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U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



26 APR 2002

File: WAC-00-203-54054 Office: California Service Center Date:

IN RE: Petitioner: [Redacted]

Petition: Immigrant Petition by Alien Entrepreneur Pursuant to § 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(5)

IN BEHALF OF PETITIONER:
[Redacted]

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks classification as an alien entrepreneur pursuant to § 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(5).

The director determined that the petitioner had failed to demonstrate that he would create the necessary employment, that he had invested in a targeted employment area, or that he had created an ongoing commercial enterprise.

On appeal, the petitioner submits new documentation relating to the location of his investment in a targeted employment area. Counsel argues that previously submitted documentation is sufficient to meet the other requirements.

Section 203(b)(5)(A) of the Act provides classification to qualified immigrants seeking to enter the United States for the purpose of engaging in a new commercial enterprise:

- (i) which the alien has established,
- (ii) in which such alien has invested (after the date of the enactment of the Immigration Act of 1990) or, is actively in the process of investing, capital in an amount not less than the amount specified in subparagraph (C), and
- (iii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant's spouse, sons, or daughters).

EMPLOYMENT CREATION

8 C.F.R. 204.6(j)(4)(i) states:

To show that a new commercial enterprise will create not fewer than ten (10) full-time positions for qualifying employees, the petition must be accompanied by:

(A) Documentation consisting of photocopies of relevant tax records, Form I-9, or other similar documents for ten (10) qualifying employees, if such employees have already been hired following the establishment of the new commercial enterprise; or

(B) A copy of a comprehensive business plan showing that, due to the nature and projected size of the new commercial enterprise, the need for not fewer than ten

(10) qualifying employees will result, including approximate dates, within the next two years, and when such employees will be hired.

8 C.F.R. 204.6(e) states, in pertinent part:

Full-time employment means employment of a qualifying employee by the new commercial enterprise in a position that requires a minimum of 35 working hours per week.

Qualifying employee means a United States citizen, a lawfully admitted permanent resident, or other immigrant lawfully authorized to be employed in the United States including, but not limited to, a conditional resident, a temporary resident, an asylee, a refugee, or an alien remaining in the United States under suspension of deportation. This definition does not include the alien entrepreneur, the alien entrepreneur's spouse, sons, or daughters, or any nonimmigrant alien.

Finally, 8 C.F.R. 204.6(g)(2) relates to multiple investors and states, in pertinent part:

The total number of full-time positions created for qualifying employees shall be allocated solely to those alien entrepreneurs who have used the establishment of the new commercial enterprise as the basis of a petition on Form I-526. No allocation need be made among persons not seeking classification under section 203(b)(5) of the Act or among non-natural persons, either foreign or domestic. The Service shall recognize any reasonable agreement made among the alien entrepreneurs in regard to the identification and allocation of such qualifying positions.

Full-time employment means continuous, permanent employment. See *Spencer Enterprises, Inc. v. United States*, CIV-F-99-6117, 19 (E.D. Calif. 2001)(finding this construction not to be an abuse of discretion).

Pursuant to 8 C.F.R. 204.6(j)(4)(i)(B), if the employment-creation requirement has not been satisfied prior to filing the petition, the petitioner must submit a "comprehensive business plan" which demonstrates that "due to the nature and projected size of the new commercial enterprise, the need for not fewer than ten (10) qualifying employees will result, including approximate dates, within the next two years, and when such employees will be hired." To be considered comprehensive, a business plan must be sufficiently detailed to permit the Service to reasonably conclude that the enterprise has the potential to meet the job-creation requirements.

