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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar <b>Jessica A. Lienau</b> Deputy Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015  Bar # 269753	Case Number (s) 10-J-07269  <b>PUBLIC MATTER</b>	(for Court's use)  <b>FILED</b> JAN - 4 - 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent  <b>William R. Wahl, III</b> 9590 E Ironwood Square Dr., Ste. 105 Scottsdale, AZ 85258  Bar # 182542	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT  <b>DISBARMENT</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: <b>William R. Wahl, III</b>  Bar # 182542  A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

### A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 7, 1996**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **(10)** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar
- ☐ Costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ Costs entirely waived
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c).

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **08-J-14789-DFM**
- (b) ☒ Date prior discipline effective **November 20, 2010**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rule 1-300(B), California Rules of Professional Conduct**
- (d) ☒ Degree of prior discipline **One year stayed suspension, with a minimum of six months suspension and Respondent remained suspended until he files a rule 205 motion to terminate his suspension, probation conditions, rule 9.20 compliance required and successful passage of the MPRE**
- (e) ☐ If respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Please see Attachment.**
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Respondent acknowledges the wrongfulness of his conduct and was cooperative with the State Bar in resolving this matter.**

**D. Discipline:        Disbarment.**

**E. Additional Requirements:**

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☐ **Restitution:** Respondent must make restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_. If the Client Security Fund has reimbursed \_\_\_\_\_ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than \_\_\_\_\_ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.
- (4) ☐ **Other:**

## ATTACHMENT TO

### STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: William R. Wahl, III (State Bar No. 182542)

CASE NUMBER(S): 10-J-07269

#### **FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of engaging in conduct which involved moral turpitude and a violation of rule 1-300(B), California Rules of Professional Conduct.

#### **Facts**

##### **Arizona**

On December 30, 2009, the Disciplinary Commission of the Supreme Court of Arizona ordered that Respondent be disciplined upon findings that Respondent had committed professional misconduct in that jurisdiction. The decision of the Disciplinary Commission became final when the Supreme Court of Arizona signed an order disbaring Respondent in Arizona on March 3, 2010, in Arizona Supreme Court Case No. SB-10-0013-D.

Respondent was admitted to the State Bar of Arizona on January 12, 1999. Respondent was summarily suspended from the practice of law in Arizona on March 25, 2005, for failure to comply with mandatory continuing legal education requirements. Respondent was reinstated to the practice of law in Arizona on June 9, 2006.

Respondent was suspended from the practice of law in Arizona for six months and one day by order on the Arizona Supreme Court on March 18, 2008, effective 30 days from the date of the order, April 17, 2008. This suspension was a result of Respondent practicing law while summarily suspended (March 25, 2005 until June 9, 2006).

While Respondent was on his six month and one day suspension, he wrongfully practiced law in Arizona.

##### *The Bassett Matter*

By letter dated May 7, 2008, mailed to Charles Bassett, Esq. ("Mr. Bassett") at "The Law Office of Charles W. Bassett, P.C.," Respondent held himself out as the attorney for Eagle Rock Underground, L.L.C. ("Eagle Rock.") This letter was written on stationery bearing the letterhead of "The Law Offices of Wahl and Ribadeneira, P.C." In this letter, Respondent sets forth Eagle Rock's legal position, summarized Eagle Rock's claim, and proffered proposed terms for settlement of the legal dispute between Eagle Rock and Mr. Bassett's client. Respondent signed the letter over his typed name, "Randy Wahl, Esq."

The State Bar of Arizona was made aware of this letter on May 8, 2008, when Mr. Bassett's paralegal sent the letter to the State Bar of Arizona by facsimile transmission. On May 13, 2008, the State Bar of Arizona sent Respondent a letter at his address of record making him aware of the allegations against him and asked Respondent to respond to the letter within 20 days. Respondent did not respond to the May 13, 2008 letter. On July 15, 2008, the State Bar of Arizona again sent a letter to

Respondent at his address of record and reminded Respondent of his ethical obligation to respond to the State Bar of Arizona and asked him to respond within 10 days. Respondent did not respond to the July 15, 2008 letter.

*The All Wood Cabinet Company, L.L.C. Matter*

Respondent represented All Wood Cabinet Company, L.L.C. for a period of time, including the time period of 2005-2008. By minute entry filed on May 23, 2008, in the matter of *All Wood Cabinet Company, L.L.C. v. Office of Administrative Hearings, et al.*, Maricopa County Superior Court Case o. LC 2008-000313, the Court ordered that an Amended Complaint be filed by June 13, 2008. The minute entry warned that a failure to comply would result in the matter being dismissed with prejudice, without further notice.

On June 17, 2008, Respondent filed a First Amended Complaint on behalf of All Wood Cabinet Company, L.L.C. The caption page of the Complaint reflects that it was filed by "Randy Wahl (SBN019365)" of the "Law Offices of Wahl and Ribadeneira." The First Amended Complaint was signed by "William R. Wahl."

