

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

Bada Phu Nguyen

Attorney at Law

On March 24, 2009, came Bada Phu Nguyen and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his resignation 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 accepts his resignation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Bada Phu Nguyen be and the same hereby is revoked, and that the name of the said Bada Phu Nguyen be stricken from the Roll of Attorneys of this Commonwealth.

Enter this Order this twenty-fourth day of March, 2009

For the Virginia State Bar Disciplinary Board

By *Barbara S. Lamer*
Clerk of the Disciplinary System

VIRGINIA:

RECEIVED

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

MAR 24 2009

IN THE MATTER OF BADA PHU NGUYEN, ESQUIRE
VSB Docket No. 09-000-078277

VSB CLERK'S OFFICE

AFFIDAVIT DECLARING CONSENT TO REVOCATION

BADA PHU NGUYEN, after being duly sworn, states as follows:

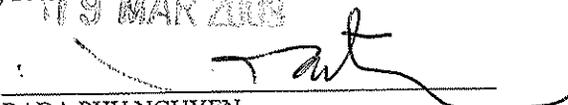
1. That he was licensed to practice law in the Commonwealth of Virginia on April 30, 1992;
2. That, pursuant to Part 6, Section IV, Paragraph 13.L. of the *Rules of the Supreme Court of*

Virginia:

- a. his consent to revocation is freely and voluntarily rendered, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of consenting to a revocation of his license to practice law in the Commonwealth of Virginia;
- b. he is aware that there are proceedings against him involving allegations of misconduct, as referred to in the Amended Rule to Show Cause and Order of Suspension and Hearing attached to this Affidavit, the contents of which are incorporated herein by reference;
- c. he acknowledges that the material facts upon which the allegations of misconduct, set forth in the Amended Rule to Show Cause and Order of Suspension and Hearing are predicated are true; and
- d. he 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 prosecuted to a conclusion, he could not successfully defend them.

Executed and dated this ____ day of March, 2009

19 MAR 2009


BADA PHU NGUYEN

The foregoing Affidavit was subscribed and sworn before me by Bada Phu Nguyen on March

19 MAR 2009

2009, at _____

Socialist Republic of Vietnam

[Ho Chi Minh City]

U.S. Consulate General

[PLACE SEAL HERE]


[SIGNATURE OF PERSON ADMINISTERING OATH]

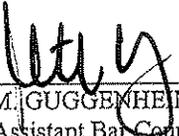
[INSERT NAME AND TITLE OF OFFICIAL
ADMINISTERING OATH]

My Commission expires:

Indefinite

MARTIN L. OPPUS
Consul
U.S. Consulate General
Ho Chi Minh City, Vietnam

SEEN, WITH NO OBJECTION TO ENTRY OF AN ORDER BY
THE VIRGINIA STATE BAR DISCIPLINARY BOARD REVOKING
RESPONDENT'S LICENSE TO PRACTICE LAW IN VIRGINIA:



SETH M. GUGGENHEIM
Senior Assistant Bar Counsel

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF BADA PHU NGUYEN

VSB Docket #09-000-078277

AMENDED RULE TO SHOW CAUSE
AND
ORDER OF SUSPENSION AND HEARING

It appearing to the Board that Bada Phu Nguyen was licensed to practice law within the Commonwealth of Virginia on April 30, 1992, and,

It further appearing that Bada Phu Nguyen pled guilty to a misdemeanor charge of embezzlement in violation of Section 18.2-111 of the Code of Virginia, in the Fairfax County General District Court, Case Number C08160420.

It is ORDERED that, having pled guilty to a crime as provided in the Rules of Court, Part 6, Section IV, Paragraph 13.I.5.b, the license of Bada Phu Nguyen to practice law within the Commonwealth of Virginia be, and the same is SUSPENDED, effective February 27, 2009.

It is further ORDERED that Bada Phu Nguyen appear before the Virginia State Bar Disciplinary Board at the Virginia Worker's Compensation Commission – Courtroom A, 1000 DMV Drive, Richmond, VA 23220, at 9:00 a.m., on Friday, March 27, 2009, to show cause why his license to practice law within the Commonwealth of Virginia should not be further suspended or revoked.

