

FILED

Dec 28, 2022

Disciplinary
Board

Docket # 001

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

KABBIE KONTEH,

Lawyer (Bar No. 41154).

Proceeding No. 22#00065

ODC File Nos. 22-00653, 22-00676, 22-01265, 22-01426, 22-01492

Resignation Form of Kabbie Konteh (ELC 9.3(b))

I, Kabbie Konteh, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on May 16, 2008.

3. After consulting with my counsel, Anne Seidel, I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in

1 Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to
2 permanently resign from membership in the Association because of my health.¹

3 5. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in
4 this matter.

5 6. I agree to pay restitution of \$1,500 to Marta Alicia Lopez de Perez and \$2,000 to
6 Erika Guissella Flores Aguilar.

7 7. I agree to pay any additional costs or restitution that may be ordered by a Review
8 Committee under ELC 9.3(g).

9 8. I understand that my resignation is permanent and that any future application by me
10 for reinstatement as a member of the Association is currently barred. If the Washington Supreme
11 Court changes this rule or an application is otherwise permitted in the future, it will be treated as
12 an application by one who has been disbarred for ethical misconduct. If I file an application, I
13 will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or
14 instances of alleged misconduct on which this resignation was based.

15 9. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
16 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in those
17 jurisdictions; and (c) provide Disciplinary Counsel with copies of this notification and any
18 response(s). I acknowledge that this resignation could be treated as a disbarment by all other
19 jurisdictions.

20 10. I agree to (a) notify all other professional licensing agencies in any jurisdiction from
21 which I have a professional license that is predicated on my admission to practice law of this
22

23 ¹ I am aware of ELC Title 8. ELC Title 8 does not apply to me.

1 resignation in lieu of discipline; (b) seek to resign permanently from any such license; and (c)
2 provide disciplinary counsel with copies of any of these notifications and any responses.

3 11. I agree that when applying for any employment, I will disclose the resignation in
4 lieu of discipline in response to any question regarding disciplinary action or the status of my
5 license to practice law.

6 12. I understand that my resignation becomes effective on Disciplinary Counsel's
7 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
8 Counsel must do so promptly following receipt of this document.


9 13. When my resignation becomes effective, I agree to be subject to all restrictions that
10 apply to a disbarred lawyer.


11 14. Upon filing of my resignation, I agree to comply with the same duties as a disbarred
12 lawyer under ELC 14.1 through ELC 14.4.

13 15. I understand that, after my resignation becomes effective, it is permanent. I will
14 never be eligible to apply and will not be considered for admission or reinstatement to the practice
15 of law nor will I be eligible for admission for any limited practice of law.

16 16. I certify under penalty of perjury under the laws of the State of Washington that the
17 foregoing is true and correct.

18 12/28/2022, Everett, WA
19 Date and Place


20 Kabbie Konteh, Bar No. 41154

21 ENDORSED BY: 
22 Henry Cruz, Disciplinary Counsel
23 Bar No. 38799

**EXHIBIT
A**

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**DISCIPLINARY BOARD
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**STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)**

The following constitutes a Statement of Alleged Misconduct under Rule 9.3(b)(1) of the Washington Supreme Court’s Rules for Enforcement of Lawyer Conduct (ELC).

I. ADMISSION TO PRACTICE

1. Respondent Kabbie Konteh was admitted to the practice of law in the State of Washington on May 16, 2008.

II. ALLEGED FACTS

Lucila Naranjo Fernandez (ODC File No. 22-00653)

2. In March 2016, Lucila Naranjo Fernandez (Lucila) hired Respondent to represent Lucila in a U visa matter.

1 3. Respondent assigned Lucila's U visa petition to Erika Frias, a contract legal assistant
2 who prepared the petition.

3 4. Respondent did not review Frias's work on the U visa petition.

4 5. On May 7, 2021, Respondent signed Lucila's U visa petition, representing that
5 Respondent prepared the petition and reviewed it with Lucila.

6 6. Respondent did not prepare Lucila's U visa petition or review it with Lucila.

7 7. On May 7, 2021, Frias, as the interpreter, and Lucila signed the U visa petition.

8 8. Respondent did not ensure that Frias translated the U visa petition to Lucila or
9 otherwise explained its contents to Lucila.

10 9. On May 5, 2022, Respondent filed the U visa petition with U.S. Citizenship and
11 Immigration Services (USCIS).

12 10. Respondent unreasonably delayed in filing Lucila's U visa petition.

13 11. With the U visa petition, Respondent also submitted a U visa certification form
14 containing the purported signature of John Urquhart, King County Sheriff, which was dated
15 October 15, 2021.

16 12. Urquhart was not the King County Sheriff in 2021.

17 13. The King County Sheriff's Office never received Lucila's U visa certification form
18 for review.

19 14. The signature on Lucila's U visa certification form is of Diane Shines of the Federal
20 Way Police Department.

21 15. Shines did not sign Lucila's U visa certification form.

22 16. The signature page of another client's U visa certification form that contained
23 Shines's signature was inserted as the signature page of Lucila's U visa certification form to make

1 it appear that an authorized law enforcement certifier signed Lucila's certification form.

