

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

IN THE MATTER OF A MEMBER OF  
THE STATE BAR OF ARIZONA,

**KATIE MAY SARRESHTEH,**  
**Bar No. 029931**

Respondent.

**PDJ 2019-9053**

**FINAL JUDGMENT AND  
ORDER OF DISBARMENT**

[State Bar No. 19-0432]

**FILED NOVEMBER 19, 2019**

This matter came for hearing before the hearing panel which rendered its Decision and Order Imposing Sanctions (Decision) on October 25, 2019, ordering disbarment, restitution, and costs. The Decision of the hearing panel is final under Rule 58(k), Ariz. R. Sup. Ct. No appeal has been filed pursuant to Rule 59(a), Ariz. R. Sup. Ct., and the time to appeal having expired,

**IT IS ORDERED** Respondent, **KATIE MAY SARRESHTEH, Bar No. 029931**, is disbarred from the State Bar of Arizona and her name is stricken from the roll of lawyers, effective October 25, 2019. Ms. Sarreshteh is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the Court.

**IT IS FURTHER ORDERED** Ms. Sarreshteh shall immediately comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

**IT IS FURTHER ORDERED** Ms. Sarreshteh shall pay restitution in the amount of \$2,710.00 to Nicola Behrman within 30 days from the date of this order.

**IT IS FURTHER ORDERED** Ms. Sarreshteh shall pay the costs and expenses of the State Bar of Arizona in the amount of \$2,000.00 pursuant to Rule 60(b), Ariz. R. Sup. Ct. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge in these disciplinary proceedings.

**DATED** this 18<sup>th</sup> day of November 2019.

*William J. O'Neil*

---

**William J. O'Neil, Presiding Disciplinary Judge**

COPY of the foregoing e-mailed/mailed  
This 19<sup>th</sup> day of November 2019 to:

Hunter F. Perlmeter  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24th Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: lro@staff.azbar.org

Katie May Sarreshteh  
Law Office of Katie M. Sarreshteh  
7080 Hollywood Blvd., Suite 1100  
Los Angeles, CA 90028-6938  
Email: katie@kmsimmigration.com  
Respondent

by: BEnsign

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,**

**KATIE MAY SARRESHTEH,  
Bar No. 029931**

Respondent.

**PDJ 2019-9053**

**DECISION AND ORDER  
IMPOSING SANCTIONS**

State Bar No. 19-0432

**FILED OCTOBER 25, 2019**

**SUMMARY**

Ms. Sarreshteh was hired represent a client in an immigration visa renewal application. After collecting a fee of \$2,710.00, Ms. Sarreshteh was repeatedly and intentionally dishonest with her client to benefit herself. She failed to adequately communicate and diligently represent the client. She failed to meet the deadline imposed for the Government's request for additional evidence in support of the client's visa application. She intentionally misrepresented to the client that she had supplemented the application. The client was forced to hire new counsel. Sarreshteh intentionally misled that attorney and withheld the client file from him. She later misled Bar Counsel. After an aggravation-mitigation hearing, the Panel imposed disbarment, restitution and costs for violating ERs 1.3, 1.4, 1.5, 8.4(c), and 8.4(d)

## **PROCEDURAL HISTORY**

The State Bar of Arizona (“SBA”) filed its complaint on August 13, 2019. On August 14, 2019, the complaint was served on Sarreshteh by certified, delivery restricted mail, as well as by regular first-class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct. The State Bar repeatedly attempted to communicate with Sarreshteh. She did not file an answer and default was properly effective on September 25, 2019. A notice of the date of the aggravation and mitigation hearing was sent to all parties. On October 23, 2019, the matter proceeded to hearing before a hearing panel comprised of the Presiding Disciplinary Judge (“PDJ”) William J. O’Neil, Glen S. Thomas, volunteer attorney member, and Richard L. Westby, volunteer public member. Hunter F. Perlmeter appeared on behalf of the SBA. Sarreshteh did not appear. Exhibits 1-9 were admitted.

## **FINDINGS OF FACT**

The facts listed below are stated in the SBA’s complaint. They were deemed admitted by the effective default entered against Sarreshteh.

Sarreshteh was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on January 15, 2013. Her primary office is in California.

**COUNT ONE (File no. 19-0432/Nicola Fiona Behrman)**

1. In February of 2018, Nicola Behrman, a British national, hired Sarreshteh to assist her in renewing her O-1 work visa that was due to expire in March of 2018. (Exh 1, SBA001-2) She paid \$2,710 to Sarreshteh for the representation. (Exh. 4).