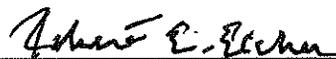
It is further ORDERED that Bada Phu Nguyen shall forthwith give notice, by certified mail, of the suspension of his license to practice law in Virginia to all clients for whom he is currently handling matters and to all opposing attorneys and the presiding judges in pending litigation. The Attorney shall also make appropriate arrangements for the disposition of matters

then in his care in conformity with the wishes of his clients. The Attorney shall give such notice within fourteen (14) days of the effective date of the suspension order, and make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension order. The Attorney shall also furnish proof to the bar within sixty (60) days of the effective date of the suspension order that such notices have been timely given and such arrangements for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

It is further ORDERED that a copy of the Warrant of Arrest, showing the plea of guilty and conviction, be attached to this Rule to Show Cause and Order of Suspension and Hearing and made a part hereof.

It is further ORDERED that an attested copy of this Rule to Show Cause and Order of Suspension and Hearing, with attachments, shall be mailed to Bada Phu Nguyen, by certified mail, return receipt requested, at his address of record with the Virginia State Bar, Nguyen Associates, 6107-E Arlington Boulevard, Falls Church, VA 22044, and to Bada Phu Nguyen, by certified mail, return receipt requested, at Nguyen and Associates, 8424 Hayden Lane, Annandale, VA 22003, and to Bada Phu Nguyen, by regular mail, at 2236 Hall Place, N.W., Washington, DC 20007-1848 and to Seth Mark Guggenheim, Senior Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, South 310, Alexandria, VA 22314-3133.

ENTER THIS ORDER THIS 5th DAY OF MARCH, 2009
VIRGINIA STATE BAR DISCIPLINARY BOARD



Robert E. Eicher, Chair

WARRANT OF ARREST - FELONY

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71.1, -72

Fairfax CITY OR COUNTY General District Court Criminal Traffic
 Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 05/30/2007 to 06/04/2007 did unlawfully and feloniously in violation of Section

18.2-111, Code of Virginia: fraudulently use, dispose of, conceal, or embezzle US Currency, belonging to Nguyen, Minh and having a value of \$200.00 or more, which the accused received for another, or which the accused received by virtue of the accused's office, trust, or employment, or which a court, corporation, company, or another person entrusted or delivered to the accused.

FAIRFAX COUNTY GENERAL DISTRICT COURT
I, the undersigned clerk or deputy clerk of the above-named court, authenticate pursuant to Va. Code § 01-391(C) on this date that the document to which this authentication is affixed is a true copy of a record in the above-named court, as it appears in performance of my official duties.

1-22-07 DATE
[Signature]
CLERK/DEPUTY CLERK

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Morris, C.T. #2792 Fairfax County PD, Complainant.

02/26/2008 09:57 AM

DATE AND TIME ISSUED CLERK MAGISTRATE JUDGE
Claude Bradshaw

CORE is Required

FORM DC-312 (FRONT) REVISED 7/05

CASE NO. C08160420

ACCUSED:

Nguyen, Bada Phu
LAST NAME, FIRST NAME, MIDDLE NAME
2236 Hall Place
ADDRESS/LOCATION
Washington, DC

RACE	SEX	BORN	HT.	WT.	EYES	HAIR
A	M	01/01/1947	5' 05"	145	BRO	BLK

SSN 228-23-7188

DL#

STATE

CLASS U FELONY

EXECUTED by arresting the Accused named above on this day:

7/17/08 DATE AND TIME OF SERVICE 1050 Hrs

EK Chambers Arresting Officer

3204 FLEOPD 029 BADGE NO., AGENCY AND JURISDICTION

for SHERIFF

Attorney for the Accused:

Short Offense Description:

EMBEZZLEMENT: >=\$200

Offense Tracking Number:

059GM1970800527

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

LAR-2707-F9

F

7/21/08 10:30
Hearing Date/Time

7/22/08 2pm

lomb 11/23

130-1070

RECEIVE

FEB 27 2008

8016
BY: [Signature]

260776



FELONY

Offense Tracking Number: 059EM419900153
 Preliminary Hearing Court
 120 Ct. Appt. Atty \$
 113 Court Reporter
 113 Witness
 TOTAL

WAIVER OF PRELIMINARY HEARING
 Understanding my right to a preliminary hearing before the Court named in this warrant to determine whether there is probable cause to believe that I committed a felony AND, having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on the felony charged in this warrant. Certified to the Circuit Court of this jurisdiction.

