

PUBLIC MATTER

ORIGINAL

1 THE STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 2 SCOTT J. DREXEL, No. 65670
 CHIEF TRIAL COUNSEL
 3 RUSSELL G. WEINER, No. 94504
 DEPUTY CHIEF TRIAL COUNSEL
 4 VICTORIA R. MOLLOY, No. 97747
 ASSISTANT CHIEF TRIAL COUNSEL
 5 KEVIN B. TAYLOR, No. 151715
 SUPERVISING TRIAL COUNSEL
 6 CHARLES T. CALIX, No. 146853
 DEPUTY TRIAL COUNSEL
 7 1149 South Hill Street
 Los Angeles, California 90015-2299
 8 Telephone: (213) 765-1255

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 STATE BAR COURT
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THE STATE BAR COURT
 HEARING DEPARTMENT - LOS ANGELES

In the Matter of) Case No. 06-O-14542
)
 DONALD A. BROOKS,) NOTICE OF DISCIPLINARY CHARGES
 No. 212949,)
)
 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE

1 course of business. The U.S. Postal Service did not return the letter. Respondent received the
2 letter.

3 6. The letter requested that Respondent respond in writing to specified allegations of
4 misconducted being investigated by the State Bar in the SBI matter, including but not limited to
5 providing, "All client trust account ledger cards which related to the above reference checks,
6 maintained pursuant to rule 4-100(C), Rules of Professional Conduct" and, "Your written trust
7 account journal and each monthly reconciliation from and including March 1, 2006 to and
8 including June 31, 2006, maintained pursuant to rule 4-100(C), Rules of Professional Conduct."
9 (Emphasis omitted.) The letter stated, in pertinent part, that, "Failure to provide the records
10 which you are required to maintain pursuant to Rule 4-100(C), Rules of Professional Conduct,
11 may be considered a violation of Rule 4-100(B)(3), Rules of Professional Conduct" and attached
12 a copy of Rule 4-100(C), Rules of Professional Conduct ("Rule(s)"). (Emphasis omitted.)

13 7. Respondent did not respond to the Investigator's letter or otherwise communicate with
14 the Investigator.

15 8. On or about January 3, 2007, Respondent changed his then official membership
16 address from the San Bernardino address to 1222 South Magnolia #105-396, Corona, California
17 92881 (the "Corona address").

18 9. On or about March 19, 2007, April 4, 2007, May 23, 2007, and July 23, 2007,
19 the Investigator mailed letters to Respondent at the Corona address requesting that Respondent
20 respond in writing to specified allegations of misconducted being investigated by the State Bar
21 in the SBI matter. The letters requested that Respondent respond in writing by April 2, 2007,
22 April 18, 2007, July 7, 2007, and July 30, 2007, respectively. The letters were properly mailed
23 by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service in the
24 ordinary course of business. The U.S. Postal Service did not return the letters. Respondent
25 received the letters.

26 10. The letters requested that Respondent respond in writing to specified allegations of
27 misconducted being investigated by the State Bar in the SBI matter, including but not limited to
28 providing, "All client trust account ledger cards which related to the above reference checks,

1 maintained pursuant to rule 4-100(C), Rules of Professional Conduct” and, “Your written trust
2 account journal and each monthly reconciliation from and including [various dates] to and
3 including [various dates], maintained pursuant to rule 4-100(C), Rules of Professional Conduct.”
4 (Emphasis omitted.) The letters stated, in pertinent part, that, “Failure to provide the records
5 which you are required to maintain pursuant to Rule 4-100(C), Rules of Professional Conduct,
6 may be considered a violation of Rule 4-100(B)(3), Rules of Professional Conduct” and attached
7 a copy of Rule 4-100(C). (Emphasis omitted.)

