No. 23A729

In the
# Supreme Court of the United States

**IN THE MATTER OF OWOLABI M. SALIS (ADMITTED AS OWOLABI M. SALIS); AN ATTORNEY AND COUNSELOR-AT-LAW: OWOLABI M. SALIS (OCA ATTY. REG. NO. 4012886),**

*Applicant,*

**v.**

**ATTORNEY GRIEVANCE COMMITTEE, APPELLATE DIV FOR THE FIRST JUDICIAL DEPARTMENT SUPREME COURT OF NEW YORK STATE.**

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## ON APPLICATION FOR STAY, TO THE STATE OF NEW YORK COURT OF APPEALS

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TO THE HONORABLE SONIA SOTOMAYOR ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES FOR THE SECOND CIRCUIT

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PARTIES TO THE PROCEEDINGS

All parties appear in the caption of the case on the cover page. The Applicant was a New York Attorney registered under the Second Judicial Department since 2012. The Respondent is The Attorney Grievance Committee, NY Supreme Court, First Department which is referred to as "AGC". Other participants in this case not listed as parties are in the caption are D1 refers to Jorge Dopico, the head of the AGC, D2 refers to Kevin Doyle, an Officer of the AGC that prosecutes this matter and D3 refers to Donald Zolin, the Referee in this matter, the Department of Homeland Security referred to as "DHS", Immigration and Customs Enforcement as "ICE", United States Citizenship and Immigration Service as "USCIS" and Vermont Service Center as "VSC"

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IN THE
SUPREME COURT OF THE UNITED STATES
APPLICATION FOR STAY

**TO THE HONORABLE SONIA SOTOMAYOR ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES FOR THE SECOND CIRCUIT**

Applicant respectfully prays for a stay pending consideration by the Court of Petition for Certiorari. An application for Stay was applied to the New York State Court of Appeals but was denied.

OPINIONS BELOW

1. The opinion of the New York Court of Appeals appears at App-1 to this petition and is unpublished.
2. The opinion of the New York Supreme Court, Appellate Division, First Judicial Department appears at App-2 to this petition and is unpublished.

JURISDICTION

The date on which the New York State Court of Appeals decided the Applicant's case was 09/14/2023. A petition for re-argument with a firm request for oral argument was moved and timely filed on October 2, 2023. The motion for re-argument was reportedly deliberated on without allowing the Applicant to appear and orally argue the case before the panel of judges. The motion was denied December 14, 2023, and entered on December 18, 2923. This judgment is final.

The jurisdiction of this Court is invoked under Rule 23 and ArtIII.S2.C2.5 of the US Constitution
which allows the US Supreme Court to review the judgments of the highest court of a State in which a decision could be had. See 28 U.S.C. § 1257(a).

For the Supreme Court to review a state court decision, it is necessary that it appear from the record that a federal question was presented, that the disposition of that question was necessary to the determination of the case, and that the federal question was actually decided or that the judgment could not have been rendered without deciding it Sw. Bell Tel. Co. v. Oklahoma, 303 U.S. 206 (1938)

The Court has held that it may only review final state court judgments. Such a judgment must be subject to no further review or correction in any other state tribunal; it must also be final as an effective determination of the litigation and not of merely interlocutory or intermediate steps therein. It must be the final word of a final court. See Market St. Ry. v. R.R. Comm'n, 324 U.S. 548, 551 (1945). See also San Diego Gas & Elec. Co. v. City of San Diego, 450 U.S. 621 (1981)

The Court further explained, "Our only power over state judgments is to correct them to the extent that they incorrectly adjudge federal rights. . ." See ArtIII.S2.C1.4.1 Overview of Advisory Opinions.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. First Amendment

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances".

2. Fourth Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized".

3. Fifth Amendment

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation".

4. Sixth Amendment

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense".

5. Eighth Amendment

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted".

6. Ninth Amendment

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people".

7. Thirteenth Amendment

"The US Constitution and Laws prohibit slavery and human trafficking. See 18 U.S. Code § 1581–1592 (relating to peonage, slavery, and trafficking in persons). The 13th Amendment to the United States Constitution provides that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

8. Fourteenth Amendment

"...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".

9. Civil Rights Act of 1964

The **Civil Rights Act of 1964** (Pub. L. 88–352, 78 Stat. 241, enacted July 2, 1964) is a landmark civil rights and labor law in the United States that outlawed discrimination based on race, color, religion, sex, and national origin.

10. Supremacy Clause

Article VI, Paragraph 2 of the U.S. Constitution is commonly referred to as the Supremacy Clause. It establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions. It prohibits states from interfering with the federal government's exercise of its constitutional powers, and from assuming any functions that are exclusively entrusted to the federal government. Article VI, Clause 2: *"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding".*

11. 28 U.S. Code § 455

Disqualification of justice, judge, or magistrate judge. "**(a)**Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned…"

STATEMENT OF THE CASE

1. Overview

The Applicant was a New York attorney registered under the Second Judicial Department since 2012. On November 29, 2022, the movant was disbarred by the NY Supreme Court, Appellate Division, First Judicial Department, despite lack of

jurisdiction, following a complaint from (ICE) in 2017. The Applicant office has been in the Second Department since 2012. See App-2. The disbarment proceeding was immediately appealed to the New York Court of Appeal (COA) on Constitutional grounds and by Leave to Appeal. Stay was also requested.

On 09/142023, the COA denied both motions and stay without any analysis. A motion for reargument with a firm request for oral argument was timely filed on 10/02/2023. The motion was reportedly deliberated on without honoring the Applicant request to appear and orally argue the case before the panel of judges. The motion was denied 12/14/2023 and entered on 12/18/2023. See App-24. Not sure if the NY State Attorney-General was notified as a party.

2. Discrimination, slavery and human trafficking in New York.

There are many immigrants in New York who are victims of discrimination, slavery and trafficking because they do not have work permits and because they fear deportation. Many immigrant parents who are unable to work to support their children are often caught with prostitution, tax frauds, drug dealings, theft, shoplifting, receiving stolen goods and so on. These crimes can be avoided with work permits which confer the advantages like ability to work, open bank and credit accounts, safe for pensions, Medicare, schools, obtain social security number and identity card, buy home and integrate etc.

3. The DHS discretionary and humanitarian powers to grant permits.

The DHS has many divisions two of which are relevant here - the USCIS responsible for granting reliefs to immigrants and ICE responsible for removal of immigrants. The USCIS has many Service Centers and Districts of which the (VSC) serves as a humanitarian center. There is free exercise of discretion such that a service center or district can approve an application and the same application will be denied by another service center or district. The Applicant had made arguments to the (VSC) to relieve these immigrants, particularly parents of US Citizens, LGBTs and those who have fallen into distress, to issue them work permits and place them on deferred action (made on Form I-360) which will place them on low priority for deportation. The VSC responded positively by issuing work permits thereby meeting the immigrant objectives. The VSC however denied the grant of deferred action which does not matter because the purpose of an approved deferred action is to apply for a work permit which was already approved. However, one request for deferred action that was sent to another center, the Missouri Service Center (MSC) was approved. The disbarment order deliberately omitted that the immigrants were approved for the work permit.

4. Applicant Newspaper criticized ICE deportations.

The Applicant who was also the publisher of Immigrant Guide and News published a headline on ICE deportations impact on immigrants titled "OBAMA DEPORTS MORE THAN BUSH, WHO IS NEXT". Upon information and belief, this publication

triggered investigation by ICE into the activities of the Applicant. At the time of the appeal, ICE was headed by great men and women of experience and values including Patrick J Leichleitner, Deborah Fleishaker, Corey A Price, Steve K Francis, Staci Barrera, Erik P Breitzke, and Kerry E Doyle (not sure if related to D2). As a result of the investigation, ICE bypassed the federal court despite that immigration laws are federal law, and recruited the New York City District Attorney and the AGC led by D2 (Doyle) who supplied documents and testified on ethics before the Grand Jury.

5. Applicant Arrest and Demand for Excessive Bail

About July 24, 2014, the Applicant was arrested. The files and computers were seized and the office was destroyed. The office surveillance camera of the record was seized and never released. *See App-66-86.* Excessive bail of $1 million was demanded and guarantors were harassed. The bail was later set at $250, 000 after 14 days detention. At the Rikers Island detention center, the Applicant was at some instances specially shackled in chains on the leg and the hand like a terrorist. The ICE later admitted at trial that the affidavit for the warrant was full of misrepresentation. See *App-87-104*

6. Discharge and Acquittal of Applicant

At trial, ICE accused the Applicant of wrong-use of Form I-360 to make the request for deferred action. The Applicant argued that the use was right and showed proof from USCIS and ICE directors. Prior to trial, the Applicant was deceptively offered to plead guilty to possession of a forged instrument with no jail term and that if proceeded to trial, a jail term of 7 years will be requested. The offer was rejected and

after about 3 weeks of intense trial of which the ICE testified and D2(Doyle) testified on ethics, the Applicant was discharged and acquitted of the charges. See *App-35.*

7. Parties Agreed No Fraudulent Documents and Information were filed.

The parties agreed that no fraudulent documents and information were submitted, that the cards were approved and issued by the USCIS and not printed outside by the Applicant, that the clients paid attorney fees only when they were approved and if they are denied, they do not pay. However, parties disagreed on the procedure used whether form I-360 can be used to make a request for Deferred Action or not.