ACCUSED _____ DATE _____
 ATTORNEY FOR ACCUSED _____ JUDGE _____

The Accused named within was brought before me or appeared this day, and upon hearing the evidence, I order the case certified to the grand jury of this jurisdiction, at its next term date, having found probable cause to believe that the Accused committed the felony charged in this warrant.

Bail on certification \$ _____

I ORDER the accused discharged at preliminary hearing and the charge is dismissed.

The charge was reduced to MISA

(The Accused was this day
 tried in absence present
 Substantive

I impose the following Disposition:
 FINE of \$ 300 with \$ _____ suspended
 JAIL SENTENCE of 300 days imposed, [] of which 300 days mandatory minimum, with _____ suspended for a period of _____
 conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs.
 Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Serve jail sentence beginning _____
 [] on weekends only
 Work release [] authorized if eligible [] required [] not authorized

Public work force [] authorized [] not authorized
 on PROBATION for _____
 [] VASAP [] local community-based probation agency
 DRIVER'S LICENSE suspended for _____
 Restricted Driver's License per attached order
 [] Ignition interlock for _____
 CIVIL REMEDIAL FEE, § 46.2-206.1, payment due \$ _____; second equal payment to DMV due 14 calendar months from date of conviction; third equal payment to DMV due 26 months from date of conviction

RESTITUTION of \$ _____ due by _____ payable to: _____ with interest thereon from _____ [] DATE OF LOSS OR DAMAGE [] TODAY'S DATE

[] as condition of suspended sentence
 COMMUNITY SERVICE _____ hours to be completed by _____ and supervised by _____
 [] to be credited against fines and costs
 Contact prohibited between defendant and victim/victim's family or household members
 Reimburse Commonwealth for investigatory medical fees
 Pay \$50 fee to the Court for Trauma Center Fund
 Other _____

Bail on Appeal \$ _____
 DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA SUSPENDED EFFECTIVE IN 15 DAYS IF FINES, CIVIL REMEDIAL FEE, COSTS, FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID.
 Va. Code § 46.2-395.

DATE _____ JUDGE _____

NO ATTORNEY [] ATTORNEY WAIVED
 Interpreter present
 Plea of Accused: [] not guilty [] Witnesses sworn
 nolo contendere
 guilty [] plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.
 Plea and Recommendation
 And was TRIED and FOUND by me:
 not guilty [] guilty as charged
 guilty of _____
 VCC _____
 facts sufficient to find guilt but defer adjudication/disposition to _____
 DATE AND TIME _____
 and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.
 A separate order for First Offender is attached and incorporated in this order.

DATE _____ JUDGE _____

I ORDER a nolle prosequi on the prosecution's motion
 I ORDER the charge dismissed
 conditioned upon payment of costs (accord and satisfaction), § 19.2-151.
 under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

120 CT. APPT. ATTY	\$
113 COURT REPORTER	
113 WITNESS	
TOTAL	\$

113 FINE	
461 FIXED MISD FEE	
462 FIXED DRUG MISD FEE	
113 WITNESS FEE	
113 IGNITION INTERLOCK	
113 DUI FEE	
113	
120 CT. APPT. ATTY	
121 TRIAL IN ABSENCE FEE	
125 WEIGHING FEE	
133 BLOOD TEST FEE	10
137 TIME TO PAY	
192 TRAUMA CENTER FEE	15
234 JAIL ADMISSION FEE	
243 LOCAL TRAINING ACADEMY FEE	1
244 COURTHOUSE SECURITY FEE	10
034 CIVIL REMEDIAL FEE	
OTHER (SPECIFY)	

TOTAL \$ 107

[] Stay of the proceedings pursuant to § 16.1-131.1

DATE _____ JUDGE _____