

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

- vs -

CASE NO. 63,525

SANDRA KING,
d/b/a United Immigration
Services,

Respondent.

FILED

SID J. WHITE

MAY 17 1984

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

RECOMMENDATIONS
OF REFEREE

THIS CAUSE came on for consideration, upon the stipulation of the parties and review of the undersigned, it is found and recommended as follows:

A. STIPULATED FINDINGS OF FACT

1. Respondent, Sandra King, also has been known as Sandra Krewson.
2. Respondent is not and at all times material hereto was not, an attorney licensed by any jurisdiction within the United States of America.
3. Respondent is not a representative authorized by Title 8, Part 292, Section 292.1 of the Code of Federal Regulations to practice before the United States Immigration and Naturalization Service ("INS").
4. Respondent is the owner and operator of United Immigration Services, Incorporated.
5. Effective November 1, 1983, Respondent voluntarily closed the offices of United Immigration Services and is no longer engaged in the rendering of immigration services.
6. Respondent has fully cooperated with The Florida Bar in its investigation of this matter subsequent to the filing of the petition.
7. While engaged in rendering immigration services under the name of United Immigration Services, Respondent had frequent and direct contact with members of The Florida Bar who served as "attorney-of-record" for the immigration cases being handled by Respondent. Respondent was not informed that Respondent's activity constituted the unauthorized practice of law, and Respondent believed that her activities were in accordance with applicable state and federal law.
8. Respondent purchased a "franchise" to conduct her service under the name of United Immigration and Visa Advisory Services, United Immigration Service, or a similar name.

9. Respondent's day to day activities were not directly supervised by any attorney.
10. Respondent met and conferred with "clients" outside the presence of any attorney.
11. Respondent was directly and solely responsible for the selection of the "attorney of record".
12. Respondent advertises that her company assists "step by step through the maze of forms and details necessary to successfully achieve legal status in the United States."
13. Respondent advertises that her company "provides an advisory service which is in effect, similar, but much more complex than the major firms that are now offering advisory services to people to prepare their income taxes."
14. Respondent advertises that her company "retains professionals at our headquarters who have had years of experience in handling immigration matters."
15. Respondent presented to her "clients" a 9-page "Personal Analysis Questionnaire" designed to solicit detailed information for the avowed purpose of "preparing your immigration and entry documents." Part of that questionnaire purported to explain "United States laws governing the issuance of visas" and sought to elicit information to determine whether the "client" is "a member of any class of individuals excluded from admission into the United States." From this questionnaire, Respondent determined whether the application had sufficient likelihood of success to warrant her efforts.
16. For an initial fee of \$300, Respondent indicated that "we will review in depth" the "client's" confidential personal analysis to determine how Respondent can best process the petition.
17. Based upon information derived from the "client" by personal interview, Respondent advised her "client" about recommended courses of action to enhance the likelihood of application approvals and gave opinions as to the likelihood of a favorable result.
18. Respondent indicated to her "clients" that she "handled" everything but that there had to be an "attorney of record", but that was Respondent's "problem". She has stated that the attorney works for her and she does not work for the attorney.
19. Respondent advised "clients" as to the information to give to the immigration officer to obtain a longer temporary approval of entry.
20. Respondent selected the proper immigration forms from what Respondent says is about 280 forms.
21. Respondent acquired blank immigration forms, solicited information from the "client" that Respondent deemed appropriate and entered that information in Respondent's handwriting on the forms, which were then submitted to the United States Immigration and Naturalization Service. ("INS")

22. Respondent prepared forms for Report of Status by Treaty Trader or Investor and signed those documents as preparer, for which efforts, among other efforts she was paid.
23. Respondent directed her "clients" in the selection and accumulation of documents to be attached to the application.
24. Respondent solicited information and references from third parties, such as accountants, to submit with applications prepared for her "clients".
25. Respondent received funds from "clients" for fees and anticipated costs and disbursed those funds with checks drawn upon the account of United Immigration Services, which account was not designated as a trust account.
26. Respondent, although not an employee of the attorney formally representing Respondent's "client", drafted and typed letters to the "INS" for the attorney's signature.
27. Respondent represented to "client" that she would "assume responsibility of obtaining another attorney that (she felt) will be able to devote more time and effort to expedite (the) case." She denoted the attorney's role was to "represent (the "client") in person". She entreated the "client" to feel free to phone Respondent if the "client" had any questions. She indicated that she hoped that her correspondence to the "client" exhibited Respondent's commitment to act in her "client's" best interest".
28. Respondent's relationship with the attorneys she hired to represent Respondent's "client" was such that the attorney reported information about the status of pending files to Respondent, who then advised her "client".
29. Respondent paid the attorney retained by her an hourly fee based upon written retainer agreements between United Immigration Services and the retained attorney. The attorney retained typically had no office conferences with Respondent's "client". It was not uncommon for Respondent to not have office conferences with her "client".
30. In at least one instance, the application for change of non-immigrant status to E-2 Treaty Investor was filed for Respondent's "client" 10 days after the applicant ceased to maintain his non-immigrant status. The applicant was also admitted to the United States as a "non-immigrant" status but maintained no compelling ties outside the United States from which the "INS" concluded that the applicant did not have the requisite intent "to depart from the United States upon termination of his status." The application for change of status was denied.
31. In a newspaper article, a copy of which was given by Respondent to at least one "potential client", Respondent claimed special expertise and that she studied with an attorney whose specialty was immigration. Respondent claimed that United

Immigration Services "handles everything remotely connected with immigration", and that it does "everything for the clients" it accepts.

32. Respondent claimed special training, experience and expertise and an extremely high success rate.

B. CONCLUSIONS OF LAW

Respondent has been engaged in the unauthorized practice of law as defined and applied in the case of Florida Bar v. Brumbaugh, 355 So 2d 1186 (Fla. 1978) and The Florida Bar v. Furman, 376 So 2d 378 (Fla. 1979), through actions which include, but are not necessarily limited to the following:


1. Respondent conducted interviews of "clients" and based upon their responses selected the particular forms to be used.
2. Respondent drafted the entries of information for the blanks on the forms.
3. Respondent had direct contact in the nature of consultation, explanation, recommendations, advice and assistance in the provision, selection and completion of forms.
4. Respondent suggested, directed, and participated in the accumulation of evidence to be submitted with the completed forms.
5. Respondent gave advice and made decisions on behalf of others which required legal skill and a knowledge of the law greater than that possessed by the average citizen.
6. Respondent selected, negotiated compensation for, and monitored the efforts of attorneys acting as "counsel of record" for Respondent's "clients" and in effect acted as "co-counsel".

Consequently, upon consideration of the stipulated facts, upon consideration of the proper interpretation and application of the law, upon comparison of these facts with the factual circumstances involved in The Florida Bar v. Flowers, 320 So 2d 809 (Fla. 1975), and upon the consideration of the purposes to be served by the elimination of this unauthorized practice of law, it is

RECOMMENDED AS FOLLOWS:

1. That the Supreme Court of the State of Florida issue its permanent injunction enjoining and restraining Respondent, SANDRA KING a/k/a SANDRA KREWSON from performing those actions enumerated above and from otherwise further engaging in the unauthorized practice of law in the State of Florida.

2. The parties to this action will each bear their own costs.


GUY W. SPICOLA, Circuit Judge
Referee

Copies to:

David Paul Montgomery, Special Counsel
to the Florida Bar

Catherine Dickson, Staff Counsel to The
Florida Bar

Michael M. Ingram, Counsel for Respondent