8. USCIS Ombudsman Report on Deferred Action Procedure

The USCIS Ombudsman investigated the request for deferred action and submitted a controversial report that a. Stakeholders lack clear and consistent information, b. No national procedure for handling requests and c. there is confusion on what to expect. *See* App-28. One request for Deferred Action made by the Applicant on form 360 was approved by Missouri Service Center (MSC). *See* App-31. *The AGC through D2, in opposition to Applicant 's motion to disaffirm, frivolously called the Ombudsman report "nonsense" as if D2 knew more than the Ombudsman. D2 argued that the report is "advisory and lacking in juridical efficacy" and therefore "what".*

9. Retaliation - Applicant tagged as an Arabian Terrorist.

Before and after the Applicant was discharged and acquitted, the ICE took actions that amounted to retaliation including blocking the Applicant G28 from approval,

block on Applicant passport release, several detentions at the airports including use of dogs and documenting the Applicant as an Arabian terrorist. *See* App-34

10. ICE Submission of Ethical Complaint to AGC with no Jurisdiction

On or about Jan 27, 2017, ICE, submitted a complaint against the Applicant to the AGC based on the same facts tried by Jury seeking that the Applicant be sanctioned. Before investigation, an email was passed round that the Applicant must be disciplined. App-112. At the time the complaint was submitted, the Applicant had left the First Judicial Department to the Second Judicial Department on or about October 2012 (almost 5 years after). The Applicant was already outside the jurisdiction of the First Department but D2 (Doyle) insisted on prosecuting the complaint arguing that the Applicant maintained a US post office box in the First Department. D2 (Doyle) was part of the officers that instigated the criminal action, supplied documents, and testified on ethics both in Grand and Trial Juries. The Applicant attorney registration with the State showed Second Judicial Department.

11. Prosecutor Breached the Conflict-of-Interest Rules

As stated above, D2 insistence that it will prosecute was a breach of Conflict-of-Interest Rules.

12. AGC Charges Attacked the Jury Verdict.

The AGC charged that the procedure used to obtain work permits is in violation of some ethical rules along with the G28 and the Applicant website. The Jury

determined there was no fraud, but the AGC claimed there was fraud when there was none. This was an attack on the Jury Verdict.

13. Prehearing Settlement Offer to Stop Helping Immigrants.

Before the hearing, a settlement discussion between the parties that the complaint of the ICE will be dropped if the Applicant stopped practicing immigration law was rejected because is discriminatory.

14. AGC Witness allegedly submitted written testimony not signed by witness.

The AGC witness allegedly stipulated to a written testimony to challenge the procedure used by the Applicant to petition for deferred action. The Applicant argued and submitted written responses against the testimony of the witnesses which the Referee failed to consider. App-110. The written testimony was signed by the prosecutor, D2 and not the witness. See App-110.

15. Applicant Exhibits Submitted to the Referee and the AGC

The Applicant submitted several exhibits critical for the referee to find no liability and dismiss the complaint of the ICE.

16. Referee Wrongful Findings of Liability

The Referee in his finding of liability breached the rule of law by deliberately assuming wrong jurisdiction, overlooked the Applicant exhibits, misapprehended the relevant facts and misapplied and disobeyed the controlling principle of laws. The

Report only interpreted for the AGC and overlooked the arguments of the Applicant including the violation of Constitutional Rights.

17. Referee operated a bias tribunal and conducted himself as a rival attorney.

The Referee appointment Order (App-107 and 11) directed the Referee ".to conduct hearing on the charges and to make such findings of fact and conclusion of law.." The Referee conducted himself as a rival attorney commenting on Applicant's successful practice. At the start of the liability hearing, the Referee told the Applicant he was at the hearing to sanction the Applicant even though liability had not been found. D2 had to quickly correct him.

19. Applicant Move the Referee to Reconsider Report

The Applicant submitted a Motion to Reconsider Report. The Committee opposed the Motion to Reargue. The Applicant replied to Committee Opposition. The Referee failed to rule on the motion.

20. The AGC Presented a Memo for Sanction Hearing on the Wrongful Findings of Liability

D1 and D2 submitted in a rush a memo for sanction hearing despite pending motions raising the novel issue "whether a Sanction hearing can proceed on a wrongful finding of liability". The Applicant approached the Appellate Court for declarations.

On June 22, 2022, after the Sanction Hearing on May 18, 2022, the Appellate Court allegedly denied the motion of the Applicant without addressing the issues raised

which signaled that the Appellate Justices (5) were being manipulated since there is no oral hearing. The 5 justices returned a uncertified order, with irregular signature of the clerk, that did not correspond to the motion request treating the motion as a motion to disaffirm. See App-22-23

The Applicant moved to Reargue and for Leave to Appeal to the Court of Appeals. The Committee opposed the Motion to Reargue and the Leave to Appeal. On August 31, 2022, the Appellate Court was reported to have denied the Motion to Reargue and for Leave to Appeal in a single uncertified order also with irregular signature of the clerk. See App-20-21

While the Motions of the Applicant before the Referee and the Appellate Court are pending, the AGC submitted a memorandum for Sanction hearing before the Referee. The Applicant opposed the Sanction Hearing before the Referee. Again, the Referee failed to rule on the Motion.

The sanction hearing proceeded in absentia despite pending issues with only two exhibits presented - an unnoticed email communication and the Applicant website. The AGC did not present exhibits for the I-360 use for deferred action and the G28. During the Sanction hearing which was not attended by the Applicant for violation of due process because of pending Appellate court motion and motions before the referee, the Referee noted the flaws on his failing to rule on the Motion to Reconsider before it is commenting on the timing argument which motion is before the Appellate Court below. At their pleasure, the AGC asked for disbarment which the Referee approved.

21. Appellate Division First Dept Allegedly Confirm the Referee Report to Disbar Applicant - Order uncertified with irregular signature.

On November 29, 2022, the Appellate Division First Department allegedly confirmed the Referee Report with five concurrences that the Applicant office was in the First Department when it is not among other issues. The Order or Judgment, which was uncertified with irregular signature of the clerk, made no single reference to the arguments and the issues raised by the Applicant. No oral argument was allowed before the Appellate justices. The Order or Judgment merely restated the position of the AGC and has the writing taste of the AGC representative (D2-Doyle), same witness at the criminal prosecution of the Applicant) raising serious doubt whether the Justices were fully involved. Examination of the clerk signature on the Order was irregular to the one on appointment of the Referee. See App-19 compared to App-11. It is the Applicant 's belief that there were manipulations of the Appellate Justices against the facts of the case as enumerated in the Motion to Disaffirm. Before the disbarment, the Google search on Salis Law showed the Brooklyn office. After the disbarment, the Google search on Salis Law was manipulated to show the old Manhattan address. Immediately after the Order, international media, Reuters, the internet, social media, radio and TV was full of the story to dent the reputation of the Applicant and portray the Applicant as a fraudulent lawyer even though he is not. After the disbarment and viral news, the Applicant became aware of possible conflict of interest involving the Referee which, if true, the Referee failed to disclose. There is a common lady of interest between the Referee and the Applicant. The Referee knew

that the lady knew the Applicant, but the Applicant did not know that the lady knew the Referee until after the disbarment. There was a relationship between the Referee and the lady, but the level of the relationship is unknown to the Applicant. The relationship between the Applicant and the lady was occasional interpretation from English to Spanish.

## REASONS FOR GRANTING THE APPLICATION

For the reasons stated below, there is a "reasonable probability" that four Justices will grant certiorari or agree to review the merits of the case. There is a "fair prospect" that a majority of the Court will conclude upon review that the decision below on the merits was erroneous. An irreparable harm will result from the denial of the stay. In exploring the relative harm to the applicant and the respondent, as well as the interests of the public at large, there is a balance of equities in favor of the applicant.

### 1. The lower court decisions on federal questions conflicts with the US Supreme Court

The New York Court of Appeals (COA) has decided important federal questions in a way that conflicts with the relevant decisions of this Court. Also the COA has decided an important question of federal laws that has not been, but should be, settled by this Court.

### 2. The Fifth, Fourteenth Amendments and the Bill of Rights

The Fifth Amendment to the US Constitution provides that no one shall be "deprived of life, liberty or property without due process of law." This is extended to the States

under the Fourteenth Amendment which provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". This requires that the States must operate within the law (substantive due process) and provide fair procedures (procedure due process). The Fourteenth Amendment's Due Process Clause also renders many provisions of the Bill of Rights applicable to the states. Some of the judicially noticed guarantees of due process relevant in this case are:

a. Facing an unbiased tribunal.

b. Giving notice of the proposed action and the grounds asserted for it.

c. Providing an opportunity to present reasons why the proposed action should not be taken.

d. The right to present evidence, including the right to call witnesses.

e. The right to know opposing evidence.

f. The right to cross-examine adverse witnesses.

g. A decision based exclusively on the evidence presented.

h. Opportunity to be represented by counsel.

i. Requirement that the tribunal prepare a record of the evidence presented.

j. Requirement that the tribunal prepare written findings of fact and reasons for its decision.

k. A prohibition on double jeopardy

l. Right to Jury and Respect for Jury Verdict

m. Right to file additional defense motions

n. Separation of powers among others.