The Court, noting that Respondent was suspended from the practice of law in Arizona, struck the First Amended Complaint and notified the State Bar of Arizona. On July 7, 2008, the State Bar of Arizona sent Respondent a letter at his address of record making him aware of the allegations against him and asked Respondent to respond to the letter within 20 days. Respondent did not respond to the July 7, 2008 letter. On August 4, 2008, the State Bar of Arizona again sent a letter to Respondent at his address of record and reminded Respondent of his ethical obligation to respond to the State Bar of Arizona and asked him to respond within 10 days. Respondent did not respond to the August 4, 2008 letter.

*The Sakelarios Matter*

By letter dated January 4, 2006, Respondent, as attorney for All Wood Cabinet Company, L.L.C. dba Big America Construction Enterprises ("Big America"), contacted William and Elaine Sakelarios ("the Sakelarioses") demanding that they cease and desist actions Respondent characterized as adverse to Big America. Respondent directed the Sakelarioses to contact him to discuss the matter. This letter was written on stationery bearing the letterhead of "The Law Offices of Wahl and Ribadeneira, P.C." Respondent signed the letter over his typed name, "Randy Wahl, Esq., Attorney at Law."

By letter dated January 18, 2006, Respondent contacted the Sakelarioses' attorney, Brett Rigg ("Mr. Rigg") to further discuss matters relating to the Sakelarioses' dispute with Big America. This letter was written on stationery bearing the letterhead of "The Law Offices of Wahl and Ribadeneira, P.C." Respondent signed the letter over his typed name, "Randy Wahl, Esq., Attorney at Law." In this letter, Respondent requested that Mr. Rigg discuss the matter with the Sakelarioses and get back in touch with Respondent.

On January 27, 2006, Respondent, as the attorney for Big America, attended an inspection at the Sakelarioses' home. The inspector's report notes Respondent as the contractor's, Big America's, attorney.

On August 4, 2008, the State Bar of Arizona sent Respondent a letter at his address of record making him aware of the allegations against him and asked Respondent to respond to the letter within 20 days. Respondent did not respond to the August 4, 2008 letter. On October 1, 2008, the State Bar of Arizona again sent a letter to Respondent at his address of record and reminded Respondent of his ethical obligation to respond to the State Bar of Arizona and asked him to respond within 10 days. Respondent did not respond to the October 1, 2008 letter.

## *The McTurk Matter*

By letter dated December 4, 2005, Respondent, on behalf of Big America, contacted Susan McTurk ("Ms. McTurk") regarding a dispute between Big American and Ms. McTurk. This letter was written on stationery bearing the letterhead of "The Law Offices of Wahl and Ribadeneira, P.C." Respondent signed the letter over his typed name, "Randy Wahl, Esq., Attorney at Law." In the letter, Respondent warned Ms. McTurk that her conduct, as he alleged it, would force his "client" to file a civil action against her, and should such a civil action be filed, Respondent stated that "we" (meaning Respondent and Big America) would seek punitive and other legal damages.

On August 13, 2008, the State Bar of Arizona sent Respondent a letter at his address of record making him aware of the allegations against him and asked Respondent to respond to the letter within 20 days. Respondent did not respond to the August 13, 2008 letter. On October 1, 2008, the State Bar of Arizona again sent a letter to Respondent at his address of record and reminded Respondent of his ethical obligation to respond to the State Bar of Arizona and asked him to respond within 10 days. Respondent did not respond to the October 1, 2008 letter.

The Hearing Officer of the Disciplinary Commission of the Supreme Court of Arizona found, by clear and convincing evidence, that Respondent violated the following rules and Ethical Rules in Arizona: Rule 31(b) (engaging in the unauthorized practice of law); Rule 42 (preamble to the Rules of Professional Conduct); Ethical Rule 5.5 (engaging in the unauthorized practice of law); Ethical Rule 8.1(b) (failing to respond to a lawful demand for information from a disciplinary authority); Ethical Rule 8.4(a) (violating the Rules of Professional Conduct); Ethical Rule 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); Ethical Rule 8.4(d) (engaging in conduct prejudicial to the administration of justice); Rule 53(d) (refusing to cooperate with officials and staff of the State Bar of Arizona); and Rule 53(f) (failing to furnish information to or respond promptly to an inquiry or request from Bar Counsel for information relevant to complaints, grievances or matter under investigation concerning the conduct of a lawyer).

During the hearings in Arizona, Respondent stated that his misconduct was based in part on severe financial pressure. Respondent also stated that he does not have a desire to continue practicing law. Respondent has reiterated this sentiment to the State Bar of California.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was November 22, 2010.

