setting forth the basis for his fee or the scope of his representation; and, in fact, never communicated with Nasi during the representation. Barr paid Salatti $1,000 for his work on Nasi's case.

8. Salatti's conduct violated the following D.C. Rules of Professional Conduct:

a. Rule 1.4(a) and (b), in that Salatti failed to keep Nasi reasonably informed about the status of the matter and failed to explain the matter to the extent reasonably necessary for Nasi to make informed decisions about the representation;

b. Rule 1.8(e), in that Salatti accepted compensation from Visa to America for representing Nasi without obtaining Nasi's informed consent;

c. Rule 1.5(b), in that Salatti failed to communicate the rate and basis of his fee and the scope of representation in writing to Nasi; and

d. Rule 5.5(b), in that Salatti assisted non-attorneys and paralegals in the unauthorized practice of law.

III. STATEMENT OF PROMISES MADE BY DISCIPLINARY COUNSEL

In connection with this petition, Disciplinary Counsel agrees not to pursue any charges arising out of the conduct described in Section II other than those set forth above, or any sanction other than that set forth below. Disciplinary Counsel has not made any other promises to Salatti.

IV. AGREED-UPON SANCTION

Salatti and Disciplinary Counsel have agreed that the appropriate sanction for the stipulated misconduct in violation of Rules 1.4(a) and (b), 1.5(b), 1.8(e), and 5.5(b) is a suspension from the practice of law for thirty days, fully stayed on the condition that Salatti be placed on unsupervised probation for a period of twelve months, to commence upon the approval by the D.C. Court of Appeals.

During the period of probation, Salatti shall comply with the following terms:

a. Within 60 days of the Court's order approving the disposition, Salatti shall complete two continuing legal education courses: Avoiding Malpractice and Bar Complaints 2025 and Avoiding the Unauthorized Practice of Law 2025. He will provide proof of completion to Disciplinary Counsel.

b. He shall not be found to have engaged in any unethical conduct before the probationary period expires.

c. During the twelve-month probation, Salatti shall inform all clients he represents, in writing through the necessary engagement agreement, that he is serving a term of probation.

If Salatti fails to comply with the terms of his probation, his probation may be revoked and he may be required to serve the thirty-day suspension, consecutively with any other discipline or suspension that may be imposed in the event of a finding that he engaged in further unethical conduct.

Relevant Precedent

Under Board Rule 17.5(a)(iii), the agreed-upon sanction in a negotiated discipline case must be "justified, and not unduly lenient, taking into consideration the record as a whole." The sanction "need not mirror the sanction in a contested case." *In re Teitelbaum*, 303 A.3d 52, 57 (2023); *see also* Bd. R. 17.5(a)(iii) (The sanction in a negotiated discipline "does not have to comply with the sanction appropriate under the comparability standard set forth in D.C. Bar Rule XI, § 9(h)."). However, the sanction previously imposed for similar misconduct is an important part of determining whether a negotiated sanction is justified and not unduly lenient.

The typical sanction for cases involving failure to communicate, failure to provide a written fee agreement, conflict of interest, and the unauthorized practice of law range from an informal admonition to a short suspension. *See In re Schwartz*, 221 A.3d 925 (D.C. 2019) (Informal admonition for violation of Rule 1.4(a)). *In re Zieleniewski*, Disciplinary Docket No. 2020-D002 (April 24, 2023) (Informal admonition for violations of Rules 1.5(b) and 1.8(e)); *In re Huang*, Disciplinary Docket No. 2017-D188, (March 5, 2018) (Informal admonition for violations of Rules 1.1, 1.3(a), 1.4(a), 1.4(b), 1.5(b) and 1.16(d)); *In re Hornal*, Disciplinary Docket No. 2015-D292 (June 29, 2016) (Informal admonition for violations of Rules 5.5(b) and 7.1(a)); *In re Osemene*, 277 A.3d 1271 (D.C. 2022) (censure for violations of Rules 1.5(b) and 1.6(a) and engaging in dishonesty during disciplinary proceedings); and *In re Francis*, 137 A.3d 187 (D.C. 2016) (Thirty-day suspension fully stayed in favor of six-month probation for violations of Rules 1.3(b) and 1.4).

Mitigating Factors

Mitigating circumstances include that Salatti: 1) did not previously represent (before Nasi), nor does he regularly represent, clients through Visa to America; 2) has no prior disciplinary history; 3) has cooperated with Disciplinary Counsel; 4) has accepted responsibility for his misconduct; and 5) acknowledges that if he were to represent any clients through Visa to America (or any other referral service) he must enter into his own fee agreement with the client, have sufficient communication with the client to ensure the client understands the matter, review all matters for accuracy and sufficiency, and bear responsibility for all legal work and the proper handling of any advances for fees and expenses.

Justification of Recommended Sanction

Disciplinary Counsel has weighed the nature of the misconduct against the mitigating factors in evaluating what sanction is justified. Disciplinary Counsel has also considered the resources required to prosecute the case, the likelihood of prevailing on the merits if this case went to hearing, and the sanction Respondent might receive in a contested hearing.

Given all the factors, the agreed sanction is justified and not unduly lenient. As shown above, a thirty-day suspension is within the range of sanctions previously ordered by the Court for similar misconduct, particularly given the mitigating factors of Respondent's lack of disciplinary history and the isolated nature of the violation. A stayed suspension is justified by Respondent's cooperation and acceptance of responsibility through entering into the negotiated discipline. In contested cases, "[s]tays of suspensions are typically reserved for situations where attorneys commit clearly sanctionable conduct, but under circumstances that explain or blunt their culpability." *In re Dobbie*, 305 A.3d 780, 814-815 (2023). In a negotiated case, however, a stay may be appropriate to recognize the Respondent's cooperation, acceptance of responsibility, and the conservation of resources as compared to a contested case. *See Teitelbaum*, 303 A.3d at 60 (imposing a negotiated stayed suspension).

V. RESPONDENT'S AFFIDAVIT

In further support of this Petition for Negotiated Disposition, attached is Respondent's Affidavit pursuant to DC. Bar R. XI, § 12.1(b)(2).

Respectfully submitted,

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