



# PUBLIC MATTER

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**FILED**

**MAR 15 2016**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 09-J-16022-WKM  
 14 BENJAMIN TYLER BRANDT, ) ~~PROPOSED~~ FIRST AMENDED NOTICE  
 15 No. 201506, ) OF DISCIPLINARY CHARGES  
 16 A Member of the State Bar. ) (Bus. & Prof. Code, § 6049.1; Rules Proc. of  
 17 ) State Bar, rules 5.350 to 5.354)

**NOTICE - FAILURE TO RESPOND!**

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Benjamin Tyler Brandt<sup>1</sup> (“respondent”) was admitted to the practice of law in the  
4 State of California on June 8, 1999, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 PROFESSIONAL MISCONDUCT IN A FOREIGN JURISDICTION

7 2. On or about September 18, 2009, the United States Bankruptcy Court for the Central  
8 District of California ordered that respondent be disciplined upon findings that respondent had  
9 committed professional misconduct in that jurisdiction as set forth in the Memorandum of  
10 Decision on Disciplinary Proceeding of Benjamin Brandt Wasson entered on September 18,  
11 2009. Thereafter, the decision of the foreign jurisdiction became final.

12 3. A copy of the certified copy of the final order of disciplinary action of the foreign  
13 jurisdiction is attached as Exhibit 1 and incorporated by reference.<sup>2</sup>

14 4. A copy of the certified copy of the Memorandum of Decision on Disciplinary  
15 Proceeding of Benjamin B. Wasson, upon which the September 18, 2009 final disciplinary order  
16 was based, is attached hereto as Exhibit 2 and incorporated by reference.<sup>3</sup>

17 5. A certified copy of the United States Bankruptcy Appellate Panel of the Ninth  
18 Circuit’s March 27, 2012 Order Dismissing Appeal for Lack of Jurisdiction is attached hereto as  
19 Exhibit 3 and incorporated by reference.

20 6. A certified copy of the December 9, 2013 United States Court of Appeals for the  
21 Ninth Circuit Memorandum is attached hereto as Exhibit 4 and incorporated by reference.

22 7. A copy of the statutes, rules or court orders of the foreign jurisdiction found to have  
23 been violated by respondent is attached as Exhibit 5 and incorporated by reference.

24 8. Respondent’s culpability as determined by the foreign jurisdiction indicates that the

25 <sup>1</sup> Effective January 28, 2013, Respondent changed his official membership records name from Benjamin Brandt  
26 Wasson to Benjamin Tyler Brandt. All disciplinary orders and appellate decisions referenced herein name  
Respondent as Benjamin Brandt Wasson.

27 <sup>2</sup> The certified copy of the final order of disciplinary action is in the Court’s file attached to the NDC filed on  
October 9, 2015.

28 <sup>3</sup> The certified copy of the Memorandum of Decision on Disciplinary Proceeding of Benjamin Brandt Wasson is in  
the Court’s file attached to the NDC filed October 9, 2015.

1 following California statutes or rules have been violated or warrant the filing of this Notice of  
2 Disciplinary Charges:

3 Rules of Professional Conduct, rule 1-300(B).

4 ISSUES FOR DISCIPLINARY PROCEEDINGS

5 9. The attached findings and final order are conclusive evidence that respondent is  
6 culpable of professional misconduct in this state subject only to the following issues:

7 A. The degree of discipline to impose;

8 B. Whether, as a matter of law, respondent's culpability determined in the  
9 proceeding in the other jurisdiction would not warrant the imposition of discipline in the State of  
10 California under the laws or rules binding upon members of the State Bar at the time the member  
11 committed misconduct in such other jurisdiction; and

12 C. Whether the proceedings of the other jurisdiction lacked fundamental  
13 constitutional protection.

14 10. Respondent shall bear the burden of proof with regard to the issues set forth in  
15 subparagraphs B and C of the preceding paragraph.

16 NOTICE - INACTIVE ENROLLMENT!

17 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
18 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
19 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
20 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
21 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
22 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
23 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
24 RECOMMENDED BY THE COURT.**

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**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: 2/3/16

By: Shataka Shores-Brooks  
Shataka Shores-Brooks  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 09-J-16022-WKM**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, 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

**STATE BAR'S PETITION FOR LEAVE OF COURT TO REOPEN PROCEEDINGS AND FILE A FIRST AMENDED NOTICE OF DISCIPLINARY CHARGES; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF SHATAKA SHORES-BROOKS; [PROPOSED] FIRST AMENDED NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0834 50, at Los Angeles, on the date shown below, addressed to:

**Benjamin T. Brandt  
4640 Cass St # 99253  
San Diego, CA 92109**

**And via regular U.S. Mail to:**

**Benjamin T. Brandt  
4640 Cass St # 99253  
San Diego, CA 92109**

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: February 4, 2016**

Signed: \_\_\_\_\_

**Max Carranza  
Declarant**