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 22, 2010, the prosecution costs in this matter are \$1,636.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

### **AUTHORITIES SUPPORTING DISCIPLINE.**

Respondent recognizes that it is possible that he would not be disbarred if he were to pursue a full hearing on this matter in State Bar Court or if he were to seek a stipulation recommending a sanction less than disbarment. However, Respondent recognizes that a sanction less than disbarment would require him to comply with probationary and rehabilitative conditions which he does not want to be

obligated to complete under the supervision of the State Bar of California. Instead, Respondent would prefer and intends to pursue rehabilitative conduct privately. Additionally, Respondent does not intend to practice law for the foreseeable future.

The Standards for Attorney Sanctions for Professional Misconduct support disbarment in this matter.

Standard 1.3 provides guidance as to the imposition of discipline and interpretation of specific Standards. That Standard states that the primary purpose of discipline is the protection of the public, the courts and the legal profession.

Standard 2.3 provides guidance as to the imposition of discipline when a member commits and act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person. Standard 2.3 states that the discipline for these types of offense shall be actual suspension or disbarment, depending on the extent to which the victim of the misconduct is harmed or misled and depending on the magnitude of the act and the degree to which it related to the member's acts within the practice of law.

Standard 2.10 provides guidance for willful violations of any Rule of Professional Conduct not specifically mentioned elsewhere in the Standards, such as rule 1-300. These violations shall result in reproof or suspension according to the gravity of the offense or harm to the victim.

Standard 1.6(a) provides that if two or more acts of professional misconduct are acknowledged in a single proceeding, the sanction imposed shall be the most severe of the different applicable sanctions.

The Standards support disbarment in this case.

#### **AGGRAVATING CIRCUMSTANCES.**

Standard 1.6(b) states that a greater degree of discipline than the degree contemplated in the Standards may be imposed if aggravating circumstances are found to surround the particular act of misconduct acknowledged.

#### **Prior Discipline.**

Respondent was disciplined by the Supreme Court in Supreme Court Case No. S185347 (State Bar Court No. 08-J-14789-DFM) on October 21, 2010, effective November 20, 2010. This discipline was the result of discipline entered against Respondent by the Arizona Supreme Court on March 18, 2008.

Respondent was suspended from the practice of law in California for one year, with the suspension stayed. Respondent was suspended for a minimum of six months and until the State Bar Court grants a motion to terminate his suspension pursuant to rule 205, Rules of Procedure of the State Bar. Respondent was ordered to comply with any probation conditions and with rule 9.20, California Rules of Court. Respondent was also ordered to successfully complete the Multistate Professional Responsibility Examination.

Standard 1.7(a) provides that where a member has one prior imposition of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline was so remote in time and the offense for which it was imposed was so minimal. In this case, Respondent's discipline should be greater than the discipline imposed in November, 2010.



**Multiple Acts/Pattern of Misconduct.**

Respondent misrepresented himself as an attorney licensed to practice law in Arizona, when he knew that he had been suspended from the practice of law in Arizona, to several different people, including to opposing counsel, courts, and adverse parties, on several different occasions.

The aggravating circumstances in this case support a discipline of disbarment.

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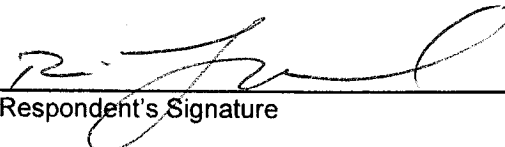
In the Matter of  
**WILLIAM R. WAHL, III**

Case number(s):  
**10-J-07269**

### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

12/8/10  
Date

  
Respondent's Signature

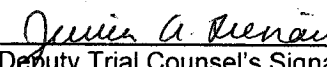
William R. Wahl, III  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel Signature

\_\_\_\_\_  
Print Name

12/14/2010  
Date

  
Deputy Trial Counsel's Signature

Jessica A. Lienau  
Print Name

(Do not write above this line.)

In the Matter of  
**WILLIAM R. WAHL, III**

Case Number(s):  
**10-J-07269**

### ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public,  
IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without  
prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE  
RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth  
below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☒ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify  
the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies  
or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The  
effective date of this disposition is the effective date of the Supreme Court order herein,  
normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent **William R. Wahl, III** is ordered transferred to involuntary inactive status pursuant to  
Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive  
enrollment will be effective three (3) calendar days after this order is served by mail and will  
terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as  
provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as  
otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

1-3-11  
Date

  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 4, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WILLIAM R. WAHL  
WAHL & RIBADENEIRA  
4110 N SCOTTSDALE RD #165  
SCOTTSDALE, AZ 85251

☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

☐ by overnight mail at , California, addressed as follows:

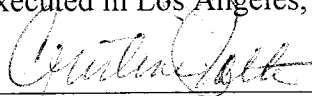
☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Jessica A. Lienau, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 4, 2011.

  
Cristina Potter  
Case Administrator  
State Bar Court