

1 Case Nos.: NG12-1017; NG13-0291;
2 NG13-0723; NG 13-1078, and NG14-0451



FILED

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STATE BAR OF NEVADA

BY: S. Durk
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

7 STATE BAR OF NEVADA,)
8 Complainant,)
9 vs.)
10 JOHN LEE CARRICO, JR., ESQ.,)
11 NEVADA BAR NO. 755,)
12 Respondent.)

AMENDED PUBLIC REPRIMAND

13 TO: John Lee Carrico, Jr., Esq.
14 c/o Michael J. Warhola, Esq.
625 S. 6th Street
Las Vegas, NV 89101

15 This Complaint comprises five (5) matters for which you have agreed to plead guilty to
16 in exchange for a stated form of discipline pursuant to SCR 113. The facts of the five matters
17 are summarized below.

Count 1 – Iara Hall

19 Iara Hall (“Hall”) sought assistance from you in January, 2012 for certain immigration
20 issues. You agreed to file a Naturalization Petition for U.S. Citizenship on Hall’s behalf. Hall
21 stressed to you that she wanted to insure that her Petition was filed before June 2012 which was
22 the expiration date of her then current Green Card.

23 Hall left this initial consultation with you with the understanding that she would be
24 receiving certain paperwork from your office so that she could provide the information
25 necessary to complete her Naturalization Petition. After one month where she did not receive

1 the necessary documents, she called your office and was disturbed to discover that no one knew
2 anything about her case. Hall understandably wanted a refund which your office declined to
3 provide, but you did send her the necessary paperwork to begin her application, which she
4 completed and returned the same day.

5 In March of that year, Hall received a draft petition prepared by your office which
6 contained several errors. When she contacted your office, she was told that she needed to make
7 the necessary corrections and that she needed to pay a \$680 filing fee and return the forms. Hall
8 did this but never received a completed petition.

9 Your conduct as stipulated herein violates Rule of Professional Conduct (RPC) 1.4
10 (Communication), and RPC 1.5 (Fees). Based upon the foregoing you are hereby **PUBLICLY**
11 **REPRIMANDED.**

12 **Count 2 – Karina Derbyshire**

13 Karina Derbyshire (“Derbyshire”) along with her husband retained you to assist with
14 certain immigration court proceedings. Initially you advised Derbyshire that she should file a
15 claim for asylum with the U.S. Customs and Immigration Service (USCIS) in order to get the
16 matter before an immigration judge quickly. As you explained, the asylum would likely be
17 denied but that after this denial you would be able to ask for a hearing in the Immigration Court
18 in Reno, Nevada.

19
20 The asylum petition was filed on March 28, 2011 and, as anticipated was denied. You did
21 not attend the interview in San Francisco on March 29. You did not attend this hearing as agreed.
22 After the hearing Derbyshire discovered that someone for USCIS had contacted your office and
23 asked that the request for asylum be dropped and that Derbyshire apply for a visa instead. This
24 request was never forwarded to Derbyshire and the failure to do this incurred substantial cost in
25 both time and money to your client.

1 While it is your position that you assisted you client in a workmanlike manner, the failure
2 to file an application for a visa as instructed delayed Derbyshire's attempt to stay in this country
3 legally to her detriment.

4 Your conduct as stipulated herein violates Rule of Professional Conduct (RPC) 1.4
5 (Communication), and RPC 1.5 (Fees). Based upon the foregoing you are hereby **PUBLICLY**
6 **REPRIMANDED.**

7 **Count 3 – Ivan Raynor**

8 Ivan Raynor ("Raynor") retained you to assist him with certain immigration issues on
9 behalf of his wife. For this service, he paid you \$3200. After retaining you Raynor was sent the
10 documentation needed to fill out which he promptly returned completed along with a \$670 filing
11 fee for an I-601A Application for Provisional Unlawful Presence Waiver.

12 After this, Raynor's wife, Gail, contacted USCIS and was told that she was attempting to
13 file the wrong form. She was advised that she should be filing an I-485 Application to Register
14 Permanent Residence or Adjust Status, which had a filing fee of \$1,070. Raynor's wife was not
15 in the country illegally and as such an I-601A was not an appropriate form to file.

16 After discovering that they were advised to file the wrong form, Raynor requested a
17 refund of \$2,200. You refused this request initially but later relented and agreed to refund half of
18 the money paid (\$1,600), and agreed to assist Raynor in filing the proper form. While the
19 Raynor's did not want to agree to this arrangement they reluctantly did as they felt they had no
20 other choice.

21 On July 1, 2013 Gail received her Green Card, and Raynor asked for the remaining \$1600
22 he had paid returned to him. You refused this request and told Raynor that there would be no
23 further refunds, and if Raynor complained to the Bar about you that you would pursue him for the
24 already refunded \$1,600.

25

1 Your conduct as stipulated herein violates Rule of Professional Conduct (RPC) 1.3
2 (Diligence), and 1.5 (Fees). Based upon the foregoing you are hereby **PUBLICLY**
3 **REPRIMANDED.**

4
5 **Count 5- Daisy Gallegos**

6 In September 2012 Daisy Gallegos ("Gallegos") retained you to file an I-130 petition on
7 behalf of Gallegos' husband Francisco Rodriguez Copado ("Copado") for \$5,000.

8 After retaining you, the couple was instructed to gather certain documentation needed for
9 preparing the petition including court records documenting Copado's DUI conviction. This
10 petition was ultimately approved in August 2013.

11 After the I-130 petition had been approved in September 2013, the couple again went to
12 your office to meet with one of your employees, Nancy, who gave them instructions for obtaining
13 a provisional waiver. The provisional waiver was needed so that Copado could determine whether
14 the fact that he had been in the United States unlawfully would prevent him from getting legal
15 status here.

16 Between this meeting and December 2013 the couple gathered the required documents
17 needed for the provisional waiver. When they returned to your office later that month, Nancy
18 informed them that Copado should apply for protection under Deferred Action for Childhood
19 Arrivals (DACA) as well.

20 Later that month the couple met with you to discuss applying for the DACA and providing
21 necessary paperwork in support of this application. During this meeting you informed them that
22 Copado would not qualify for either the DACA or a provisional waiver because Copado
23 previously had been convicted of DUI. At that time you suggested that they wait for immigration
24 reform which was, at the time working its way through the political process.


25 According to you, Copado did not qualify for either the DACA, or a provisional waiver
because of the DUI conviction. At first your position was that Copado never told you about this

1 conviction however, one of your staff members told you that this fact was on Copado's intake
2 paperwork. As such you were either aware or should have been aware that Copado did not qualify
3 for either the provisional waiver or the DACA protections before advising Copado to file for these
4 programs.

5 Your conduct as stipulated herein violates Respondent violated Rule of Professional
6 Conduct (RPC) 1.3 (Diligence), and RPC 1.5 (Fees). Based upon the foregoing you are hereby
7 **PUBLICLY REPRIMANDED.**

8 DATED this 28 day of ^{November}~~October~~, 2018.

9 SOUTHERN NEVADA DISCIPLINARY BOARD

10
11 By: 
12 Michael J. Oh, Esq.
13 Formal Hearing Panel Chair
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