8 11. On or about August 14, 2007, Respondent provided an undated response that did not
9 respond to the Investigator’s questions regarding the checks issued by Respondent from the CTA
10 had been returned for insufficient funds or paid against insufficient funds or provide any of the
11 records that he was required to maintain pursuant to Rule 4-100(C). Respondent never provided
12 the records that he was required to maintain pursuant to Rule 4-100(C) to the State Bar.

13 12. By failing to maintain the records that he was required to maintain pursuant to Rule
14 4-100(C), Respondent willfully failed to maintain, and to preserve for five years from final
15 appropriate disposition, complete records of all client funds coming into Respondent’s
16 possession.

17 **COUNT TWO**

18 Case No. 06-O-14542
19 Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

20 13. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by
21 depositing or commingling funds belonging to Respondent in a bank account labeled “Trust
22 Account,” “Client’s Funds Account” or words of similar import, as follows:

23 9 The allegations of paragraphs 3 through 4 are incorporated by reference.

24 14. During the period between in or about February 2006 and in or about August 2006,
25 Respondent repeatedly issued checks or transferred amounts by electronic or other means
26 (“other”) from his CTA to pay for personal use, including but not limited to the following:

27 ///

28 ///

| NO. | DATE PAID | CHECK NO. | PAYEE / MEMO | AMOUNT |
|-----|-----------|-----------|---|------------|
| 1. | 2/1/06 | 1291 | "Melvin Brooks" / "hrs - 1 wks of 1-20 - 1-30-06 1099" | \$100.00 |
| 2. | 2/5/06 | 1293 | "New Life Grand Lodge" / "vender [sp] day banquet [sp] - MA77K" | \$200.00 |
| 3. | 2/6/06 | 1297 | "Fremont Investment & Loan" | \$1,983.47 |
| 4. | 2/7/07 | 1297 | "Fremont Investment & Loan" | \$2.00 |
| 5. | 2/7/07 | 1276 | "Donnee Brooks" / "Valentine's / Gift" | \$795.00 |
| 6. | 2/6/06 | 1254 | "Donee Brooks" / "Deposit Grandmother" | \$600.00 |
| 7. | 2/4/06 | 1295 | "Clem Brooks" | \$300.00 |
| 8. | 2/7/06 | other | "Twx* aol Service ..." | \$28.90 |
| 9. | 2/10/06 | 1297 | "Clara Brooks" / "[illegible]" | \$300.00 |
| 10. | 2/13/06 | other | "Sprint Pcs ..." | \$213.55 |
| 11. | 2/17/06 | other | "Sprint Pcs ..." | \$100.00 |
| 12. | 2/22/06 | 1298 | "Clara Brooks" / "cash money he got" | \$250.00 |
| 13. | 2/23/06 | other | "Gca Booth River ... Lasvvnv ..." | \$735.00 |
| 14. | 2/23/06 | 1286 | "Penny Brooks" / "funeral donation" | \$25.00 |
| 15. | 2/24/06 | \$120 | "Directv ..." | \$120.00 |
| 16. | 2/28/06 | other | "So Cal Edison Co" | \$313.71 |
| 17. | 3/3/06 | other | "Sprint Pcs ..." | \$75.00 |
| 18. | 3/6/06 | 1434 | "Clara Brooks" / "cash" | \$125.00 |
| 19. | 3/6/06 | 1441 | "Concetta Piacitelli" / "Wes [illegible] 1099" | \$125.00 |
| 20. | 1/24/06 | 1270 | "California State Bar" / "SB Bar Dues" | \$495.00 |
| 21. | 3/7/06 | 1437 | "Concetta Piacitelli" / "1099 Pam [illegible]" | \$150.00 |
| 22. | 3/7/06 | other | "Twx* aol Service ..." | \$28.90 |
| 23. | 3/8/06 | 1435 | "Fremont Investment & Loan" | \$1,983.47 |
| 24. | 3/8/06 | 1436 | "Fremont Investment & Loan" | \$2.00 |
| 25. | 3/8/06 | 1437 | "Concetta Piacitelli" / "1099 [illegible]" | \$25.00 |
| 26. | 3/8/06 | 1440 | "G.M. Eugene Phillips" / "Happy Anniversary" | \$25.00 |
| 27. | 3/10/06 | 1436 | "Concetta Piacitelli" / "1099 Clara Han" | \$25.00 |
| 28. | 3/10/06 | other | "Verizon by Phone DES: Payment ..." | \$393.28 |
| 29. | 3/10/06 | other | "Phonecharge DES: Fee ..." | \$3.50 |

