

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

DENISE ANN MANISCALCO

Attorney at Law

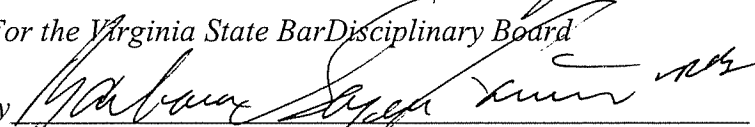
On May 31, 2006, came Denise Ann Maniscalco and presented to the Board an Affidavit Declaring Consent to Revocation of her license to practice law in the courts of this Commonwealth. By tendering her resignation at a time when disciplinary charges are pending, petitioner admits that the charges in the attached Affidavit Declaring Consent to Revocation and Statement of Facts are true.

The Board having considered the said Affidavit accepts petitioner's resignation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Denise Ann Maniscalco be and the same hereby is revoked, and that the name of the said Denise Ann Maniscalco be stricken from the Roll of Attorneys of this Commonwealth.

Enter this Order this 15th day of June, 2006

For the Virginia State Bar Disciplinary Board

By


Barbara Sayers Lanier
Clerk of the Disciplinary Board

VIRGINIA :

BEFORE THE DISCIPLINARY BOARD OF THE
VIRGINIA STATE BAR

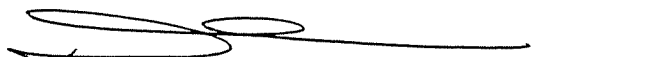
IN THE MATTERS OF DENISE ANN MANISCALCO, ESQUIRE
VSB DOCKET NUMBERS 06-051-3426, 06-051-3224, 06-051-2961, 06-051-2397

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Denise Ann Maniscalco, Esquire, after being duly sworn, states as follows:

1. That she was licensed to practice law in the Commonwealth of Virginia on October 6, 1994 ;
2. That, pursuant to Part 6, § IV, ¶ 13(L) of the Rules of the Supreme Court of Virginia:
 - a. her consent to revocation is freely and voluntarily rendered, that she is not being subjected to coercion or duress, and that she is fully aware of the implications of consenting to a revocation of her license to practice law in the Commonwealth of Virginia;
 - b. she is aware that there are proceedings against her involving allegations of misconduct, the docket numbers for which are set forth above, and the specific nature of which are set forth in the Statement of Facts attached to this affidavit, and incorporated herein by reference;
 - c. she acknowledges that the material facts upon which the allegations of misconduct set forth in the attached Statement of Facts are true; and
 - d. she submits this Affidavit and consents to the revocation of her license to practice law in the Commonwealth of Virginia because she knows that if the disciplinary proceedings based on the said alleged misconduct were prosecuted to a conclusion, she could not successfully defend them.

Executed and dated this 30th day of May, 2006.



Denise Ann Maniscalco
Respondent

STATE OF VIRGINIA
AT LARGE, to wit:

I, Susan E. Neill, a Notary Public in the state aforesaid, do hereby certify that Denise Ann Maniscalco appeared in person before me in the City/County of Alexandria, Virginia, on this 30th day of May, 2006 and was by me duly sworn and thereupon executed in my presence and acknowledged to me the truth of the contents and the voluntariness of execution of the foregoing Affidavit.

GIVEN under my hand this 30th day of May, 2006.

Susan E. Neill
Notary Public

My Commission expires: 4/30/09.

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTERS OF DENISE ANN MANISCALCO, ESQUIRE
VSB DOCKET NUMBERS 06-051-3426, 06-051-3224, 06-051-2961, 06-051-2397

STATEMENT OF FACTS

1. The Respondent is licensed to practice law in the Commonwealth of Virginia. Her license to practice law in Virginia was suspended for three years effective November 7, 2003. The Respondent appealed the suspension of her law license to the Virginia Supreme Court. On January 9, 2004, the Supreme Court granted a stay of the suspension pending her appeal. The Virginia Supreme Court dismissed the Respondent's appeal and the stay was lifted. The Respondent's license was suspended for two years, eight months and thirteen days effective November 19, 2004. She was given credit for the period of suspension prior to the granting of the stay.

VSB Docket No. 06-051-3426

2. Ralph DiPietro, Esquire, an attorney licensed in Maryland, hired the Respondent to work in his law office as a paralegal beginning in December of 2004 after her license to practice law in Virginia had been suspended. Mr. DiPietro had an immigration practice and had worked with the Respondent early in his career when they were associates together. Mr. DiPietro states that after the Respondent told him about her plight, he felt sorry for her. She seemed remorseful and assured him that she had made a mistake but would never do such a thing again, so he hired her.

3. During late summer and through the fall of 2005, Mr. DiPietro discovered a number of instances in which the Respondent had stolen money from him or his clients and had lied to clients and others. He fired her December 1, 2005.

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4. In one instance, a client mailed a check in the amount of \$1,000.00 to Mr. DiPietro's firm, payable to the Bureau of Customs and Immigration Services (BCIS) for payment of a penalty fee he did not owe. The Respondent took the check and, instead of returning it to the client as she should have, deposited it into her own account. When Mr. DiPietro confronted her about the matter, the Respondent paid Mr. DiPietro \$1,000.00 from her personal account.

5. In a personal injury case, Mr. DiPietro received a letter from an attorney representing a doctor demanding payment for treatment of a patient and inquiring about settlement of the case. Mr. DiPietro learned that the Respondent had settled the case in April of 2003 and had failed to pay the doctor as she stated on the settlement sheet. The Respondent lied to the doctor by telling the doctor that Mr. DiPietro would sign an assignment and authorization for the client when actually Mr. DiPietro knew nothing about the case. Not knowing Mr. DiPietro had discovered the settlement sheet in the file, the Respondent told Mr. DiPietro not to worry about the case, that she had called the attorney for the doctor and told him that she had not yet settled the case but was still working on it.