3. Knowing Reliance on false witness was a violation of due process - Witness said he was wrong and lack expertise on Form I-360

Due process requires that the prosecutor's witnesses be credible. D1, D2 and D3 in furtherance of the scheme to violate federal law under color of law, built and relied on a false witness who plainly admitted he was wrong and that he was not an expert on the I-360 Form. The whole case was built around this witness who allegedly stipulated to a written testimony. See App 46. The witness testified that *"USCIS'S I-360 petition for Amerasian; widower, or special immigrant is not, and was not during the relevant period, an all-purpose form"*. This statement is not true because Section m of Form 360 used then stated "M Please explain _____" giving the requesters or Applicants to explain what they want. See App-32. The ICE also has a sundry list of discretionary factors released by John Morton. Among the list is parents of US citizens, those with medical problems, LGBTs etc. The Applicant majorly made requests for parents of US Citizens who have fallen into distress. *See App-37-38 (ICE Director John Morton Memo on factors to consider for Deferred Action). All immigration lawyers, talk less of senior employees of DHS, knew John Morton. As popular as this Director is, the DHS witness (Dustin Stubb) denied knowledge of him*

*knowing in advance that the memo will be presented at trial to impeach him. See App-40*

The witness also testified that *"the USCIS petition for Amerasian, widower or special immigrant is not, and was not during the relevant period, a permissible form for seeking ad hoc deferred action"*. This statement is not true. You can use the form to request for deferred action under "section m others explain ____". The only one request made on form I-360 and sent to USCIS-Missouri Service Center was approved. If the witness statement is true, it will not be approved. *See App-30* (Approved Deferred Action). At the trial of the Applicant in criminal court, the witness, Dustin Stubbs, was presented with the USCIS Neufeld memo (See *App-43-44*) allowing the use of form 360 for deferred action requests. He withdrew further arguments. He said "*this is not my area of expertise. I don't believe it is, but I very well may be wrong on that. So I just don't know." See App-46.* recopied thus: "*Q. Can an I-360 form be used for deferred action? A. According to the memo, at one point in time it could be, yes, in a specific situation where there is a widow/widower. But there has been a statute that's been enacted with regulations 204(L), which addressed specifically this scenario. I don't know if deferred action is still available to these individuals because I don't -- this is not my area of expertise. I don't believe it is, but I very well may be wrong on that. So I just don't know."* With this admission that he may be wrong, the Referee, D3 in furtherance of the conspiracy with D1 and D2 to commit civil rights violations under color of law, still held for the AGC a finding of liability leading to loss of Applicant license. This testimony at the criminal court

raises serious doubt whether the written testimony was from him more, so the written testimony was not signed by the witness but signed by D2.

The witness further testified that *"during the relevant period, ad hoc deferred action requests were properly made to the USCIS Field Offices, not USCIS Service Centers".* This statement is not true. Ad-hoc deferred action requests can be made to any of the service centers too. The one that was approved was made to a service center. The Neufeld memo also directed to the Service Center. *See App-43-44.* See also *App-30* extracted approved Deferred Action from a service center.

Lastly this witness testified that *"during the relevant period, the initial review of the I-360 petitions received by the USCIS Vermont Service Center was not performed by an adjudicator and were cursory in nature".* This statement is not true that they were cursory in nature. The Applicant do not work in Vermont and do not have the knowledge of their working but it is not true they were cursory because there is deep screening done leading to rejection of petitions and applications at the inception as opposed to denial of petitions and applications. Essentially, what the witness was saying was that the government employed fools which cannot be true. Attached is a sample letter from Vermont confirming strict scrutiny contrary to the witness testimony. This was government against government and why should the Applicant be punished for that. See *App-52- Extracted Vermont letter on deep screening. It is unbelievable this is what was used to disbar the Applicant. The witness did not appear for us to know the truth. This written testimony is suspicious and may have been forged*

*since the witness testified earlier in the criminal prosecution against the statement in the written testimony. The written testimony was not signed by the witness but by D2.* ***In Napue v. Illinois***, 360 U.S. 264 (1959), the US Supreme Court held that the knowing use of false testimony by a prosecutor in a criminal case violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, even if the testimony affects only the credibility of the witness and does not directly relate to the innocence or guilt of the defendant.

4. The witness affidavit was not signed by the witness and appears fraudulent in violation of due process.

The witness affidavit was not signed and sworn or affirmed by the witness rather it was signed by the prosecutor, D2. Objection of the Applicant was dismissed. The contents of the affidavit appear to be fraudulent because the said witness had testified before at the criminal trial against the contents. To be admissible in court, a relevant affidavit must be in writing and signed by the affiant, sworn or affirmed to be true by the affiant, executed in the presence of an administer of oaths. The affidavit denied Applicant the right to cross-examine the witness in violation of the Confrontation Clause of the Sixth Amendment to the US Constitution. See *App-110.*

5. The Referee operation of a bias tribunal was a violation of due process.

One of the canons of due process is that the accused faced an unbiased tribunal. The Referee was biased and sought to interpret for the AGC no matter. The order appointing the referee specifically directed the referee to conduct liability hearing.

See *App-107.* At the start of the liability hearing to establish fact finding, the Referee, as can be found in the transcript, told the Applicant he was there to sanction him even before liability finding thus: "----- - help me make a determination with respect to sanctions because the fact-finding portion of liability has already been determined and now this is a sanctions hearing. See *App-54-56-* Referee commented that he was ready to sanction without liability hearing. He had to be corrected by D2. See also *App-57-58* - Referee comments on receiving documentary exhibits. The statement in the disbarment order "Per respondent's request, the hearing focused solely on liability, with a sanction hearing, if necessary, to follow" was possibly a manipulation of justice intended to cover up the referee misstep. The Referee appointment order specifically directed a hearing on liability. *App-107.* The Referee was angry that the Applicant won the criminal case and told the Applicant he did not win. In the transcript, REFEREE ZOLIN said: What case did you win, sir? MR. SALIS: When they prosecuted me. REFEREE ZOLIN: Sir, that's not a win. You just dodged a bullet of guilt. You didn't win. See *App-60-61* - Referee expression of anger and attack on the criminal jury commenting you "just dodged a bullet"). The Applicant was discharged and acquitted by the Jury but the Referee moved to attack the Jury decision at the start of the hearing thus: "----Sir, that's not a win. You just dodged a bullet of guilt. You didn't win." The Referee also restricted the Applicant from presenting evidence thus: I think that you needed a half an hour to wrap it up and you've exhausted your half hour"

The Referee ought to have disqualified himself under 28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge. "**(a)**Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned..." See also Liteky et al v. United States, 510 U.S. 540, and ***Caperton v. A.T. Massey Coal Co.,*** 556 U.S. 868. The US Supreme Court case held that the Fourteenth Amendment Due Process Clause requires judges to recuse themselves from cases that represent a probability of bias.

Out of bias, the Referee ignored all the Applicant's exhibits which were part of the record claiming they were not presented at the virtual hearing even though they were submitted before the hearing for purpose of reference for the virtual hearing and after the hearing as part of the record before the Referee decision.

6. The lack of separation of powers in New York State Attorney Grievance Procedures was a violation of due process.

Separation of powers is a doctrine of constitutional law under which the three branches of government (executive, legislative, and judicial) are kept separate. This is also known as the system of checks and balances and is part of the due process clause. Under Separation of powers doctrine, a person cannot act as the prosecutor and the judge in a case. The Prosecutor-Judge Role Violates Due Process Clause

The D1 (Jorge) and D2 (Doyle) are employees of the Judiciary, or the Court and the Court is responsible for appointing D3 (Zolin) to serve as Referee. The D1 and D2 are

also the prosecutors before D3 whose findings are confirmed by the Court where D1 and D2 are employed. This negates the due process for lack of independence, oversight, fairness and is open to manipulation of D1 and D2 with conflicting interest in the role of the prosecutor, the referee and the confirming judge; it means anything D1 and D2 wants is what they get. It will be hard to get any case disaffirmed for lack of checks and balances. The Disbarment Order said to be of concurrence of 5 justices is doubtful just like some other decisions in this case which all came from the same 5 justices - Hon. Sallie Manzanet-Daniels, Hon. Judith J. Gische, Hon. Troy K. Webber, Hon. Cynthia S. Kern and Hon. Julio Rodriguez III. Upon examination of the signatures of the clerk on these 5 justices' decisions compared to the appointment of the referee which came from different judges, there seems to be signature irregularity and were uncertified. See *Appendices-9, 11 signatures* compared to Appendices-14, 19, 21, and 23). The US Supreme Court continues to emphasize this. See Collins v. Yellen, 594 U.S. ___ (2021), and Trump v. Mazars USA, LLP, 591 U.S. ___ (2020)

7. The breach and disregard for the First Amendment violates the due process clause.

D1, D2 and D3 showed total disregard to the Applicant 's argument on violation of his First Amendment right. The First Amendment allows for freedom of speech and of the press, the right of the people to peaceably assemble and the right to petition the Government for redress of grievances. During the criminal trial of the Applicant, evidence was presented pointing to the fact that the ICE started investigating the Applicant because of the Applicant's Newspaper publication "Immigrant Guide and

News". One of the publications detailed out the statistics of deported aliens carried out by the ICE. This publication, which presents no danger, was brought as documentary evidence at the trial.

In Near v. Minnesota, 283 U.S. 697, 51 S.Ct. 625, 75 L.Ed. 1357 (1931): the US Supreme Court interpreted the First and Fourteenth Amendments to forbid "previous restraints" upon publication of a newspaper.

8. The breach and disregard for the Fourth Amendment violates the due process clause.

D1, D2 and D3 showed total disregard to the Applicant 's argument on violation of his Fourth Amendment right. The foundation of the ICE complaint to the AGC involves violation of the Fourth Amendment. The Fourth Amendment states "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized". The ICE, swore to an affidavit for the search and seizure of the Applicant based on facts that were spiced up and admitted at trial that the facts were inaccurate. This is evidenced in the trial transcripts of cross examination of ICE Officer Giannakos during the prosecution of the Applicant. *See App-66-104-* Extracted Cross examination of DHS Witness stated he only had 6 months training on complex immigration laws and admitting the affidavit used to obtain search warrant was spiced up and wrong.