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| NO. | DATE PAID | CHECK NO. | PAYEE / MEMO | AMOUNT |
|-----|-----------|-----------|--|-----------|
| 30. | 3/13/06 | 1442 | "Clem Brooks" / "Ins [illegible] Reimbursement - Section 93" | \$300.00 |
| 31. | 3/14/06 | 1443 | "Marlene Brooks" / "Graduation" | \$25.00 |
| 32. | 3/14/06 | 1447 | "Concetta Piacitelli" / "cleaners" | \$55.45 |
| 33. | 3/14/07 | 1454 | "Concetta Piacitelli" / "[illegible] needed" | \$250 |
| 34. | 3/20/06 | 1452 | "Donee Brooks" / "Birthday 3-11-88" | \$989.00 |
| 35. | 3/21/06 | 1453 | "Donee Brooks" / "[illegible]" | \$230.00 |
| 36. | 3/21/06 | other | "Sprint Pcs ..." | \$100.00 |
| 37. | 3/22/06 | 1446 | "Concetta Piacitelli" / "1099 cleaners" | \$50.00 |
| 38. | 3/22/06 | 1448 | "Donee Brooks" / "Danny 1099 / Sunday" | \$550.00 |
| 39. | 3/22/06 | 1450 | "Clem Brooks" / "[illegible]" | \$350.00 |
| 40. | 3/22/06 | 1458 | "Donee Brooks" / "Donee / [illegible]" | \$500.00 |
| 41. | 3/24/06 | 1299 | "Clara Brooks" / "a loan to Don" | \$200.00 |
| 42. | 3/24/06 | 1602 | "Penny Brooks" / "Kirtie's Jackson's Opening Brief" | \$63.77 |
| 43. | 3/24/06 | 1603 | "Penny Brooks" / "1099 - Expenses" | \$100.00 |
| 44. | 3/28/06 | 1604 | "Beaumont-Cherry Valley Water District" / "water" | \$88.26 |
| 45. | 3/28/06 | other | "Gca Booth River ... Lasvvnv ..." | \$787.50 |
| 46. | 3/30/06 | other | "Directv ..." | \$135.00 |
| 47. | 3/30/06 | other | "Gca Booth River ... Lasvvnv ..." | \$787.50 |
| 48. | 4/4/06 | other | "Gca Booth River ... Lasvvnv ..." | \$840.00 |
| 49. | 4/7/06 | 1611 | "UPS Store" / "[illegible]" | \$77.65 |
| 50. | 4/10/06 | 1300 | "Clara Brooks" / "faxing" | \$350.00 |
| 51. | 4/10/06 | 1302 | "Clara Brooks" / "faxing" | \$175.00 |
| 52. | 4/10/06 | 1303 | "Clara Brooks" / "a loan to him" | \$200.00 |
| 53. | 4/11/06 | other | "Directv ..." | \$50.00 |
| 54. | 4/12/06 | 1647 | "Concetta Piacitelli" / "1099 house note" | \$1983.47 |
| 55. | 4/12/06 | 1557 | "Fremont Investment & Loan" | \$1983.47 |
| 56. | 4/12/06 | 1558 | "Fremont Investment & Loan" | \$2.00 |
| 57. | 4/13/06 | other | "Sprint Pcs ..." | \$100.00 |