A comprehensive business plan as contemplated by the regulations should contain, at a minimum, a description of the business, its products and/or services, and its objectives. Matter of Ho, supra. Elaborating on the contents of an acceptable business plan, Matter of Ho states the following:

The plan should contain a market analysis, including the names of competing businesses and their relative strengths and weaknesses, a comparison of the competition's products and pricing structures, and a description of the target market/prospective customers of the new commercial enterprise. The plan should list the required permits and licenses obtained. If applicable, it should describe the manufacturing or production process, the materials required, and the supply sources. The plan should detail any contracts executed for the supply of materials and/or the distribution of products. It should discuss the marketing strategy of the business, including pricing, advertising, and servicing. The plan should set forth the business's organizational structure and its personnel's experience. It should explain the business's staffing requirements and contain a timetable for hiring, as well as job descriptions for all positions. It should contain sales, cost, and income projections and detail the bases therefor. Most importantly, the business plan must be credible.

The petitioner submitted an initial Form I-526 which named the new commercial enterprise as Performance Professional Holdings, Inc. (PPH), at [REDACTED] in Cudahy, California. The petitioner indicated that PPH was a real estate investment company. The Form I-526, however, was blank on the back. As such, the petitioner did not indicate how many employees PPH had at the time or how many he expected the company to create. The remaining documentation suggested that PPH was, in fact, a construction company. In response to the director's request for additional documentation, the petitioner submitted a completed Form I-526 indicating that the company had created 12 jobs. Initially, the petitioner submitted Form 941 which has the company name and reflects the address as [REDACTED] in Monrovia, California. The remainder of the form is blank and it is unsigned. The petitioner also submitted Form DE-6, Wage and Withholding Report, for the second quarter of 1998. This form contains the company's name and provides the address as [REDACTED]. The remainder of this form is also blank, including the sections requesting the number and names of employees, in addition to being unsigned. The petitioner also submitted three Forms I-9 signed June 1998. The petitioner did not submit a business plan, but, instead, submitted an organization chart listing sixteen jobs including the petitioner's.

On April 9, 2001, the director requested additional documentation, providing the requirements for a comprehensive business plan quoted above.

In response to the director's request for additional documentation, the petitioner claimed to employ 13 workers and provided a list of competitors, a brief discussion of PPH's strengths and weaknesses, the vendors used by PPH, and PPH's marketing. The petitioner submitted 12 Forms I-9 all signed by the petitioner as the president of Building, Business and Homes, Inc. between March and May 2001. The application for an employer's identification number, Form SS4, specifically requests any trade names, and none are listed. As such, the record contains no evidence that PPH is doing business as Building, Business and Homes, Inc., which, by its name, appears to be a corporation. As will be discussed below, PPH is a limited liability company. The address for the company on the Forms I-9 is [REDACTED] Santa Fe

Springs, California, the same address listed on the petitioner's conditional real estate sales license and the business license for PPH.

Without discussing the Forms I-9 or addressing the petitioner's claim to have already hired 13 employees, the director concluded that the petitioner's business plan was insufficient. The director noted that the construction industry relies on independent contractors for short term projects and concluded that the petitioner's claim that his construction business will generate 10 or more full-time jobs was not credible.

On appeal, counsel does not address this issue and the petitioner submits no new employment documentation. We concur with the director that the petitioner's business plan is insufficient and does not adequately explain the need for the 16 employees listed on the organizational chart. The list of "vendors" includes subcontractors, including plumbing and electrical. Had the petitioner demonstrated that he already employed 13 full-time employees as claimed, a more comprehensive business plan would not be necessary. The record, however, does not support that claim. Forms I-9 are not evidence that the employees were actually hired or remain working for the company. Rather, they reflect that, if employed, these individuals are qualifying employees. The petitioner has not submitted payroll records to reflect whether or not the claimed 13 employees are all working full-time. Moreover, the petitioner has not submitted completed Forms 941 and Forms DE-6 reflecting the number of employees being reported to federal and state tax agencies. In light of the above, the petitioner has not established that he has created at least 10 jobs or that it is credible that his business will do so in the next two years.

MINIMUM INVESTMENT AMOUNT

The petitioner indicates that the petition is based on an investment in a business located in a targeted employment area for which the required amount of capital invested has been adjusted downward to \$500,000.