2. On March 22, 2018, Sarreshteh filed the renewal application. (Exh. 1, SBA002).

3. Thereafter, the Government requested additional evidence in support of Ms. Behrman's application to be provided by a deadline of June 29, 2018. (Id.)

4. On May 24, 2018, Ms. Behrman texted Sarreshteh, "Where are we at with the more information request? Is there anything I have to do for this?" (Exh. 1, SBA006).

5. On June 6, 2018, Sarreshteh responded, "Sorry I missed you! Can you chat tonight or tomorrow?" Ms. Behrman responded, "Tomorrow for sure. Desperate to speak to you!!!!!" (Id.)

6. On June 7, 2018, Ms. Behrman texted Sarreshteh again reiterating that she was desperate to talk about her case. Sarreshteh responded the same day that she was available "This evening." At 8:42 p.m., that evening, Ms. Behrman texted, "Hi! Are you around?!" (Id.)

7. Sarreshteh did not respond until the following morning, June 8, 2018, when she wrote: "Can I call you back in an hour? Driving." Ms. Behrman and Sarreshteh did not communicate via phone that day. At 1:20 pm Ms. Behrman wrote: "I called on Friday like we said and no response. Honestly not sure what to do at this point. Are you around before 3 p.m.?" Sarreshteh did not respond until June 12, 2018. (Id.)

8. On June 12, 2018: Sarreshteh texted that she had not received Ms. Behrman's prior call and that she was available all week for a call. Ms. Behrman responded, "I didn't hear back from you about Friday. Are you free to talk tomorrow or otherwise Monday morning, I am pretty desperate." (Id.)

9. On June 13, 2018, Ms. Behrman texted, "can you speak at noon today? I am free between 12 and 2. Please let me know." At 2 p.m., Sarreshteh responded, "I'll be back in my office in 15 min and free the rest of the day! Call anytime." (Id.)

10. After failing to reach Sarreshteh by phone, at 2:45 p.m. Ms. Behrman texted again: I just tried you again. This is really the toughest professional experience I've had in a while! Are you ok?!" Sarreshteh responded that she would call that evening, but the two did not talk that evening. (Ex. 1, SBA006-7).

11. At 4:30 p.m. the following day, Sarreshteh texted that she had a cold, but that she would be available later in the day. (Exh. 1, SBA007).

12. At 6:22 p.m. Ms. Behrman texted, “Just called you. Pllleeeeeeasse don’t disappear on me!!!!” (Id.)

13. At approximately 10 p.m. Ms. Behrman texted, “Hi Katie, I’m going to sleep now but it’s a little excruciating ... .” Ms. Behrman asked for a call the following day at 3:30 p.m. (Id.)

14. On June 22, 2018, Sarreshteh indicated to Ms. Behrman that she had a sinus infection and a doctor’s appointment, but that she had asked her new legal assistant to send documentation to Ms. Behrman for her review. When Ms. Behrman responded that she had not received anything, Sarreshteh texted that she would re-send the information. (Exh. 1, SBA007-8).

15. On June 25, 2018, Ms. Behrman wrote, “Still nothing. What is going on?!” Sarreshteh indicated she would re-send the information. (Exh. 1, SBA008).

16. Sarreshteh emailed later in the day that she would create a Dropbox (document sharing software) link to avoid potential email problems. She indicated that it would be done that evening or early the following morning at the latest. (Id.)

17. The following morning, Ms. Behrman texted Sarreshteh that the Dropbox folder was empty. (Exh. 1, SBA009).

18. On the evening of June 28, 2018, at 9:34 p.m. Sarreshteh texted Ms. Behrman: “Going to bed now so I can get up at 5 and finalize.” (Exh. 1, SBA011).

19. At approximately noon on the date of the June 29, 2018 deadline to file supplemental application information, Sarreshteh emailed Ms. Behrman:

We had planned to have the package couriered this afternoon, but FedEx is experiencing service delays due to weather (included below). Since your package is going to the east coast USCIS center ... this will likely impact same. Accordingly, USCIS generally accepts packages a few days later than asked (there is precedent on this and I know from my own experience). I still want to have it there by next business day (Monday) so want to drop off no later than Sunday at 6:00 p.m. That gives us the weekend to add any other docs or letters you can think of and definitely do not scramble today!

