

Falls Church, Virginia 22041

File: D2020-0118

Date:

SEP 09 2020

In re: Daniela KOIMAN, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

ON BEHALF OF RESPONDENT: Zachary D. Wechsler, Esquire

The Joint Motion To Approve Settlement Agreement and Enter Final Order, filed by the respondent, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR), and the Disciplinary Counsel for the Department of Homeland Security (DHS) will be granted, and the respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 6 months.

The Disciplinary Counsels for EOIR and the DHS initiated these disciplinary proceedings on May 8, 2020, by filing a Notice of Intent to Discipline seeking the respondent's disbarment from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS due to professional misconduct. The Notice of Intent to Discipline contends, in thirty-one allegations, that the respondent is subject to discipline for her unauthorized practice of law before Immigration Court and the DHS and for making material misrepresentations about her qualifications in violation of 8 C.F.R. § 1003.102(f)(1).

The respondent filed an answer to the Notice of Intent to Discipline and a motion to accept late filing. The parties then filed a Joint Motion To Approve Settlement Agreement. Generally, once the respondent has filed an answer to the charges, settlement agreements are subject to the approval of the adjudicating official appointed to oversee the proceedings and not the Board. *See* 8 C.F.R. § 1003.106(a)(2)(ii). The parties, however, note that an adjudicating official has not yet been appointed and they ask that, in the interest of judicial efficiency, the Board approve the settlement agreement and issue a final order of discipline.


We will grant the joint motion and will approve the settlement agreement. By the terms of the agreement, the respondent is to be suspended from practicing before the Board, the Immigration Courts, and the DHS for 6 months, and the suspension is to commence immediately.

ORDER: The Joint Motion To Approve Settlement Agreement is granted, and the settlement agreement is approved.

FURTHER ORDER: In accordance with the settlement agreement reached by the parties, the Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 6 months, effective immediately.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior orders. The respondent must notify the Board of any further disciplinary action against her.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS in accordance with the terms of the settlement agreement.



FOR THE BOARD

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

In the Matter of)	
)	Disciplinary Case No. D2020-0118
DANIELA KOIMAN,)	
)	
Respondent.)	
)	

SETTLEMENT AGREEMENT

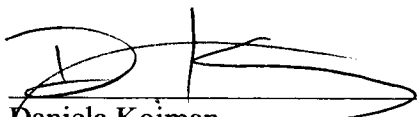
Respondent Daniela Koiman and the Disciplinary Counsel for the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) agree that it is in the mutual and best interest of both parties to affect a resolution to the above-captioned case without further litigation. The parties adopt the following terms and conditions of this settlement agreement.

1. In consideration for resolving these proceedings without further litigation:
 - a. The DHS and EOIR Disciplinary Counsel:
 - i. agree to resolve this matter through the Board of Immigration Appeals (Board) imposing on Respondent a 6-month suspension from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and DHS; and
 - ii. waive any right to challenge or dispute any matter related to the May 6, 2020 Notice of Intent to Discipline if the Board enters an order that is wholly and exclusively in accordance with the agreed-upon terms of this Settlement Agreement.
 - b. Respondent:
 - i. admits that she engaged in the conduct alleged in the May 6, 2020 Notice of Intent to Discipline and that her conduct violated the Rules of Professional Conduct;
 - ii. agrees to a six-month suspension from practice before the Board, the Immigration Courts, and DHS. Respondent further agrees that she will not seek reinstatement until the conditions set forth in sub-paragraph (iii) or (iv) are met;

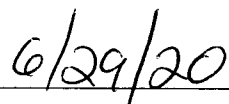
- iii. agrees that she will not seek reinstatement pursuant to 8 C.F.R. § 1003.107 until the completion of any suspension resulting from disciplinary proceedings initiated by the State Bar of California based upon the conduct at issue in this matter or related to the Board's February 13, 2020 suspension order;
 - iv. agrees that she may seek reinstatement pursuant to 8 C.F.R. § 1003.107 if after two years from the date of the Board order approving this agreement, the State Bar of California has not initiated disciplinary proceedings based upon the conduct at issue in this matter or related to the Board's February 13, 2020 suspension order. Respondent will include in any such motion for reinstatement written documentation that she is not the subject of any pending disciplinary proceedings;
 - v. understands that should she be reinstated pursuant to 8 C.F.R. § 1003.107 and is later subject to discipline in California, DHS and EOIR Disciplinary Counsel may file a Notice of Intent to Discipline based on such discipline;
 - vi. waives any right she may have to a hearing or to otherwise challenge or dispute any matter related to the May 6, 2020 Notice of Intent to Discipline if the Board enters an order that is wholly and exclusively in accordance with the agreed-upon terms of this Settlement Agreement;
 - vii. agrees for herself, her successors, and her assigns, to release and forever discharge the U.S. Department of Homeland Security and the U.S. Department of Justice and their officers, agents, and employees, whether in official or individual capacities, from any and all claims, liabilities, actions, causes of action, and rights, known and unknown, arising from the above-captioned case, up to and including the execution of this settlement agreement; and
 - viii. agrees not to file any administrative or court challenge to this agreement.
2. The parties agree that Respondent's six-month suspension shall commence and be effective as of the date the Board issues a final order approving this settlement agreement. Respondent is already subject to an order of suspension by the Board and should not have any pending immigration matters. She has already notified her immigration clients of the current suspension. During the suspension period and until Respondent is reinstated to practice, Respondent will not engage in the practice of immigration law.
3. The parties agree that this settlement agreement has no precedential effect. Specifically, no party or person can use, cite, or rely upon this agreement or any of its term(s), including in a judicial or administrative proceeding. Nothing in this agreement, however, precludes either party from filing an action to enforce this agreement in the event of a breach of this agreement.

4. Any fees, costs, or expenses incurred by either party relating to the above-captioned case are solely the responsibility of the party that incurred them.
5. The terms set forth constitute the sole agreement between the parties in this matter. The parties agree that prior writings, conversations, communications, perceptions, or impressions cannot form the basis for any inference or conclusions that this settlement agreement extends beyond that which is stated within the four corners of this instrument.
6. This settlement agreement is considered a jointly drafted agreement and cannot be construed against any party as the drafter.
7. Respondent acknowledges that she has carefully read and fully understands all of the terms and conditions of this settlement agreement, and that she is freely and voluntarily entering into this settlement agreement. Respondent declares that she is not subject to coercion or duress, and that she is fully aware of the implications of entering into this agreement. Respondent acknowledges that she has been afforded reasonable time and opportunity to review and reflect upon this agreement. Respondent also acknowledges that counsel has represented and advised her throughout this proceeding.

The parties, by their signatures below, agree to the terms and conditions in this settlement agreement.



Daniela Koiman
Respondent
23679 Calabasas Road, Suite 1017
Calabasas, CA 91302



Date

Zachary D. Wechsler
Attorney for Respondent
Law Office of Zachary D. Wechsler, APC
21515 Hawthorne Blvd., #610
Torrance, CA 90503

June 30, 2020

Date

Catherine M. O'Connell
Disciplinary Counsel
U. S. Citizenship and Immigration Services
U.S. Department of Homeland Security
11411 East Jefferson Avenue
Detroit, Michigan 48214

Date

Paul A. Rodrigues
Disciplinary Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

Date