8 C.F.R. 204.6(e) states, in pertinent part, that:

Targeted employment area means an area which, at the time of investment, is a rural area or an area which has experienced unemployment of at least 150 percent of the national average rate.

8 C.F.R. 204.6(j)(6) states that:

If applicable, to show that the new commercial enterprise has created or will create employment in a targeted employment area, the petition must be accompanied by:

(i) In the case of a rural area, evidence that the new commercial enterprise is principally doing business within a civil jurisdiction not located within any standard metropolitan statistical area as designated by the Office of Management

and Budget, or within any city or town having a population of 20,000 or more as based on the most recent decennial census of the United States; or

(ii) In the case of a high unemployment area:

(A) Evidence that the metropolitan statistical area, the specific county within a metropolitan statistical area, or the county in which a city or town with a population of 20,000 or more is located, in which the new commercial enterprise is principally doing business has experienced an average unemployment rate of 150 percent of the national average rate; or

(B) A letter from an authorized body of the government of the state in which the new commercial enterprise is located which certifies that the geographic or political subdivision of the metropolitan statistical area or of the city or town with a population of 20,000 or more in which the enterprise is principally doing business has been designated a high unemployment area. The letter must meet the requirements of 8 C.F.R. 204.6(i).

A petitioner must demonstrate that the location of the business was in a targeted employment area at the time of filing. Matter of Soffici, I.D. 3359, 2-3 (Assoc. Comm., Examinations, June 30, 1998) cited with approval in Spencer Enterprises, Inc. v. United States, CIV-F-99-6117, 23-24, (E.D. Calif. 2001).

On the Form I-526, the petitioner listed the location of the business as [REDACTED] Cudahy, California. The application for an employer identification number, which does not list a trade name in the space provided, and the Form 941 list the business address as [REDACTED] Monrovia, California. The bank statements and Form DE-6 Wage and Withholding Report list the address as [REDACTED]. The business license and Forms I-9¹ submitted in response to the director's request for additional documentation provide the address as [REDACTED] Santa Fe Springs, California. The petitioner also submitted the closing documentation for his personal purchase of two lots on Santa Ana Street in Cudahy and another lot in Bell Gardens. In response to the director's request for additional documentation, the petitioner submitted an analysis by the Hub Cities Consortium asserting that Cudahy had an unemployment rate of over 8 percent in early 2001. The petitioner also submitted unemployment data from the Economic Development Department (EDD), which indicated that in May 2001, Cudahy had an unemployment rate of 6.7 percent. The petitioner, however, did not submit any evidence of the national unemployment rate.

¹ The Forms I-9 list the name of the company as Building, Business and Homes, Inc. The petitioner has not established that this is a trade name for PPH, which is organized as a limited liability company, not a corporation. The petitioner, however, signed the forms as president and the address is the same address as appears on PPH's business license.

The director concluded that the petitioner had failed to submit evidence from the State of California. On appeal, the petitioner submitted a list of qualifying counties and cities as determined by the California EDD. The State of California has designated the EDD to determine areas of high unemployment according to the definition quoted above. The list provided on appeal is based on data from 2000, when the petition was filed, and indicates that Cudahy and Bell Gardens are qualifying cities. Monrovia, Downey, and Santa Fe Springs, however, are all located within Los Angeles County but are not listed as qualifying cities within that county.