(Exh. 1, SBA023-24).

20. Ms. Behrman believed from the email that Sarreshteh had missed the deadline. She asked Sarreshteh to confirm that she would still be filing the packet that day, regardless of weather. Sarreshteh said that she would do so, but she did not.

(Exh 1, SBA003).

21. By July 30, 2018 letter, the Government notified Ms. Behrman that her visa would not be renewed. The letter stated, "It does not appear that you responded within the allowable period of time. Therefore, your petition or application is considered abandoned and is denied per 8 CFR 103.2(b)(13)." (Exh. 1, SBA004).

22. Up until the end of 2018, Ms. Behrman believed Sarreshteh had filed the renewal documentation and relied, to her detriment, on Sarreshteh 's misrepresentation that she would do and had done so. (Id.)



23. On August 6, 2018, Sarreshteh emailed Ms. Behrman concerning the denial letter: “I am waiting for a call back from an immigration officer to confirm, but it looks like this was issued in error. I will follow up with you tomorrow – should be easy to resolve.” (Exh. 1, SBA023).

24. Thereafter, Ms. Behrman consulted with new counsel who wished to review Sarreshteh ’s file. Sarreshteh indicated to Ms. Behrman she would provide the file via Dropbox. (Ex. 1, SBA020).

25. On November 13, 2018, Ms. Behrman emailed Sarreshteh: “We haven’t received the drop box with the files yet as promised. I want to emphasize how serious this is, and how important it is that you get the files and the copy of the fed ex receipt from the June filing to us ASAP.” (Ex. 1, SBA022-023).

26. On November 27, 2018, Sarreshteh sent Ms. Behrman a Dropbox link. (Exh. 1, SBA022).

27. On the same date, Ms. Behrman responded via email after reviewing the documents in the file and wrote Sarreshteh:

I have just been through them and I don’t see any of the files relating to the June 29<sup>th</sup> second filing that was in response to the request for more evidence – none of those filing documents are there as far as I can see, nor the additional letters and contracts that we garnered, nor the fed ex slip from that delivery. We cannot move forward until we have access to those. Please share these also.

(Ex. 1, SBA021)

28. On November 29, 2018, Ms. Behrman emailed Sarreshteh:

Per below, we very much need to see the June 29<sup>th</sup> response that you filed in response to the April request for more information. This included the additional support letters and the new animation project contract. Wade [Ms. Behrman's new counsel] is meeting with his associate tomorrow to go through all the files and it is essential that he has them. Please send them to use before tomorrow morning.

(Id.)

29. On November 30, 2018, Ms. Behrman's new counsel wrote to Sarreshteh asking for a complete copy of Sarreshteh's purported June 29, 2018 response to the Government and proof of mailing. He indicated that he needed to assess "whether we can resuscitate this case now that Nicola [Ms. Behrman] has real exposure." (Ex. 1, SBA020-021).

30. That evening Ms. Behrman emailed Sarreshteh asking for an affidavit swearing that Sarreshteh submitted the June 29, 2018 response, among other items. (Ex. 1, SBA020).

31. On December 3, 2018, Sarreshteh emailed Ms. Behrman, "I should have the documents you referenced available and will draft an affidavit accordingly. Do you want everything emailed or do you prefer Dropbox?" (Id.)

32. Sarreshteh never provided the requested affidavit.

33. As a result of Sarreshteh's failures, Ms. Behrman is currently residing in London and is not permitted to re-enter the United States. She is paying a new

attorney to attempt to remedy her situation and is not currently able to work in the United States where she has resided for the past 18 years.

34. On May 23, 2019, Sarreshteh informed the State Bar that she was willing and able to provide a refund to Ms. Behrman, but that Ms. Behrman had not yet asked for one.

35. Thereafter, Behrman asked for a refund.

36. On June 24, 2019, Sarreshteh informed the State Bar concerning the refund, "I sent the details to my accountant last week to finalize and send. I will confirm with her this morning." (Ex. 6, SBA036).

37. On June 27, 2019, Sarreshteh wrote to the State Bar: "Confirmed with my accountant the check was sent out. Please let me know if you like a copy for your records." The State Bar requested that a copy be provided, but Sarreshteh failed to provide a copy. (Ex. 7, SBA027).

38. On July 15, 2019, Ms. Behrman contacted the State Bar and stated that she had not received the refund check. (Ex. 7, SBA040).