| NO. | DATE PAID | CHECK NO. | PAYEE / MEMO | AMOUNT |
|-----|-----------|-----------|---|------------|
| 58. | 4/18/06 | other | "Twx*aol Service ..." | \$30.90 |
| 59. | 4/20/06 | other | "Sprint Pcs ..." | \$70.00 |
| 60. | 4/28/06 | other | "So Cal Edison Co" | \$279.86 |
| 61. | 5/1/06 | other | "Verizon by Phone DES: Payment ..." | \$213.92 |
| 62. | 5/1/06 | other | "Phonecharge DES: Fee ..." | \$3.50 |
| 63. | 5/2/06 | other | "Gca Booth River ... Lasvnm ..." | \$932.40 |
| 64. | 5/3/06 | other | "Sprint Pcs ..." | \$75.00 |
| 65. | 5/8/06 | other | "Gca Booth River ... Lasvnm ..." | \$1,050.00 |
| 66. | 5/8/06 | other | "Sprint Pcs ..." | \$75.00 |
| 67. | 5/8/06 | other | "Twx*aol service ..." | \$30.90 |
| 68. | 5/9/06 | other | "Gca Booth River ... Lasvnm ..." | \$735.00 |
| 69. | 5/15/06 | other | "Gca Booth River ... Lasvnm ..." | \$525.00 |
| 70. | 5/15/06 | other | "Gca Booth River ... Lasvnm ..." | \$525.00 |
| 71. | 5/16/06 | other | "Gca Booth River ... Lasvnm ..." | \$840.00 |
| 72. | 5/17/06 | other | "Directv ..." | \$125.00 |
| 73. | 5/22/06 | other | "Sprint Pcs ..." | \$200.00 |
| 74. | 5/26/06 | other | "So Cal Edison Co" | \$197.46 |
| 75. | 5/30/06 | 1568 | "The Gas Company" | \$150.00 |
| 76. | 6/1/06 | 1620 | "Clara Brooks" / "Loan / Mom's Day" | \$500.00 |
| 77. | 6/2/06 | other | "Directv ..." | \$176.33 |
| 78. | 6/6/06 | 1612 | "Viola Pearson" / "Office Expense" | \$500.00 |
| 79. | 6/6/06 | other | "Twx*aol service ..." | \$30.90 |
| 80. | 6/7/06 | other | "Aaa Insurance - TI DES: Payment ..." | \$363.55 |
| 81. | 6/8/06 | other | "AAA [illegible] DMV" / "Jeep Mem#7207776-00" | \$95.00 |
| 82. | 6/13/06 | 1507 | "Mount Carmel Grand Lodge" / "tickets" | \$180.00 |
| 83. | 6/21/06 | other | "Sprint Pcs ..." | \$100.00 |
| 84. | 6/29/06 | other | "Verizon by Phone DES: Payment ..." | \$100.00 |
| 85. | 6/29/06 | other | "Phonecharge DES: Fee ..." | \$3.50 |
| 86. | 6/30/06 | 1539 | "Pep Boys" / "Jeep [illegible]" | \$225.18 |

| NO. | DATE PAID | CHECK NO. | PAYEE / MEMO | AMOUNT |
|-----|-----------|-----------|-------------------------------------|----------|
| 87. | 7/6/06 | other | "Twx*aol service ..." | \$30.90 |
| 88. | 7/12/06 | other | "Verizon by Phone DES: Payment ..." | \$150.00 |
| 89. | 7/12/06 | other | "Phonecharge DES: Fee ..." | \$3.50 |
| 90. | 7/13/06 | other | "Verizon by Phone DES: Payment ..." | \$50.00 |
| 91. | 7/13/06 | other | "Phonecharge DES: Fee ..." | 3.50 |
| 92. | 7/25/06 | other | "So Cal Edison Co" | \$155.00 |
| 93. | 8/7/06 | 1582 | "DMV" / "Registration Pt/" | \$611.00 |
| 94. | 8/8/06 | other | "Twx*aol service ..." | \$30.90 |
| 95. | 8/30/06 | other | "Directv ..." | \$75.00 |