The organizational chart provided by the petitioner lists only seven jobs which might be created at the construction work site, as opposed to the administrative office. Many of the employees, including two secretaries, vice president of administration, general assistant to the vice presidents of administration and civil engineering, and bookkeeper, will all work out of the administrative office. The vice presidents for civil engineering and architectural design, will likely work out of the administrative office as well. While the "draftman" will need to spend time at the site, it is presumed that he will also work out of the administrative office. Even six of the remaining seven jobs, the construction "superintendents," might work out of the administrative office. Without job descriptions of these positions, the petitioner cannot establish that they will be primarily based at the work sites. The petitioner also failed to provide a job description for the final employee, a driver. As such, it is not clear where he will be working. The petitioner does not list construction workers on this organizational chart, and, given the nature of the construction industry, it is likely that they would be independent contractors. As the petitioner has not established that he will be creating ten permanent qualifying positions at the work sites, the petitioner must also establish that the administrative office will be in a targeted employment area. The record is inconsistent as to where the administrative office is located. The petitioner has failed to submit a lease or deed for any of the offices listed on the company's documentation other than [REDACTED] which is a work site. Regardless, none of the other locations, Monrovia, Downey, and Santa Fe Springs are targeted employment areas. The petitioner has not established that at least 10 jobs will be generated within a targeted employment area. As such, the minimum investment amount in this case is \$1,000,000.

ESTABLISHMENT OF A NEW COMMERCIAL ENTERPRISE

8 C.F.R. 204.6(e) provides:

Commercial enterprise means any for-profit activity formed for the *ongoing conduct* of lawful business including, but not limited to, a sole proprietorship, partnership (whether limited or general), holding company, joint venture, corporation, business trust, or other entity which may be publicly or privately owned. This definition includes a commercial enterprise consisting of a holding company and its wholly-owned subsidiaries, provided that each such subsidiary is engaged in a for-profit activity formed for the ongoing conduct of a lawful business. This definition shall not include a noncommercial activity such as owning and operating a personal residence.

(Emphasis added.) The petitioner organized Performance Professional Holdings, Inc. (PPH) on January 28, 1998. On the Form I-526, the petitioner indicated PPH was a real estate investment company, a passive investment concept that generates little, if any, employment. The document index indicates that the business will be a home construction business. The record reveals that the petitioner personally purchased three pieces of land on which PPH will allegedly be constructing moderately priced homes. The record contains a letter from General Bank regarding a construction loan, but no other evidence of any construction. In response to the director's request for additional documentation, the petitioner submitted a contractor's license for Building Business and Homes, Inc. The record contains no evidence of any relationship between this company and PPH. The petitioner submitted his own conditional real estate sales license and a business license from the City of Santa Fe Springs issued to PPH which provides:

The person, firm or corporation below named is hereby granted this certificate for the purpose of engaging or carrying on or conducting, in the City of Santa Fe Springs, California, the business, trade, calling, profession, exhibition or occupation described in the application for this certificate.

The petitioner has not submitted the application certified by the City of Santa Fe Springs as an exact copy of the application filed. As such, the petitioner has not established that PPH is licensed as a construction company.

The director concluded that PPH was only committed to projects on the pieces of land purchased and that the petitioner had not established that PPH was a continuing business projected to last beyond two years. Neither counsel nor the petitioner address this issue on appeal and we concur with the director. While no business is guaranteed to last beyond two years, most businesses require a winding up process to terminate business. The purchase of three lots with no additional commitments in the future does not constitute an ongoing commercial enterprise.

INVESTMENT OF CAPITAL

8 C.F.R. 204.6(e) states, in pertinent part, that:

Capital means cash, equipment, inventory, other tangible property, cash equivalents, and indebtedness secured by assets owned by the alien entrepreneur, provided the alien entrepreneur is personally and primarily liable and that the assets of the new commercial enterprise upon which the petition is based are not used to secure any of the indebtedness. ...

Invest means to contribute capital. A contribution of capital in exchange for a note, bond, convertible debt, obligation, or any other debt arrangement between the alien entrepreneur and the new commercial enterprise does not constitute a contribution of capital for the purposes of this part.