In Franks v. Delaware, 438 U.S. 154 (1978), the US Supreme Court held that the Fourth Amendment is violated where law enforcement intentionally or recklessly includes false information or misrepresentations in an affidavit for a search warrant and probable cause is vitiated when the false information or misrepresentations are excised from the affidavit.

9. Retaliation and adding False Arab Terrorist information to Applicant passport was violation of due process.

The conduct of D1, D2 and D3 encouraged retaliation against the Applicant **for** exercising his constitutional rights. Before and after the Applicant was discharged and acquitted, the ICE retaliated by blocking the work of the Applicant clients through a security block on the Applicant G28 (Attorney Representation Form), placing security clearance blockage on Applicant's Passport, the Applicant was detained several times at the airports on foreign travels and sometimes dog was made to sniff on the Applicant , the ICE documented a report on the Applicant's record putting the Applicant on terrorist watch as an Arab terrorist even though the Applicant is not of Arabian origin and never a terrorist. *See App-34 (extract documenting Applicant as an Arab terrorist when he is not)*

"'[T]he First Amendment prohibits government officials from subjecting an individual to retaliatory actions' for engaging in protected speech." Nieves v. Bartlett, 139 S. Ct. 1715, 1722 (2019)

10. The breach and disregard for the Eighth Amendment violates the due process clause.

America is based on an adversarial system of legal practice; we argue on opposite sides. The Applicant was disbarred for use of Form I-360 to obtain relief for his clients which was approved by USCIS with no fraudulent information or document. The D1, D2 and D3 believed the use of the form is not right but the Applicant argued that it was right based on DHS administrative memos. Their witness admitted he may be wrong and not his area of expertise. To disbar an attorney based on adversarial position is a breach of the Eighth amendment recommending grossly disproportionate punishment in furtherance of acting under color of law to breach federal law. Unnecessary and wanton infliction of pain maliciously done constitutes cruel and unusual punishment. See In Ingraham v. Wright, 430 U.S. 651 (1977), and Whitley v. Albers, 475 U.S. 312 (1986). The report of the Referee constitutes cruel and inhuman treatment and a demonstration of hate. The Eighth Amendment of the United States Constitution states that: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted". Absent "exceedingly rare" and "extreme cases,", the Cruel and Unusual Punishment section provides constitutional protection against grossly disproportionate punishment. See Lockyer v. Andrade, 538 U.S. 63 (2003). See also Solem v. Helm, 463 U.S. 277 (1983) holding that a sentence may not be disproportionate to the crime committed absent exceedingly rare and extreme cases.

D1, D2 and D3 were alerted on how he was unjustly arrested and $1million bail demanded in order to put him in jail, making the Applicant spend 14 days in jail before securing bail. ICE, the complainant, was involved in this violation. The Excessive Bail section provides constitutional protection against excessive bail, including the practical denial of bail by fixing its amount unreasonably high, as decided in United States v. Motlow, 10 F.2d 657 (1926). .

In *United States v. Salerno, 481 U.S. 739 (1987)*, The Supreme Court upheld the constitutionality of the Bail Reform Act of 1984 by holding that the Eighth Amendment places a restriction on the amount of bail set and that bail cannot place excessive restrictions on a defendant in relation to the perceived wrongdoing. Thus, the amount of bail cannot be set to an amount higher than what is necessary to prevent the perceived wrongdoing appearance.

11. The breach and disregard for the Fifth Amendment (Double Jeopardy) violates the due process clause.

In the criminal prosecution of the Applicant arising out of prosecutorial misconduct, D2, an employee of AGC of New York State, initiated with ICE and supplied documents to the New York district attorney (same government of New York) and participated in a grand Jury and trial Jury testifying on ethics and giving credibility to the prosecution. After the trial, the Applicant was discharged and acquitted of all the charges by the Jury. The facts of the case already tried by the Jury were later brought before D2 (same witness at the criminal prosecution) to retry in an attorney

grievance hearing. The attorney grievance hearing may be remedial but, in this case, D1 and D2 were active and vested participants, from the same government, in the criminal prosecution of the Applicant. The Referee ignored this point commenting that "you only dodge a bullet". The Double Jeopardy Clause of the Fifth Amendment to the United States Constitution provides that: "[N]or shall any person be subject for the same offense to be twice put in jeopardy of life or limb..." The Supreme Court incorporated the Double Jeopardy clause against the states in Benton v. Maryland, 395 U.S. 784 (1969). In the United States v. One Assortment of 89 Firearms, 465 U.S. 354 (1984), the Supreme Court held that the prohibition on double jeopardy extends to civil sanctions which are applied in a manner that is punitive in nature. The Fifth Amendment Double Jeopardy Clause is incorporated to the states. See United States v. Wilkins. 348 F.2d 844 (2d Cir. 1965). The rule that jeopardy attaches when a jury is impaneled and sworn is an integral part of the Fifth Amendment guarantee against double jeopardy and is binding on the States through the Fourteenth Amendment. See Crist v. Bretz. 437 U.S. 28 (1978). Where conduct charged in a proceeding was previously referenced in a past proceeding, double jeopardy will be violated. Double Jeopardy Clause . . . protects against a second prosecution of the same offense after acquittal conviction" See Schiro v. Farley. 510 U.S. 222 (1994). The underlying premise of double jeopardy was "that a defendant should not be twice tried or punished for the same offense" See United States v. Wilson. 420 U.S. 332 (1975). Double Jeopardy clause prohibits government from relitigating any issue that was necessarily decided by the jury's acquittal in a prior

trial. See Yeager v. United States, 557 U.S. 110 (2009). The Applicant case was relitigated. Double jeopardy attaches where the two tribunals that tried the accused exert all their powers under and by the authority of the same government. See Grafton v. United States 206 U.S. 333 (1907). The Applicant was tried by the same government and the same individual under the same government.

12. Breach of the Ethics on Conflict of Interest was a Violation of Due Process

D2's (the AGC prosecutor) insistence that it will prosecute the matter of Salis appears to be a breach of Conflict of Interest having initiated and supplied documents to the New York District Attorney and participated in the grand jury and the trial jury of the Applicant criminal case.

Under the American Bar Association Standard 3-1.7 (a) The prosecutor should know and abide by the ethical rules regarding conflicts of interest that apply in the jurisdiction and be sensitive to facts that may raise conflict issues. When a conflict requiring recusal exists and is non-waivable, or informed consent has not been obtained, the prosecutor should recuse from further participation in the matter. The office should not go forward until a non-conflicted prosecutor, or an adequate waiver, is in place.

(c) The prosecutor should not participate in a matter in which the prosecutor previously participated, personally and substantially, as a non-prosecutor, unless the appropriate government office, and when necessary, a former client, gives informed consent confirmed in writing.

13. Prosecutor Bias and Assumption of Wrongful Jurisdiction was a violation of due process.

At the time the complaint was submitted in 2017 to the AGC, the Applicant had left the AGC, First Judicial Department to the Second Judicial Department on or about October 2012 (almost 5 years after). The Applicant was already outside the jurisdiction of the First Department but D2 (Doyle) insisted on prosecuting the complaint arguing that the Applicant maintained a US post office box in the First Department. D2 supplied documents, testified on ethics both in Grand Jury and Trial Jury raising bias diameter. The Applicant attorney registration with the State showed Second Judicial Department.

14. To disbar an attorney at pleasure violates due process.

In furtherance of their scheme to violate federal law under color of law, D1, D2 and D3 acted with total disregard for the laws of the land to recommend the disbarment of the Applicant on non-frivolous adversarial matters. "The sanction resulting from a bar disciplinary proceeding must be fair to society and fair to the attorney. An attorney's right to practice is not, however, a mere matter of grace or favor revocable at the pleasure of anyone. Rather, an attorney can be deprived of his or her office only

for good cause shown in a judicial proceeding conducted in a legal manner". See Ex parte Garland, 71 U.S. 333 (1866). The license and the means of livelihood of the Applicant is imprisoned through breach of due process including lack of jurisdiction. Jurisdictions include the power of a court to adjudicate cases and issue orders or territory within which a court or government agency may properly exercise its power. See Ruhrgas AG v. Marathon Oil Co. et al., 526 U.S. 574 (1999).

15. The Referee decision to ignore USCIS Director Donald Neufeld Memo on use of Form I-360 for Deferred Action request was a violation of due process.

The AGC witness had wrongfully testified that Form I-360 cannot be used to make a request for Deferred Action and the Applicant had argued that it could be used and presented a memo from USCIS director directing that Form I-360 be used. When the AGC witness was confronted with the memo at the criminal trial of the Applicant, he agreed he was wrong. This was presented to the Referee and part of the record, yet the Referee decided to ignore the memo even though he confirmed receiving it in the transcript. The decision to ignore the memo was made in furtherance of a scheme to commit civil rights violations under color of law. See *App-43-44* - Neufeld Memo approving use of Form I-360 for deferred action.

16. The Referee decision to ignore ICE Director John Morton Memo on granting Deferred Action for illegal parents was a violation of due process.

Using wrongful conclusions and mischaracterization, the Referee stated that John Morton memo was a nullity. The memo stated that parents of US Citizens can be

granted deferred action on discretion contrary to the AGC witness. See *App-37-38* - ICE Director John Morton on factors to consider on deferred action.