5. During the period between in or about February 2006 and in or about September 2006, Respondent repeatedly withdrew amounts in cash from his CTA for personal use, including but not limited to the following: (1) February 2, 2006 for \$389; (2) February 14, 2006 for \$586; (3) February 15, 2006 for \$520; (4) February 22, 2006 for \$300; (5) February 23, 2006 for \$300; (6) February 24, 2006 for \$1,000; (7) March 1, 2006 for \$200; (8) March 20, 2006 for \$70; (9) March 21, 2006 for \$300; (10) March 27, 2006 for \$500; (11) March 27, 2006 for \$550; (12) March 31, 2006 for \$350; (13) March 31, 2006 for \$560; (14) April 6, 2006 for \$500; (15) April 11, 2006 for \$259; (16) April 17, 2006 for \$500; (17) May 3, 2006 for \$100; (18) May 8, 2006 for \$20; (19) May 8, 2006 for \$300; (20) May 16, 2006 for \$1,000; (21) May 25, 2006 for \$600; (22) June 8, 2006 for \$500; (23) August 8, \$1,000; (24) September 5, 2006 for \$100; and (25) September 6, 2006 for \$120.

6. On March 10, 2006, Respondent deposited a check for \$900 payable to "Donald A. Brooks" from the "State of California, Employment Development Department," into his CTA for "State Unemployment Insurance Benefits" for Respondent.

7. By repeatedly issuing checks or transferring funds from his CTA for personal use, including repeatedly withdrawing amounts in cash from his CTA for personal use, and depositing a personal check for \$900 into his CTA, Respondent wilfully deposited or

1 commingled funds belonging to himself in a bank account labeled "Trust Account," "Client's
2 Funds Account" or words of similar import.

3 **COUNT THREE**

4 Case No. 06-O-14542
5 Business and Professions Code section 6106
6 [Moral Turpitude - Issuing NSF Checks]

7 8 Respondent wilfully violated Business and Professions Code section 6106, by
8 committing an act involving moral turpitude, dishonesty, or corruption, as follows:

9 9 The allegations of paragraphs 3 through 4 are incorporated by reference.

10 10. Between in or about July 2006 and September 2006, Respondent repeatedly issued
11 checks, transferred amounts, or withdrew amounts in cash from his CTA against insufficient
12 funds:

| NO. | DATE ISSUED | CHECK NO. | AMOUNT | DATE PRESENTED | ACCOUNT BALANCE |
|-----|----------------|-----------|---------|-------------------|--------------------|
| 1. | 7/11/06 | 1577 | \$300 | 7/14/0 | \$278.00 |
| 2. | 8/14/06 | other | \$1,000 | 8/14/06 | \$120.10 |
| 3. | 8/30/06 | other | \$75.00 | 8/30/06 | \$75.10 |
| 4. | 9/6/06 | other | \$120 | 9/6/06 | \$14.20 |

13 11. Respondent issued the check, transferred the amounts, or withdrew the amounts in
14 cash from his CTA when he knew or was grossly negligent in not knowing that there were
15 insufficient funds in his CTA to pay them.

16 12. By repeatedly issuing the check, transferring amounts, or withdrawing amounts in
17 cash from his CTA when he knew or was grossly negligent in not knowing that there were
18 insufficient funds, Respondent committed acts involving moral turpitude, dishonesty, or
19 corruption.

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 06-O-14542

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160 3901 9844 3983 7288, at Los Angeles, on the date shown below, addressed to:

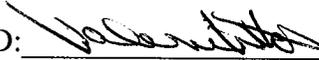
**Donald A. Brooks
Law Office of Donald A. Brooks
817 Master Way
Beaumont, CA 92223**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: November 30, 2007

SIGNED: 
VALERIE WILDS
Declarant