THIS REPORT IS NOT A FINAL ORDER OF DISCIPLINE*



Issued

DISTRICT OF COLUMBIA COURT OF APPEALS BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of:	:	April 4, 2025
CELESTINE TATUNG,	: :	D.C. App. No. 25-BG-0069 Board Docket No. 24-ND-002
Respondent.	:	Disciplinary Docket Nos. 2018-D326 2020-D088, & 2021-D118
A Member of the Bar of the District	:	
of Columbia Court of Appeals	:	
(Bar Registration No. 976830)	:	

REPORT AND RECOMMENDATION OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

This negotiated discipline matter is currently pending before the Board on remand from the Court of Appeals to consider "the appropriateness of this negotiated discipline" given certain concerns identified by the Court. Order, *In re Tatung*, No. 25-BG-0069, at 2 (D.C. Feb. 21, 2025); *see* D.C. Bar R. XI, § 12.1(d). Specifically, the Court's Order points out that the Amended Petition for Negotiated Discipline does not address whether Respondent's misrepresentation of his client's address to the immigration court in seeking a change of venue for the client's asylum case, which resulted in the case being transferred to the wrong venue, might support a finding that Respondent made a misrepresentation that violated D.C. Rule of Professional Conduct 8.4(c). *See In re Tatung*, Board Docket No. 24-ND-002, at 3-4, ¶¶ 14-15 (HC Rpt. Jan. 22, 2025).

^{*} Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any prior or subsequent decisions in this case.

Because it determined that it would benefit from further explanation as to Disciplinary Counsel's investigation, on March 3, 2025, the Board remanded this matter to the Hearing Committee Number Three to ascertain Disciplinary Counsel's position as to whether the stipulated facts might support a violation of Rule 8.4(c) and assess whether Disciplinary Counsel's explanation is reasonable. On March 12, 2025, the Hearing Committee submitted under seal a Supplemental Confidential Appendix, in which it recounts Disciplinary Counsel's explanation of the issue raised by the Court and concludes that Disciplinary Counsel's decision not to include a Rule 8.4(c) charge in the Amended Petition for Negotiated Discipline was reasonable.

As discussed in the Confidential Appendix to this Report, the Board agrees with and adopts the Hearing Committee's assessment of Disciplinary Counsel's explanation for not pursuing a Rule 8.4(c) charge based on Respondent's misrepresentation of his client's address. The Board further agrees with the Court's assessment that "[t]he agreed-upon sanction does, on its face, fall within the range of sanctions we have previously imposed for similar violations." Order, *In re Tatung*, No. 25-BG-0069, at 1 (first citing *In re Brown*, 310 A.3d 1036 (D.C. 2024); and then citing *In re Tappan*, 294 A.3d 1105 (D.C. 2023)). Accordingly, the Board recommends that the Court approve the Amended Petition for Negotiated Discipline and impose a one-year suspension, six months stayed, followed by one year of

probation conditioned on completion of CLE courses and payment of refunds to former clients.

BOARD ON PROFESSIONAL RESPONSIBILITY

By: Bernadette C. Sargeaut Bernadette C. Sargeaut

Chair

All members of the Board concur in this Report and Recommendation except Ms. Blumenthal and Ms. Spiegel, who did not participate.