17. The Referee decision to overlook the USCIS Ombudsman Report was a violation of due process.

Due process requires that a decision be based exclusively on the evidence presented and that the tribunal prepare a record of the evidence presented. The USCIS Ombudsman report was presented to the Referee before and after the hearing for the briefing submission. The Referee admitted receiving the report in the transcripts of hearing but ignored the report in his findings of liability. The USCIS Ombudsman investigated the request for deferred action and submitted a controversial report that a. Stakeholders lack clear and consistent information, b. No national procedure for handling requests and c. there is confusion on what to expect. USCIS processes two types of deferred action requests: 1) those submitted by individuals who qualify based on a USCIS decision to use deferred action as a pre-adjudication form of temporary relief for those who have filed certain petitions or applications and 2) those submitted by individuals in exigent circumstances. See *App-28.* A Requests for Deferred Action made by the Applicant on form 360 was approved by one of the service centers. *See App-31.*

*D2 (Doyle), in the opposition to Applicant's motion to disaffirm, frivolously called the Ombudsman report "nonsense" as if D2 knew more than the Ombudsman. D2 further argued the report is "advisory and lacking in juridical efficacy" and therefore "what".*

18. The Referee misapprehension of Federal Court order that ruled that G28 is a violation of free speech was a violation of due process.

In furtherance of a scheme to commit civil rights violations under color of law, the Referee deliberately in bad faith ignored the Federal Court Order on NorthWest Immigrant Rights Project v. Sessions 2:17-cv-716 (W.D. Wash.) that ruled that G28 is a violation of free speech. Note that there is no testimony from the DHS witnesses on the G28 probably in deference to the Federal judge decision.

19. The Referee Misapprehension of the controlling law of DHS power of discretion under INA 274A(h)(3) was a violation of due process.

D1, D2 and D3 particularly in furtherance of a scheme to violate the Civil Rights of the Applicant under color of law, disobeyed the controlling law of DHS power of discretion under INA 274A(h)(3). "The INA § 274A(h)(3), recognizes executive branch authority to authorize employment for noncitizens who do not otherwise receive it automatically by virtue of their particular immigration status". The Referee stated that the applicability of INA 274A(h)(3) to the instant proceedings is unclear contrary to the positions of Law professors and USCIS Counsels on the same section. There is no immunity in suits to restrain state officials from contravening federal statutes. E.g., Edelman v. Jordan, 415 U.S. 651, 664-68 (1974); Ray v. Atlantic Richfield Co., 435 U.S. 151 (1978). D1, D2 and D3 have chosen to dishonor the rule of law in their deliberate move to breach federal laws out of bias against the Applicant.

20. The Referee Wrongful Conclusion on Appealing of Discretion was a violation of due process.

In his liability report, the referee concluded that the Applicant should have appealed: "not a single case had been appealed beyond the motion for reconsideration stage". Deferred Action Request is discretionary. You cannot appeal discretion. What is available is to ask for reconsideration or refiling. By law, you cannot appeal a discretion. See 8 USC 1252(g). AAADC 525 US. The USCIS Standard Operating Procedure (SOP) on Deferred Action (also referenced by the AGC) stated *"There is no appeal to a request that is not granted, but the requestor can submit additional evidence to request reconsideration of the determination or a new request for deferred action can be submitted"* See *App-62-64* - USCIS Standard Operating Procedure stating you cannot appeal Deferred Action contrary to the report of the Referee that the Applicant did not appeal.

21. The US Constitution and Laws prohibit slavery and human trafficking and encouraging same was a violation of due process.

The effort of the Applicant was to stop slavery and trafficking of human beings by petitioning for immigrant parents of US citizens to be given work permits. This effort was attacked by D1, D2 and D3. There are many immigrants living in New York who are being discriminated against and enslaved because they do not have work permits and because they fear deportation. Many of these immigrants are victims of trafficking. The US Constitution and Laws prohibit slavery and human trafficking.

See 18 U.S. Code § 1581–1592 (relating to peonage, slavery, and trafficking in persons). The Thirteenth Amendment to the United States Constitution provides that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

22. The Hearing in this case violates the Supremacy Clause

This matter involves immigration which is an exclusive federal matter. Article VI, Paragraph 2 of the U.S. Constitution - the Supremacy Clause prohibits states from interfering with the federal government's exercise of its constitutional powers, and from assuming any functions that are exclusively entrusted to the federal government. "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding".

23. The sanction hearing, while motions were pending before the Referee and the Appellate Court, was a violation of due process - AGC dropped argument on I-360 and G28.

The AGC rushed for sanction hearing despite pending Applicant Motion to Reconsider which the Referee failed to rule upon. The Committee opposed the Motion to Reargue. The Applicant replied to Committee Opposition.

*A flaw was discovered in the New York Attorney grievance procedure whether sanction hearing can proceed on wrongful findings of liability. The Applicant approached the Appellate Court to make a first impression determination on this. This is because the Referee report was to contain liability and sanction hearings at the same time.*

While the Motions of the Applicant before the Referee and the Appellate Court are pending, the Committee submitted a memorandum for Sanction hearing before the Referee.

The Applicant opposed the Sanction Hearing before the Referee. Again, the Referee failed to rule on the Motion.

Sanction hearing proceeded in absentia on May 18, 2022 despite pending court and referee motions with only two exhibits presented - the email communication on Sanction hearing (some of them missed the notice of the Applicant ) and the Defendant website. The AGC backed down and did not argue further on the exhibits for the I-360 use for deferred action and the G28. During the Sanction hearing which was not attended by the Applicant for violation of due process because of pending Appellate court motion and motions before the referee, the Referee noted his flaws on his failing to rule on the Motion to Reconsider.

On June 22, 2022, after the Sanction Hearing on May 18, 2022, the Appellate Court allegedly denied the motion of the Applicant without addressing the issues raised which further raised some concerns for review and gave an impression that the Appellate Justices were being manipulated since there is no oral hearing. The Appellate Court decision said to be before 5 justices returned a decision that did not

correspond to the motion request. The Applicant motion was treated as a motion to disaffirm before the court contrary to the request in the motion. The Applicant moved the Appellate Court to Reargue the Decision of the Appellate Court and for Leave to Appeal the Decision of the Appellate Court to the Court of Appeals.

The Committee opposed the Applicant Motion to Reargue and opposed the Leave to Appeal the Decision of the Appellate Court to the Court of Appeals. On August 31, 2022, the Appellate Court was reported to have denied the Motion to Reargue and for Leave to Appeal in a single decision.

24. Invasion of Applicant home office with an unsigned affidavit for warrant was a violation of due process.

The Applicant is a CPA and a multijurisdictional lawyer. Upon information and belief, D1 and D2 instigated criminal action and invasion of the Applicant home office with a warrant unsupported by a signed and sworn affidavit of a police or District Attorney as provided under the New York Criminal Procedure Law 690.35(1) which stated "An application for a search warrant may be in writing or oral. If in writing, it must be made, subscribed and sworn to by a public servant specified in subdivision one of section 690.05. If oral, it must be made by such a public servant and sworn to and recorded in the manner provided in section 690.36.

"690.05(1) stated 1. Under circumstances prescribed in this article, a local criminal court may, upon application of a police officer, a district attorney or other public servant acting in the course of his official duties, issue a search warrant". A judge

was reported to sign the affidavit for the warrant and the warrant itself. See *App-113.*

The Search warrant violates the Fourth Amendment which states "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized". The Certificate of Compliance was filed without providing the unsworn affidavit at least for the Applicant to know the content.

In Franks v. Delaware, 438 U.S. 154 (1978), the US Supreme Court held that the Fourth Amendment is violated where law enforcement intentionally or recklessly includes false information or misrepresentations in an affidavit for a search warrant and probable cause is vitiated when the false information or misrepresentations are ex- cised from the affidavit.

25. Redacting Exculpatory Evidence from the Grand Jury was a violation of due process.

The Grand Jury may have been manipulated. The Applicant office was invaded in March 2023. Grand Jury hearing was held in July 2023 (4 months after). The Applicant was not informed of the Grand Jury pursuant to the New York Criminal Procedure Law 190.50(5) which states: "5. Although not called as a witness by the people or at the instance of the grand jury, a person has a right to be a witness in a

grand jury proceeding under circumstances prescribed in this subdivision: (a) When a criminal charge against a person is being or is about to be or has been submitted to a grand jury, such person has a right to appear before such grand jury as a witness in his own behalf if, prior to the filing of any indictment or any direction to file a prosecutor's information in the matter, he serves upon the district attorney of the county a written notice making such request and stating an address to which communications may be sent. The district attorney is not obliged to inform such a person that such a grand jury proceeding against him is pending, in progress or about to occur unless such person is a defendant who has been arraigned in a local criminal court upon a currently undisposed of felony complaint charging an offense which is a subject of the prospective or pending grand jury proceeding. In such case, the district attorney must notify the defendant or his attorney of the prospective or pending grand jury proceeding and accord the defendant a reasonable time to exercise his right to appear as a witness therein;

Also, exculpatory evidence like the arguments of the Applicant and the law of the case were redacted from the Grand Jury.

Under Brady v. Maryland, 373 U.S. 83, 87 (1963); and Giglio v. United States, 405 U.S. 150, 154 (1972), the law requires the disclosure of exculpatory and impeachment evidence when such evidence is material to guilt or punishment. The Supreme Court held that the prosecution's suppression of evidence violated the Due Process Clause of the Fourteenth Amendment.