39. That day, the State Bar emailed Sarreshteh requesting a status update. Sarreshteh did not respond. (Ex. 9, SBA045).

40. On July 28, 2019, Sarreshteh contacted the State Bar and said that in light of learning that Ms. Behrman had not received a check, she would execute a

stop payment and send out a new check. Ms. Behrman has not received a replacement check. (Id.)

41. By engaging in the misconduct described above, Sarreshteh violated ERs 1.3, 1.4, 1.5, 8.4(c), and 8.4(d).

### **CONCLUSIONS OF LAW**

Sarreshteh failed to file an answer or otherwise defend against the allegations in the SBA's complaint. Default was properly effective on September 25, 2019 and the allegations were deemed admitted pursuant to Rule 58(d), Ariz. R. Sup. Ct. Although the allegations are deemed admitted by default, there has also been an independent determination by the Panel that the State Bar has proven by clear and convincing evidence that Sarreshteh violated the ethical rules. These are well established by the exhibits.

Based upon the facts and evidence admitted, the Hearing Panel finds by clear and convincing evidence that Sarreshteh violated: Rule 42, Ariz. R. Sup. Ct., specifically ER 1.3 (Diligence); ER 1.4 (Communication); ER 1.5 (fees); ER 8.4(c) (Dishonesty Fraud, Deceit); ER 8.4(d) (Conduct Prejudicial to the Administration of Justice).

### **ABA STANDARDS ANALYSIS**

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re*

*Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should consider: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard 3.0*.

**Duties violated:**

Sarreshteh violated her duty to her clients the legal system and her duty owed as a professional by engaging in the above conduct.

**Mental State and Injury:**

Sarreshteh acted intentionally. The actions of Sarreshteh implicate *Standard 4.41(b)*, which provides disbarment is generally appropriate when a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to her client. We find Sarreshteh acted intentionally and caused serious injury to the client. Her pattern of fraudulently misleading the multiple individuals she interacted with to cover up her misconduct are clear evidence of an intentional and wanton disregard for her client.

*Standard 5.11(b)*, provides disbarment is generally appropriate when a lawyer engages in such intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

*Standard 6.11*, provides disbarment is generally appropriate Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a

false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes serious or potentially serious adverse effect on the legal proceeding.

### **AGGRAVATING AND MITIGATING FACTORS**

The Hearing Panel finds the following aggravating factors are present in this matter:

1. 9.22(b) dishonest or selfish motive;
2. 9.22(c) a pattern of misconduct;
3. 9.22(d) multiple offenses;
4. 9.22(e) bad faith obstruction of the disciplinary proceedings by intentionally failing to comply with rules or orders of the disciplinary agency;
5. 9.22(f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
6. 9.22(g) refusal to acknowledge wrongful nature of conduct;
7. 9.22(h) vulnerability of victim; and
8. 9.22(j) complete indifference to making restitution.

The Hearing Panel finds mitigating factor of *Standard 9.32(a)* absence of a prior disciplinary record is present in the record, however, the sole mitigating factor is significantly outweighed by the aggravating factors. Disbarment is clearly warranted.

## CONCLUSION

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *Alcorn*, 202 Ariz. at 74, 41 P.3d at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Panel orders as follows:

- a) Katie May Sarreshteh, Bar No. 029931, is disbarred, effective this date.
- b) Katie May Sarreshteh shall pay all costs and expenses incurred by the SBA.
- c) Katie May Sarreshteh shall pay restitution in the amount of \$2,710.00, to Nicola Behrman within thirty (30) days of entry of the final judgment and order.

A final judgment and order will follow.

**DATED** this 24<sup>th</sup> day of October 2019.

*William J. O'Neil*  
**William J. O'Neil, Presiding Disciplinary Judge**

*Richard L. Westby*  
**Richard L. Westby, Volunteer Public Member**

*Glen S. Thomas*  
**Glen S. Thomas, Volunteer Attorney Member**

Copy of the foregoing mailed/mailed  
this 25<sup>th</sup> day of October, 2019, to:

Hunter F. Perlmeter  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@@staff.azbar.org

Katie May Sarreshteh  
Law Office of Katie M. Sarreshteh  
7080 Hollywood Blvd., Ste. 1100  
Los Angeles, CA 90028-6938  
Email: katie@kmsimmigration.com

by: MSmith