

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

Maxime Austria Frias

VSB Docket No. 09-000-077782

Attorney at Law

On March 26, 2009, came Maxime Austria Frias and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth effective March 27, 2009. By tendering his Consent to Revocation at a time when disciplinary charges are pending, he admits that the charges in the attached Affidavit Declaring Consent to Revocation are true.

The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Maxime Austria Frias be and the same hereby is revoked, and that the name of the said Maxime Austria Frias be stricken from the Roll of Attorneys of this Commonwealth.

Enter this Order this 27th day of March, 2009

For the Virginia State Bar Disciplinary Board

By *Barbara S. Lanier*
Barbara Sayers Lanier, Clerk of the Disciplinary System

RECEIVED

VIRGINIA:

MAR 26 2009

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

VS B CLERK'S OFFICE

IN THE MATTER OF
MAXIME AUSTRIA FRIAS

VS B Docket No. 09-000-077782

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Maxime Austria Frias, after being duly sworn, states as follows:

1. That Maxime Austria Frias was licensed to practice law in the Commonwealth of Virginia on 05/23/1978;

2. That Maxime Austria Frias submits this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13.L.

3. That Maxime Austria Frias's consent to revocation is freely and voluntarily rendered, that Maxime Austria Frias is not being subjected to coercion or duress, and that Maxime Austria Frias is fully aware of the implications of consenting to the revocation of his license to practice law in the Commonwealth of Virginia as he is represented by counsel and has reviewed this consent to revocation with his counsel ;

4. Maxime Austria Frias is aware that there is currently pending a complaint, an investigation into, or a proceeding involving, allegations of misconduct, the docket number for which is set forth above, and the specific nature of which is here set forth:

- a. That on or about December 10, 2008, Maxime Austria Frias entered into a guilty plea to two Federal Felony charges of Making False Statements in the course of representing Riadh Saddem and one T.B. for purposes of obtaining immigration benefits of permanent residency based upon a fraudulent or sham marriage. That in making the plea agreement, Maxime

Austria Frias pled guilty to knowingly and willfully making false statements.

- b. Riadh Saddam was a Tunisian national who entered the United States on a B2 student visa on July 20, 2001. As his visa expired on October 20, 2001, Saddam was an overstay and illegally present in the United States.
- c. As of March 18, 2008, Saddam faced deportation proceedings. To avoid deporation proceedings and to obtain permanent residency, Saddam and "T.B." had previously entered into a sham or fraudulent marriage.
- d. In the course of said guilty plea, Maxime Austria Frias admitted that on March 18, 2008 he was told by T.B., the alleged wife, that the marriage was "not a real marriage" and that also on that date he was contacted by an Agent of the Department of Homeland Security who requested that he not file the "fraudulent" affidavit. That notwithstanding said information, Maxime Austria Frias prepared for filing with the Immigration Court an affidavit in support of Saddam's effort to avoid deportation, to obtain bail, and to allow him time to seek permanent residency.
- e. In the course of said guilty plea, Maxime Austria Frias has admitted that on March 19, 2008, he appeared in Immigration Court with Saddam and T.B. and advised the Court that T.B. was present and was the wife of Saddam. In reliance on the evidence--including the affidavit prepared by Maxime Austria Frias, the courtroom representations of Maxime Austria Frias, and the arguments of Maxime Austria Frias, the Court did not deport Saddam and instead released him on bond.
- f. In the course of said guilty plea, Maxime Austria Frias admitted that prior to the September 30, 2008 interview with Citizenship and Immigration Services, he filed an I-130 Petition which expressly stated that he had no knowledge the marriage between Saddam and T.B. was for the purpose of obtaining an immigration benefit.
- g. In the course of said guilty plea, Maxime Austria Frias admitted that he appeared with Saddam and T.B. at the September 30, 2008 interview with Citizenship and Immigration Services as part of Saddam's ongoing case to adjust his status and obtain a "green card" or permanent residency. He has admitted that in the interview, he was asked whether on March 18, 2008 T.B. told him that her marriage to Saddam was not real. Mr Frias falsely answered, "no." Mr. Frias was then asked whether he remembered that the agent had called him and told him the U.S. Attorney's office was investigating the marriage and asked him not to file the affidavit. Mr. Frias responded, "yes, you did."

5. Maxime Austria Frias acknowledges that the material facts upon which the allegations of misconduct are predicated are true; and

6. Maxime Austria Frias submits this Affidavit and consents to the revocation of his license to practice law in the Commonwealth of Virginia, because he knows that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

Executed and dated on 3-3-09



Maxime Austria Frias
Respondent

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Norfolk, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Maxime Austria Frias on March 03, 2009

9 Susie Sawyer
Notary Public

My Commission expires August 31, 2009



SEEN AND AGREED:

A handwritten signature in black ink, appearing to read "Franklin A. Swartz". The signature is written in a cursive style with a long, sweeping tail that extends downwards and to the right.

Franklin A. Swartz
Counsel for the Respondent Frias
Rabinowitz Rafal Swartz et al.
Town Point Center, Suite 800
150 Boush Street
Norfolk, VA 23510