8 C.F.R. 204.6(j) states, in pertinent part, that:

(2) To show that the petitioner has invested or is actively in the process of investing the required amount of capital, the petition must be accompanied by evidence that the petitioner has placed the required amount of capital at risk for the purpose of generating a return on the capital placed at risk. Evidence of mere intent to invest, or of prospective investment arrangements entailing no present commitment, will not suffice to show that the petitioner is actively in the process of investing. The alien must show actual commitment of the required amount of capital. Such evidence may include, but need not be limited to:

(i) Bank statement(s) showing amount(s) deposited in United States business account(s) for the enterprise;

(ii) Evidence of assets which have been purchased for use in the United States enterprise, including invoices; sales receipts; and purchase contracts containing sufficient information to identify such assets, their purchase costs, date of purchase, and purchasing entity;

(iii) Evidence of property transferred from abroad for use in the United States enterprise, including United States Customs Service commercial entry documents, bills of lading and transit insurance policies containing ownership information and sufficient information to identify the property and to indicate the fair market value of such property;

(iv) Evidence of monies transferred or committed to be transferred to the new commercial enterprise in exchange for shares of stock (voting or nonvoting, common or preferred). Such stock may not include terms requiring the new commercial enterprise to redeem it at the holder's request; or

(v) Evidence of any loan or mortgage agreement, promissory note, security agreement, or other evidence of borrowing which is secured by assets of the petitioner, other than those of the new commercial enterprise, and for which the petitioner is personally and primarily liable.

Beyond the decision of the director, the petitioner has not established that the funds transferred to the new commercial enterprise constitute invested capital as defined above. In response to the director's request for additional documentation, the petitioner submitted an accountant's letter from Sun Accounting Corporation asserting that the total "amount of capital" contributed amounted to \$690,978. The petitioner also submitted, however, the financial statements prepared by the same accounting firm which contradict that assertion. Specifically, the balance sheet as of December 31, 2000, indicates \$126,762 in interest payable on loans from stockholders, \$489,843 in loans from stockholders, and only \$112,500 in capital stock. As quoted above, the definition of invest excludes any debt arrangements with the new commercial. Thus, the \$489,843 loaned to the company is not a qualifying investment of capital. Moreover,

the fact that the petitioner is guaranteed more interest on his loan than his capital investment indicates that he has not placed any money at risk.

SOURCE OF FUNDS

8 C.F.R. 204.6(j) states, in pertinent part, that:

(3) To show that the petitioner has invested, or is actively in the process of investing, capital obtained through lawful means, the petition must be accompanied, as applicable, by:

(i) Foreign business registration records;

(ii) Corporate, partnership (or any other entity in any form which has filed in any country or subdivision thereof any return described in this subpart), and personal tax returns including income, franchise, property (whether real, personal, or intangible), or any other tax returns of any kind filed within five years, with any taxing jurisdiction in or outside the United States by or on behalf of the petitioner;

(iii) Evidence identifying any other source(s) of capital; or

(iv) Certified copies of any judgments or evidence of all pending governmental civil or criminal actions, governmental administrative proceedings, and any private civil actions (pending or otherwise) involving monetary judgments against the petitioner from any court in or outside the United States within the past fifteen years.

A petitioner cannot establish the lawful source of funds merely by submitting bank letters or statements documenting the deposit of funds. Matter of Ho, I.D. 3362 (Assoc. Comm., Examinations July 31, 1998) at 6; Matter of Izumii, I.D. 3360 (Assoc. Comm., Examinations July 31, 1998) at 26. Without documentation of the path of the funds, the petitioner cannot meet his burden of establishing that the funds are his own funds. Id. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. Matter of Treasure Craft of California, 14 I&N Dec. 190 (Reg. Comm. 1972). These “hypertechnical” requirements serve a valid government interest: confirming that the funds utilized are not of suspect origin. Spencer Enterprises, Inc. v. United States, CIV-F-99-6117, 22 (E.D. Calif. 2001)(affirming a finding that a petitioner had failed to establish the lawful source of her funds due to her failure to designate the nature of all of her employment or submit five years of tax returns).