26. Prehearing Settlement Offer to Stop Helping Immigrants is against the Civil Rights Act of 1964.

Before the hearing, a settlement was discussed between the parties that the complaint of the ICE will be dropped if the Applicant stopped practicing immigration law. The Applicant examined the offer, found it discriminatory against immigrants and refused the offer. Thereafter, the Applicant 's previous attorney before the AGC decided to withdraw representation and the Applicant proceeded pro se. The **Civil Rights Act of 1964** (Pub. L. 88–352, 78 Stat. 241, enacted July 2, 1964) outlawed discrimination based on race, color, religion, sex, and national origin.

27. The need to maintain the prestige and honor of the Judiciary - signature irregularity on Orders

All lawyers are bound to fight any attack against the prestige and honor of the Judiciary. D1, D2 and D3 intentionally and deliberately attacked the prestige and honor of the Judiciary thus: The Applicant was denied oral argument before the Justices. It is the contention of the Applicant, based upon strong belief and signals, that the Justices involved in the disbarment decision do not know about the facts of the case. The Justices were being manipulated out of the facts and arguments presented by the Applicant.

The decision to disbar the Applicant and decisions challenging the disbarment and some conducts of the proceedings were uncertified by the clerk of the Appellate Division of the First Department as true and bearing irregular signatures. The clerk's

signature on the said decisions were slightly different (with extra M) from the one appended on the appointment of the Referee which appears authentic and with different judges. See *Appendices-9, 11 signatures* compared to Appendices-14, 19, 21, and 23 *which were from majority of the 5 justices.*

In attacking the prestige and honor of the Judiciary, the Referee ran a biased tribunal and displayed hate and impartiality yet refused to rescue himself.

There is substantial injustice in this case because the Referee findings violate due process and were based on wrongful conclusions, mischaracterizations, reading of minds and relevant facts were overlooked or misapprehended and the controlling laws were misapplied or disobeyed. D1, D2 and D3 acted with impunity, exhibited bad faith and committed gross misconduct.

An attorney may not be punished for proposing good faith argument or for relying on official statement of the law contained in (a) a statute or other enactment, or (b) an administrative order or grant of permission, or (c) a judicial decision of a state or federal court, or (d) an interpretation of the statute or law relating to the offense, officially made or issued by a public servant, agency or body legally charged or empowered with the responsibility or privilege of administering, enforcing or interpreting such statute or law.

Pursuant to Rule 14.1(e)(v), 28 USC 2403(a) and 28 USC 2403(b) may apply.

WHEREFORE, the Applicant requests that this court grant the Writ.

Dated: Brooklyn, New York

February 1, 2024.

Owolabi Salis
1179 Eastern Parkway
Brooklyn, NY 11213
9174030566

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**Appendix to Application for Stay**

**Page:**

**Note: The highest Court in New York is the State of New York, Court of Appeals. The decision is one page denying the lower court which has no analysis**

**The Supreme Court of the State of New York, Appellate Division is a lower court.**



**Certified Decisions With Regular Signature of The Clerk**



**Uncertified Decisions with Irregular Signature of The Clerk. The Petitioner Was Denied Oral Argument Before The Justices**

**Exhibits to Motion to Reconsider:**

**Other Relevant Exhibits**

# State of New York
## Court of Appeals



***Decided and Entered on the fourteenth day of September, 2023***

**Present**, Hon. Rowan D. Wilson, *Chief Judge, **presiding.***

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Mo. No. 2022-877
In the Matter of Owolabi M. Salis, &c.

Attorney Grievance Committee for the First Judicial Department,
Respondent;
Owolabi M. Salis,
Appellant.

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Appellant having appealed and moved for leave to appeal to the Court of Appeals and for a stay in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, on the Court's own motion, that the appeal is dismissed, without costs, upon the ground that no substantial constitutional question is directly involved; and it is further

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for a stay is dismissed as academic.

Lisa LeCours
Clerk of the Court

# Supreme Court of the State of New York
# Appellate Division, First Judicial Department

Sallie Manzanet-Daniels, J.P.,
Judith J. Gische
Troy K. Webber
Cynthia S. Kern
Julio Rodriguez III, JJ.

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Motion Nos. 2022-03322& 2022-03642
Case No. 2013-00285

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In the Matter of
OWOLABI M. SALIS,
an attorney and counselor-at law:

ATTORNEY GRIEVANCE COMMITTEE FOR THE
FIRST JUDICIAL DEPARTMENT,
Petitioner,

OWOLABI M. SALIS,
(OCA ATTY. REG. NO. 4012886)
Respondent.

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Disciplinary proceedings instituted by the Attorney Grievance Committee for the First Judicial Department. Respondent was admitted to the Bar of the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002.

Jorge Dopico, Chief Attorney,
Attorney Grievance Committee, New York
(Kevin M. Doyle, of counsel), for petitioner.

Respondent pro se.

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**IN THE MATTER OF OWOLABI M. SALIS, AN ATTORNEY**

PER CURIAM

Respondent Owolabi M. Salis was admitted to the practice of law in the State of New York by the Second Judicial Department on June 26, 2002. At all times relevant herein, respondent maintained an office for the practice of law within the First Judicial Department.

In 2016, respondent was acquitted of criminal charges brought against him in New York County involving the filing of fraudulent immigration petitions. In 2017, the Department of Homeland Security referred respondent's conduct to the Attorney Grievance Committee (AGC), which led to charges related to the fraudulent filing of hundreds of visa petitions and adjustment of status applications. In 2019, this Court appointed a Referee to hold a hearing on the charges; after motion practice and delays caused by the pandemic, the Referee held a hearing in May 2021. Per respondent's request, the hearing focused solely on liability, with a sanction hearing, if necessary, to follow.

On March 25, 2022, the Referee issued a report sustaining all charges, finding respondent to be in violation of Rules of Professional Conduct (22 NYCRR 1200.0) rules 3.1, 3.3(f), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h). On May 16, 2022 (two days before the sanction hearing), respondent moved for reargument or reconsideration of the Referee's liability findings, to disaffirm same, and to stay the sanction hearing. On May 18, 2022, the Referee presided over a sanction hearing. Respondent did not appear at the hearing, nor did he phone or email to explain his absence. The Referee found respondent in default and the sanction hearing proceeded.

By June 9 and June 10, 2022 submissions to the Referee, respondent maintained, inter alia, that the sanction hearing should not have convened while his motions for reargument/reconsideration of the Referee's findings were pending with the Court.

On June 22, 2022 (M-2028), this Court denied respondent's motion for reargument or reconsideration of the Referee's liability findings, to disaffirm same, and to stay the sanction hearing. In July 2022, respondent moved for leave to reargue the June 22, 2022 order, which motion was denied in its entirety on August 31, 2022 (M-2894, M-2895). On or about July 25, 2022, the Referee offered to reopen the sanction hearing, which the AGC did not oppose, but respondent failed to respond. By report dated August 17, 2022, the Referee recommended that respondent be disbarred.

The AGC now seeks an order confirming the Referee's liability findings and sanction recommendation and disbarring respondent. By cross motion, respondent opposes and requests, inter alia, "disaffirmation or dismissal" of the Referee's findings.

The Referee's liability findings are well founded and should be confirmed in full. Respondent's myriad of arguments against such, a good number of which have already been considered and rejected by this Court in connection with his prior motions, are without merit. As demonstrated by the record, respondent, over an eight-year period, submitted 1,185 fraudulent and frivolous I-360 petitions, only one of which was granted. In addition, respondent intentionally tried to conceal his identity from immigration authorities by not including the requisite G-28 notice of appearance form with the filings and not signing his name as the preparer thereof. He also failed to denominate his law practice's website as "attorney advertising" (corrected after the AGC brought charges) and engaged in false advertising as to the services he provided.

While neither the AGC nor the Referee cite any factually apposite disbarment cases, we find that disbarment is the appropriate sanction herein. We have imposed significant discipline, including disbarment, in matters involving immigration-related misconduct for which there was no criminal conviction (*see Matter of Jaffe*, 78 AD3d 152 [1st Dept 2010]; *Matter of Cohen*, 40 AD3d 61 [1st Dept 2007]; *Matter of Berglas*, 16 AD3d 1 [1st Dept 2005]). Respondent's false advertising and failure to appear at the sanction hearing only add to the case for his disbarment (*see Matter of McClain-Sewer*, 77 AD3d 204 [1st Dept 2010]).

Accordingly, the respondent's cross motion should be denied; and the AGC's motion to confirm the Referee's findings of fact, conclusions of law, and sanction recommendation should be granted, and respondent is disbarred and his name is stricken from the roll of attorneys in the State of New York.

All concur.

IT IS ORDERED that the Attorney Grievance Committee for the First Judicial Department's motion for an order pursuant to 22 NYCRR 603.8-a(t)(4) and 1240.8(b)(2) to confirm the Referee's findings of fact, conclusions of law, and sanction recommendation is granted, and the respondent, Owolabi M. Salis, is disbarred and his name stricken from the roll of attorneys and counselors-at-law in the State of New York, effective the date hereof and continuing until further order of this Court, and

IT IS FURTHER ORDERED that the cross motion of respondent for "disaffirmation or dismissal" of the Referee's findings is denied, and

IT IS FURTHER ORDERED that, effective immediately, pursuant to Judiciary Law § 90, the respondent, Owolabi M. Salis, is commanded to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk or employee of another, (2)

appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law, and

IT IS FURTHER ORDERED that the respondent, Owolabi M. Salis, shall comply with the rules governing the conduct of disbarred or suspended attorneys (see 22 NYCRR 1240.15), which are made part hereof, and

IT IS FURTHER ORDERED that if the respondent, Owolabi M. Salis, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency.