6. In August of 2005, Mr. DiPietro received notice to appear in court in an immigration case for a client for whom he had no file or other information. After confronting the Respondent, she admitted to Mr. DiPietro that she had filed an appeal for a former client while working for Mr. DiPietro and signed Mr. DiPietro's name to the appeal without his permission. The client had paid the Respondent for the appeal and she had taken the money for herself. Mr. DiPietro assumed representation of the case, and the matter has been concluded successfully.

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VS B Docket No. 06-051-3224

7. In November of 2002, Renato Romano hired the Respondent to represent him in obtaining a H1B visa for himself and derivative visas for his wife and child. On January 12, 2003, Mr. Romano, his wife and his employer signed the applications prepared by the Respondent, and paid her a total of \$1,300.00 in two checks made out to the U.S. Immigration and Naturalization Service (INS). Thereafter, Mr. Romano contacted the Respondent repeatedly about the status of his case. The Respondent told Mr. Romano that she had filed the applications and the matter was pending.

8. In June of 2003, Mr. Romano contacted the Respondent again and reminded her that his current visa would expire in July and that the checks would expire then, too. In July of 2003, the checks made out to INS were deposited and cleared his employer's bank account. Mr. Romano and his employer noted that both checks had been deposited into an account belonging to the Respondent. Mr. Romano called the Respondent and inquired about this and the Respondent told him that the INS preferred to receive attorney checks.

9. Mr. Romano continued to contact the Respondent to inquire about the status of his case. In August of 2004, after many requests from Mr. Romano, the Respondent gave him a number, allegedly his EAC number, which would allow him to check the status of his case on the internet. After checking this number on-line a number of times, in March of 2005, Mr. Romano checked the number again and learned that the application for this number had been approved as of March 5, 2005.

10. In March of 2005, Mr. Romano went to the Respondent's office to begin the labor certification process, believing that his H1B visa had been approved, even

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though he had not received notice of approval from BCIS. The Respondent told him that Mr. DiPietro would be handling his case now. Mr. Romano waited for months for notification from BCIS that his H1B visa had been approved. In one of their many calls concerning the notice from BCIS that never came, the Respondent told Mr. Romano that she had checked with BCIS. The agency informed her that the notice had been lost in the mail and they would issue a new one.

11. In January of 2006, Mr. Romano called the number he had for the Respondent and spoke with Mr. DiPietro who informed him that the Respondent had been suspended from the practice of law in Virginia and had been fired by Mr. DiPietro from her paralegal job. The Respondent had never told Mr. Romano about her suspension from the practice of law in Virginia.

12. Mr. DiPietro agreed to help Mr. Romano with his case. After inquiries by both Mr. DiPietro and Mr. Romano, BCIS informed them that the number that the Respondent had given Mr. Romano was for another individual, not Mr. Romano, and that no visa application had ever been filed under Mr. Romano's name or his employer's name.

VSB Docket No. 06-051-2961

13. In December of 2002, Juan A. Acevedo and his wife Iris hired the Respondent to represent them in filing a alien relative petition for Mrs. Acevedo. Mr. Acevedo is a citizen of the United States. Mrs. Acevedo is not. On numerous occasions, Mr. Acevedo checked with the Respondent on the status of the case. The Respondent assured him that the petition had been filed but that it would take time to complete the process. On one occasion, when Mr. Acevedo tried to set an appointment for March 5,

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2005 to meet with the Respondent, the Respondent informed Mr. Acevedo that she could not meet with him that day because she would be in court.

14. On December 1, 2005, when Mr. DiPietro fired the Respondent, she left a number of files at Mr. DiPietro's office which were not files for clients he represented. Mr. DiPietro wrote to each individual and asked each one to pick up his or her file. Mr. Acevedo was one of these individuals. When Mr. Acevedo went to Mr. DiPietro's office to pick up his file, he and Mr. DiPietro went through the file. They discovered all of the original materials filled out by Mr. Acevedo and his wife, including the original petition and the original checks, still in the file. The Respondent had never filed anything on behalf of the Acevedos. Mr. DiPietro is assisting the Acevedos in trying to remedy the situation. The Respondent never informed the Acevedos that her license to practice law in Virginia had been suspended as she was required to do by the Order of Suspension.

VSB Docket No. 06-051-2397

15. In March of 2001, Mr. Glenn Manalo Ong hired the Respondent to file a application for a labor certification for him. Mr. Ong called the Respondent repeatedly about the status of his application. The Respondent told him that she had filed his application and it was pending.

16. In October of 2003, Mr. Ong married an American citizen. He contacted the Respondent and paid her additional sums to file an alien relative petition and to pay a fine for entering the country illegally. Mr. Ong and his wife called the Respondent repeatedly to check on the status of Mr. Ong's petition. The Respondent told Mr. Ong and his wife that the second petition was pending, and Mr. Ong should have his work authorization within a few months.

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17. In December of 2005, Mr. Ong called the Respondent again, at the last telephone number that the Respondent had given him, to check on the status of his case. He spoke with Mr. DiPietro, who informed him that the Respondent's license to practice law in Virginia had been suspended for three years in November of 2003, and that she no longer worked for him as a paralegal because he had fired her.

18. Mr. Ong demanded the return of his file and hired a new attorney. The new attorney checked the system and found that the Respondent had not filed either the labor certification or the alien relative petition for Mr. Ong. When confronted with this information, the Respondent stated that she had filed both, and that the receipts might be in another file because she had filed a petition in another case at the same time she filed Mr. Ong's petition. However, when Mr. DiPietro checked the other file, there was no receipt for either Mr. Ong's labor certification or petition in the file.

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