Beyond the decision of the director, the petitioner has not established the lawful source of his funds or traced the path of those funds. The petitioner claimed to have been compensated for his architectural services in Mexico through a “power of attorney” agreement whereby his clients allowed him to retain the proceeds from the sale of their property, a typical way of doing

business in Mexico, according to the petitioner. The index of documentation refers to three power of attorney agreements, public writ number 13080 dated March 18, 1992, public writ number 18,147 dated December 9, 1997, and public writ number 26,091 dated May 3, 1989. These documents appear as part of a very complicated trust agreement and two slightly less complicated sales contracts.

The trust documentation, dated January 29, 1998, designates the petitioner as the "fideicommissary." This term is defined as "of or relating to a fideicommissum." Black's Law Dictionary 639 (7th Ed. 1999). A "fide-commissary," or "fidei-commissarius," however, is defined as the beneficiary of a trust. *Id.* at 221 (definition of cestui que trust.) As such, it appears that the petitioner is the beneficiary of the trust, which includes an obligation on the part of the founder of the trust to pay 1,500,000 pesos, or \$187,500 by June 8, 1998. The documentation includes the 1992 irrevocable power of attorney, also known as a power coupled with an interest. As the agent obtains an interest in this type of power of attorney, it is not a true agency relationship. *See id.* at 1189, 1191. Thus, the petitioner's claim to have received a power of attorney agreement which allowed him to retain the proceeds of a sale is supported by the 1992 power of attorney agreement. The trust documentation, however, does not indicate how much cash the petitioner received from this trust and when he received it.

The first sales contract, dated December 8, 1997, includes the November 9, 1997 power of attorney, but is missing page 11, describing the actual powers granted to the petitioner. As such, it is not clear that this power of attorney agreement was the same type of irrevocable power of attorney described above. The contract provides for the sale of land for 1,900,000 pesos, or \$237,500.

The final sales contract is dated March 26, 1998 and includes the May 3, 1989 power of attorney agreement. The agreement reveals that the petitioner was granted an irrevocable power of attorney at that time. The sales contract is for 3,000,000 pesos, or \$375,000, but the sale was by the petitioner and eight other individuals for whom the petitioner was not acting as an agent. It is not clear how much money the petitioner personally received.

The petitioner also submitted his 1997 income taxes, but submitted translations for only two of the fourteen pages. The petitioner also submitted evidence of several wire transfers received into his bank account between December 1997 and April 1998 totaling \$739,400, a wire transfer out of his account to Fundtech for \$200,000 on March 13, 1998, and checks written on his account between December 1997 and May 1998 totaling \$527,900. The wire transfers all originated from "Fundtech T." followed by the petitioner's name. The record does not establish the petitioner's relationship with Fundtech. Moreover, as \$200,000 was wired back to Fundtech on March 13, 1998, \$200,000 of the funds transferred from Fundtech after that date cannot be counted a second time.

Moreover, these transfers cannot account for the purchase of the first development property on March 23, 1998. [REDACTED] That property cost \$235,000. Prior to March 23, 1998, the petitioner had received \$350,300 in his account in the United States, but he wrote checks on that account for \$75,000 on December 15, 1997 and \$67,900 on February 10, 1998. The

petitioner has not demonstrated that those funds were used for the purchase of [REDACTED]. In fact, the \$67,900 appears to correspond to the petitioner's deposit for property purchased subsequently on May 1, 1998, [REDACTED]. More significantly, on March 13, 1998, the petitioner transferred \$200,000 back to Fundtech, the original source of the funds. The petitioner received no additional funds between March 13, 1998 and March 23, 1998 and his balance on March 23, 1998 was only \$2,402.08. In light of the above, the petitioner has not established the source of the \$235,000 used to purchase property on March 23, 1998.

In light of the above, the petitioner has not traced the path of the funds from the sale of properties in Mexico, to his personal account in Mexico, to his account in the United States. Nor has the petitioner established that the funds transferred to his U.S. account were utilized for the purchase of [REDACTED] on March 23, 1998.

For all of the reasons set forth above, considered in sum and as alternative grounds for denial, this petition cannot be approved.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not met that burden.

ORDER: The appeal is dismissed.