Entered: November 29, 2022

Susanna Molina Rojas
Clerk of the Court

CERTIFIED DECISIONS WITH
REGULAR SIGNATURE OF THE CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2020.

Present - Hon. Rosalyn H. Richter, Justice Presiding,
Sallie Manzanet-Daniels
Judith J. Gische
Troy K. Webber
Cynthia S. Kern, Justices.



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In the Matter of Owolabi M. Salis,
an attorney and counselor-at-law:

Attorney Grievance Committee
for the First Judicial Department,
Petitioner,

Owolabi M. Salis,
(OCA Atty. Reg. No. 4012886),
Respondent.

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**UNPUBLISHED ORDER**
**CONFIDENTIAL**
M-7834
M-8805

An unpublished order of this Court having been entered on July 24, 2019 (M-1175), appointing Donald M. Zolin, Esq., as Referee to conduct a hearing on the charges against respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002), and to make such findings of fact and conclusions of law and recommend such disciplinary sanction as may be appropriate,

And respondent, pro se, having moved this Court on October 28, 2019 (M-7834) for an order staying the subject disciplinary proceeding pending a decision in an action he filed in mid-September in the Eastern District of New York, entitled Owolabi Salis v Kevin McAleean, Acting Secretary, Department of Homeland Security, Docket No. 1:19-cv-5133,

And the Attorney Grievance Committee for the First Judicial Department, by Jorge Dopico, its Chief Attorney (Kevin M. Doyle, of counsel), having submitted an affirmation in opposition to respondent's motion,

And respondent, pro se, having submitted an affidavit in reply to the Committee's affirmation in opposition,

And Chris McDonough, Esq. and Foley Griffin LLP, having moved this Court on December 30, 2019, (M-8805), for an order pursuant to CPLR 321 relieving them as the attorney of record for respondent and granting respondent 60 days within which to obtain substitute counsel,

And respondent having submitted an affidavit in response to counsels' motion to be relieved,

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon, it is unanimously,

Ordered that respondent's motion for a stay of the disciplinary proceeding (M-7834) is denied. Respondent's counsels' motion (M-8805) is granted to the extent of relieving Chris McDonough, Esq. and Foley Griffin LLP, as counsel for respondent, and the pending disciplinary proceeding is adjourned for 30 days to afford respondent the opportunity to retain new counsel, if so advised.

ENTERED:

CLERK

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT
STATE OF NEW YORK

I, SUSANNA ROJAS, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 1-22-2020 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 1-22-2020.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 24, 2019.

Present - Hon. Rolando T. Acosta, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

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In the Matter of Owolabi M. Salis,
an attorney and counselor-at-law:

**UNPUBLISHED ORDER**
**CONFIDENTIAL**
M-1172

Attorney Grievance Committee
for the First Judicial Department,
Petitioner,

Owolabi M. Salis,
(OCA Atty. Reg. No. 4012886),
Respondent.

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FILED
JUL 24 2019
SUP COURT, APP. DIV.
FIRST DEPT.

The Attorney Grievance Committee for the First Judicial Department, by Jorge Dopico, its Chief Attorney (Kevin M. Doyle, of counsel), having moved this Court on May 6, 2019 for an order, pursuant to Judiciary Law § 90(2) and 22 NYCRR 1240.8, directing that respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002) be disciplined on their attached petition of charges alleging violations of Rules 3.1, 3.3(f)(4), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h) of the New York Rules of Professional Conduct, or, in the alternative, referring the matter to a referee for a hearing on any issue the Court deems appropriate, pursuant to 22 NYCRR 1240.8(b),

And respondent, by his attorney, Chris McDonough, Esq., having submitted an answer to the petition of charges, dated April 24, 2019, denying the conclusions of fact, the conclusions of law and any alleged rule violations contained in all six charges,

And the Committee having submitted an affirmation in reply, dated May 3, 2019, requesting that the charges be sustained or, in the alternative that the matter be referred to a referee,

And the Committee and respondent having submitted a Joint Stipulation of Disputed and Undisputed Facts in which respondent disputes all charges,

Now, upon reading and filing the papers with respect to the petition and motion, and due deliberation having been had thereon, it is unanimously,

Ordered that the motion is granted to the extent of appointing Donald M. Zolin, Esq., 225 Broadway, 3rd Floor, New York, NY 10007, Tel: 212-742-9200, Fax: 212-742-7033, as referee to conduct a hearing on the charges, and to make such findings of fact and conclusions of law and recommend such disciplinary sanction as may be appropriate (see 22 NYCRR 1240.8 and 22 NYCRR 603.8-a).

ENTERED:

Susanna Rojas

CLERK

APPELLATE DIVISION SUPREME COURT-FIRST DEPARTMENT
STATE OF NEW YORK

I, SUSANNA ROJAS, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 7/24/19 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 7/24/19.

Susanna Rojas

CLERK

UNCERTIFIED DECISIONS
WITH IRREGULAR SIGNATURE OF THE CLERK
THE PETITIONER WAS DENIED ORAL ARGUMENT
BEFORE THE JUSTICES

# Supreme Court of the State of New York
# Appellate Division, First Judicial Department

Present – Hon. Sallie Manzanet-Daniels, Justice Presiding,
Troy K. Webber
Cynthia S. Kern
Julio Rodriguez III
Bahaati E. Pitt-Burke, Justices.

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In the Matter of Owolabi M. Salis,
a disbarred attorney:

Attorney Grievance Committee
for the First Judicial Department,
Petitioner,

Owolabi M. Salis
(OCA Atty. Reg. No. 4012886),
Respondent.

Motion No. 2022-04850
2022-04851
Case No. 2013-00285

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An unpublished order of this Court having been entered on July 24, 2019 (M-1172), granting the Attorney Grievance Committee's motion for an order, pursuant to Judiciary Law § 90(2) and 22 NYCRR 1240.8, directing that respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002) be disciplined on an attached petition of charges alleging violations of Rules 3.1, 3.3(f)(4), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h) of the New York Rules of Professional Conduct, to the extent of referring the matter to a Referee to conduct a hearing on the charges, and to make such findings of fact, conclusions of law and to recommend such disciplinary sanction as may be appropriate,

And the Referee, after hearing, having submitted a report, dated March 25, 2022, in which he found that the Committee had adequately proven all six charges of misconduct, with a sanction hearing scheduled to follow,

And an unpublished order of this Court having been entered on June 22, 2022 denying respondent's motion seeking reargument or reconsideration of the Referee's liability findings and to disaffirm same, and to stay the sanction hearing (M-2022-02028),

And an unpublished order of this Court having been entered on August 31, 2022 denying respondent's motion for reargument, and his separate motion for leave to appeal from, the aforesaid order of this Court, entered June 22, 2022 (M-2022-02894 and M-2022-02895),

And an order of this Court having been entered on November 29, 2022 granting the Attorney Grievance Committee's motion to confirm the Referee's liability findings, and the Referee's report following the sanctions hearing, in which respondent did not appear, which recommended that respondent be disbarred, and denying respondent's cross motion to disaffirm or dismiss the Referee's findings (M-2022-03322 and M-2022-03642),

And respondent having moved this Court for an order for leave to appeal to the Court of Appeals from this Court's order entered on November 29, 2022 disbarring him, and for an order vacating or amending the aforesaid order,

And the Attorney Grievance Committee, by Jorge Dopico, its Chief Attorney (Kevin M. Doyle, of counsel), having submitted a letter dated December 15, 2022, in opposition to both motions, requesting that the motions be denied,

Now, upon reading the papers filed in support and in opposition to the motions and due deliberation having been had thereon, it is

ORDERED that the motion for an order granting leave to appeal the November 29, 2022 disbarment order of this Court to the Court of Appeals is denied (M-2022-04850), and

IT IS FURTHER ORDERED that the motion for an order vacating or amending the disbarment order is denied (M—2022-04851).

Dated: January 26, 2023

Entered:

Susanna Molina Rojas
Clerk of the Court

# Supreme Court of the State of New York
# Appellate Division, First Judicial Department

Sallie Manzanet-Daniels, J.P.,
Judith J. Gische
Troy K. Webber
Cynthia S. Kern
Julio Rodriguez III, JJ.

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Motion Nos. 2022-03322& 2022-03642
Case No. 2013-00285

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In the Matter of
OWOLABI M. SALIS,
an attorney and counselor-at law:

ATTORNEY GRIEVANCE COMMITTEE FOR THE
FIRST JUDICIAL DEPARTMENT,
Petitioner,

OWOLABI M. SALIS,
(OCA ATTY. REG. NO. 4012886)
Respondent.

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Disciplinary proceedings instituted by the Attorney Grievance Committee for the First Judicial Department. Respondent was admitted to the Bar of the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002.

Jorge Dopico, Chief Attorney,
Attorney Grievance Committee, New York
(Kevin M. Doyle, of counsel), for petitioner.

Respondent pro se.

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**IN THE MATTER OF OWOLABI M. SALIS, AN ATTORNEY**

PER CURIAM

Respondent Owolabi M. Salis was admitted to the practice of law in the State of New York by the Second Judicial Department on June 26, 2002. At all times relevant herein, respondent maintained an office for the practice of law within the First Judicial Department.