2 Rosalba Naranjo Fernandez (ODC File No. 22-00676)

3 17. In August 2016, Rosalba Naranjo Fernandez (Rosalba) hired Respondent to
4 represent Rosalba in a U visa matter.

5 18. On April 24, 2017, the Renton Police Department signed Rosalba's U visa
6 certification form.

7 19. On October 24, 2017, Rosalba's U visa certification form expired because
8 Respondent did not file Rosalba's U visa petition by that date.

9 20. Respondent did not file Rosalba's U visa petition until June 1, 2018.

10 21. Respondent unreasonably delayed in filing Lucila's U visa petition.

11 22. Respondent never filed a new U visa certification form.

12 23. The expired U visa certification form delayed the processing of Lucila's U visa
13 petition.

14 24. Respondent also prepared an asylum application for Rosalba so that Rosalba could
15 get a work permit.

16 25. In November 2017, Respondent filed an asylum application on behalf of Rosalba.

17 26. On June 28, 2018, Respondent withdrew Rosalba's asylum application because the
18 U visa petition was filed and pending.

19 27. Respondent never filed a work permit application on Rosalba's behalf based on the
20 filed asylum application.

21 Iris Yolanda Contreras Perez (ODC File No. 22-01265)

22 28. Respondent represented Iris Yolanda Contreras Perez in an immigration matter.

23 29. In June 2021, Respondent filed Contreras Perez's immigration petition with USCIS.

1 30. In August 2021, Respondent received a Request for Evidence from USCIS,
2 requesting a certification of no criminal record. There was no deadline in the Request for
3 Evidence.

4 31. Respondent never informed Contreras Perez about the Request for Evidence.

5 32. Respondent did not submit the requested evidence until April 2022.

6 33. Respondent unreasonably delayed in responding to the Request for Evidence.

7 34. Respondent did not inform Contreras Perez of the delay in responding to the Request
8 for Evidence.

9 35. Respondent's delay in responding to the Request for Evidence delayed the
10 processing of Contreras Perez's immigration petition.

11 Marta Alicia Lopez de Perez (ODC File No. 22-01426)

12 36. In November 2021, Marta Alicia Lopez de Perez paid Respondent \$1,500 to prepare
13 and file work permit applications for Lopez de Perez and Lopez de Perez's children.

14 37. The work permit applications were based on Lopez de Perez's pending asylum
15 application in removal proceedings.

16 38. On June 6, 2022, Lopez de Perez's removal proceedings were dismissed. At that
17 point, Lopez de Perez could no longer apply for a work permit.

18 39. Respondent never filed the work permit applications.

19 40. Lopez de Perez terminated Respondent's representation and hired new counsel.

20 41. Respondent has not refunded any of the \$1,500 to Lopez de Perez.

21 Erika Guissella Flores Aguilar (ODC File No. 22-01492)

22 42. On or about April 24, 2019, Erika Guissella Flores Aguilar entered the United States.

23 43. On June 4, 2019, Flores Aguilar paid Respondent an advance fee of \$3,000 to

1 represent Flores Aguilar in removal proceedings and file an asylum application and work permit
2 application.

3 44. Flores Aguilar paid Respondent a total of \$3,300 in advance fees under the fee
4 agreement.

5 45. Respondent did not put the fee agreement with Flores Aguilar in writing.

6 46. Respondent did not deposit any of the advance fees into a trust account.

7 47. The statute of limitations required Flores Aguilar to file the asylum application
8 within one year of Flores Aguilar's entry into the United States. However, the filing of a
9 "Mendez-Rojas motion" could render the asylum application timely filed despite the one-year
10 deadline already having expired.

11 48. Respondent never filed Flores Aguilar's asylum application or the Mendez-Rojas
12 motion.

13 49. Respondent never filed Flores Aguilar's work permit application.

14 50. The Department of Homeland Security (DHS) filed a motion to dismiss Flores
15 Aguilar's removal proceedings.

16 51. Respondent did not respond to DHS's motion to dismiss.

17 52. On May 23, 2022, the immigration court granted DHS's motion to dismiss.

18 53. Respondent never informed Flores Aguilar of the motion to dismiss or of the
19 dismissal order.

20 54. Respondent did not perform all the work expected in Flores Aguilar's case.

21 55. Flores Aguilar terminated Respondent's representation and hired new counsel.

22 56. Respondent has not refunded any unearned fees to Flores Aguilar.

1 **III. ALLEGED MISCONDUCT.**

2 57. By failing to supervise nonlawyer assistants under Respondent's managerial
3 authority and supervision, Respondent violated RPC 5.3(a) and/or RPC 5.3(b).

4 58. By failing to diligently represent multiple clients in their immigration matters,
5 Respondent violated RPC 1.3.

6 59. By failing to communicate with multiple clients about the status of their immigration
7 matters, Respondent violated RPC 1.4.

8 60. By failing to refund unearned fees to clients Lopez de Perez and Flores Aguilar,
9 Respondent violated RPC 1.5(a) and/or RPC 1.16(d).

10 61. By failing to deposit advance fees into a trust account, Respondent violated RPC
11 1.15A(c).

12
13 DATED this 20th day of December, 2022.

14 

15 _____
16 Henry Cruz, Bar No. 38799
17 Disciplinary Counsel