In 2016, respondent was acquitted of criminal charges brought against him in New York County involving the filing of fraudulent immigration petitions. In 2017, the Department of Homeland Security referred respondent's conduct to the Attorney Grievance Committee (AGC), which led to charges related to the fraudulent filing of hundreds of visa petitions and adjustment of status applications. In 2019, this Court appointed a Referee to hold a hearing on the charges; after motion practice and delays caused by the pandemic, the Referee held a hearing in May 2021. Per respondent's request, the hearing focused solely on liability, with a sanction hearing, if necessary, to follow.

On March 25, 2022, the Referee issued a report sustaining all charges, finding respondent to be in violation of Rules of Professional Conduct (22 NYCRR 1200.0) rules 3.1, 3.3(f), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h). On May 16, 2022 (two days before the sanction hearing), respondent moved for reargument or reconsideration of the Referee's liability findings, to disaffirm same, and to stay the sanction hearing. On May 18, 2022, the Referee presided over a sanction hearing. Respondent did not appear at the hearing, nor did he phone or email to explain his absence. The Referee found respondent in default and the sanction hearing proceeded.

By June 9 and June 10, 2022 submissions to the Referee, respondent maintained, inter alia, that the sanction hearing should not have convened while his motions for reargument/reconsideration of the Referee's findings were pending with the Court.

On June 22, 2022 (M-2028), this Court denied respondent's motion for reargument or reconsideration of the Referee's liability findings, to disaffirm same, and to stay the sanction hearing. In July 2022, respondent moved for leave to reargue the June 22, 2022 order, which motion was denied in its entirety on August 31, 2022 (M-2894, M-2895). On or about July 25, 2022, the Referee offered to reopen the sanction hearing, which the AGC did not oppose, but respondent failed to respond. By report dated August 17, 2022, the Referee recommended that respondent be disbarred.

The AGC now seeks an order confirming the Referee's liability findings and sanction recommendation and disbarring respondent. By cross motion, respondent opposes and requests, inter alia, "disaffirmation or dismissal" of the Referee's findings.

The Referee's liability findings are well founded and should be confirmed in full. Respondent's myriad of arguments against such, a good number of which have already been considered and rejected by this Court in connection with his prior motions, are without merit. As demonstrated by the record, respondent, over an eight-year period, submitted 1,185 fraudulent and frivolous I-360 petitions, only one of which was granted. In addition, respondent intentionally tried to conceal his identity from immigration authorities by not including the requisite G-28 notice of appearance form with the filings and not signing his name as the preparer thereof. He also failed to denominate his law practice's website as "attorney advertising" (corrected after the AGC brought charges) and engaged in false advertising as to the services he provided.

While neither the AGC nor the Referee cite any factually apposite disbarment cases, we find that disbarment is the appropriate sanction herein. We have imposed significant discipline, including disbarment, in matters involving immigration-related misconduct for which there was no criminal conviction (*see Matter of Jaffe*, 78 AD3d 152 [1st Dept 2010]; *Matter of Cohen*, 40 AD3d 61 [1st Dept 2007]; *Matter of Berglas*, 16 AD3d 1 [1st Dept 2005]). Respondent's false advertising and failure to appear at the sanction hearing only add to the case for his disbarment (*see Matter of McClain-Sewer*, 77 AD3d 204 [1st Dept 2010]).

Accordingly, the respondent's cross motion should be denied; and the AGC's motion to confirm the Referee's findings of fact, conclusions of law, and sanction recommendation should be granted, and respondent is disbarred and his name is stricken from the roll of attorneys in the State of New York.

All concur.

IT IS ORDERED that the Attorney Grievance Committee for the First Judicial Department's motion for an order pursuant to 22 NYCRR 603.8-a(t)(4) and 1240.8(b)(2) to confirm the Referee's findings of fact, conclusions of law, and sanction recommendation is granted, and the respondent, Owolabi M. Salis, is disbarred and his name stricken from the roll of attorneys and counselors-at-law in the State of New York, effective the date hereof and continuing until further order of this Court, and

IT IS FURTHER ORDERED that the cross motion of respondent for "disaffirmation or dismissal" of the Referee's findings is denied, and

IT IS FURTHER ORDERED that, effective immediately, pursuant to Judiciary Law § 90, the respondent, Owolabi M. Salis, is commanded to desist and refrain from (1) practicing law in any form, either as principal or agent, clerk or employee of another, (2)

appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law, and

IT IS FURTHER ORDERED that the respondent, Owolabi M. Salis, shall comply with the rules governing the conduct of disbarred or suspended attorneys (see 22 NYCRR 1240.15), which are made part hereof, and

IT IS FURTHER ORDERED that if the respondent, Owolabi M. Salis, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency.

Entered: November 29, 2022

Susanna Molina Rojas
Clerk of the Court

# Supreme Court of the State of New York
# Appellate Division, First Judicial Department

Present – Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Troy K. Webber
Cynthia S. Kern
Julio Rodriguez III, Justices.

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In the Matter of Owolabi M. Salis
an attorney and counselor-at-law:

Attorney Grievance Committee
for the First Judicial Department,
Petitioner,

Owolabi M. Salis
(OCA Atty. Reg. No. 4012886),
Respondent.

Motion No. 2022-02894
2022-02895
Case No. 2013-00285

UNPUBLISHED ORDER
CONFIDENTIAL

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An unpublished order of this Court having been entered on July 24, 2019 (M-1172), granting The Attorney Grievance Committee's motion for an order, pursuant to Judiciary Law § 90(2) and 22 NYCRR 1240.8, directing that respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002) be disciplined on their attached petition of charges alleging violations of Rules 3.1, 3.3(f)(4), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h) of the New York Rules of Professional Conduct, to the extent of referring the matter to a Referee to conduct a hearing on the charges, and to make such findings of fact, conclusions of law and to recommend such disciplinary sanction as may be appropriate,

And the Referee, after hearing, having submitted a report, dated March 25, 2022, in which he found that the Committee had adequately proven all six charges of misconduct, with a sanction hearing scheduled to follow,

And an order of this Court having been entered on June 22, 2022 (M-2022-02028) denying respondent's motion seeking reargument or reconsideration of the Referee's liability findings and to disaffirm same, and to stay the sanction hearing,

And respondent, pro se, having separately moved this Court on August 1, 2022, for an order granting reargument of (M-2022-02894), and for leave to appeal to the Court of Appeals from (M-2022-02895), the aforesaid order of this Court, entered June 22, 2022,

And the Attorney Grievance Committee, by Jorge Dopico, its Chief Attorney (Kevin M. Doyle, of counsel), having submitted separate affirmations in opposition to the motion to reargue and the motion for leave to appeal,

Now, upon reading the papers filed in support and in opposition to the motions, and due deliberation having been had thereon, it is

Ordered that the motion (M-2022-02894) for an order granting reargument of aforesaid order of this Court, entered June 22, 2022, is denied, and it is further

Ordered that the motion (M-2022-02895) for an order seeking leave to appeal to the Court of Appeals from the aforesaid order of this Court, entered June 22, 2022, is denied.

Entered: August 31, 2022

Susanna Molina Rojas
Clerk of the Court

# Supreme Court of the State of New York
# Appellate Division, First Judicial Department

Present – Hon. Sallie Manzanet-Daniels, Justice Presiding,
Judith J. Gische
Troy K. Webber
Cynthia S. Kern
Julio Rodriguez III, Justices.

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In the Matter of Owolabi M. Salis
an attorney and counselor at law:

Motion No. 2022-02028
Case No. 2013-00285

Attorney Grievance Committee
for the First Judicial Department,
Petitioner,

**UNPUBLISHED ORDER CONFIDENTIAL**

Owolabi M. Salis
(OCA Atty. Reg. No. 4012886),
Respondent.

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An unpublished order of this Court having been entered on July 24, 2019 (M-1172), granting The Attorney Grievance Committee's motion for an order, pursuant to Judiciary Law § 90(2) and 22 NYCRR 1240.8, directing that respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on June 26, 2002) be disciplined on their attached petition of charges alleging violations of Rules 3.1, 3.3(f)(4), 7.1(a)(1), 7.1(f), 8.4(c), 8.4(d), and 8.4(h) of the New York Rules of Professional Conduct, to the extent of referring the matter to a Referee to conduct a hearing on the charges, and to make such findings of fact, conclusions of law and to recommend such disciplinary sanction as may be appropriate,

And the Referee, after hearing, having submitted a report, dated March 25, 2022, in which he found that the Committee had adequately proven all six charges of misconduct, with a sanction hearing scheduled to follow,

And respondent, pro se, having moved this Court on June 6, 2022 for reargument or reconsideration of the Referee's liability findings and to disaffirm same, and to stay the sanction hearing,

And the Committee, by Jorge Dopico, Esq., its Chief Attorney (Kevin M. Doyle, Esq., of counsel) having submitted an answer in opposition to respondent's motion,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously,

ORDERED that the motion is denied in its entirety.

Entered: June 22, 2022

Susanna Molina Rojas
Clerk of the Court

# *State of New York*
## *Court of Appeals*

***Decided and Entered on the fourteenth day of December, 2023***

**Present,** Hon. Rowan D. Wilson, *Chief Judge, presiding.*

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Mo. No. 2023-674
In the Matter of Owolabi M. Salis, &c.

Attorney Grievance Committee for the First Judicial Department,
Respondent;
Owolabi M. Salis,
Appellant.

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Appellant having moved for reargument in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.

Lisa LeCours
Clerk of the Court

Additional material from this filing is available in the Clerk's Office.