

1 **DAVID C. HOLLINGSWORTH, SBN # 203887**  
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4 Fresno, California 93704  
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7 Email: dhplus12@yahoo.com

**FILED**

**NOV 25 2013**

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

8 **STATE BAR COURT**  
9 **HEARING DEPARTMENT – SAN FRANCISCO**

10 In the Matter of: ) Case No.: 12-O-10185  
11 DAVID CURTIS HOLLINGSWORTH )  
12 No. 203887 ) **ANSWER**  
13 )  
14 A Member Of The State Bar )  
15 \_\_\_\_\_ )

16 **JURISDICTION**

- 17 1. Without waiving any defense, Jurisdiction as stated in the Notice of Disciplinary Charges is  
18 not contested. Counsel for the State Bar sent two Notices which appear to be identical –  
19 one sent regular mail, the other sent certified mail Return Receipt Requested. I was not  
20 present when the notices arrived in the post box used by my office nor did I sign the return  
21 receipt for the Notices. Neither notice had attached to it a signed “DECLARATION OF  
22 SERVICE BY REGULAR AND CERTIFIED MAIL”.

23 **COUNT 1**

24 **Alleged Violation Of Business And Professions Code, Section 6068(1)**

25 **[Alleged Failure To Comply With The Conditions Attached To An Agreement In Lieu Of**  
26 **Discipline]**

27 **2A. Failing to timely submit three (30 quarterly reports by the due dates of January 10, 2013,**  
28 **April 10, 2013 and July 10, 2013. -- DENY**

1 2B. Failing to submit the final report by the due date of September 19, 2013-- DENY

2 2C. Failing to attend Ethics school by the due date of September 19, 2013--DENY; and

3 2D. Failing to attend Ethics school by the due date of September 19, 2013-- DENY

4  
5 COUNT 2

6 Alleged Violation Of Rules of professional conduct, rule 4-100(A)

7 [Alleged Failure To Deposit Client Funds in Trust Account]

- 8 3. From on or about April 25, 2011 through or on about July 21 2011, Respondent received  
9 on behalf of Respondent's client, Connie Gatewood, two checks totaling \$1,900.  
10 Respondent failed to deposit \$1,900 in funds received for the benefit of the client in a bank  
11 account labeled "Trust Account," "Client's Funds Account" or words of similar import, in  
12 willful violation Rules of Professional Conduct, rule 4-100(A). – DENY

13  
14 Affirmative defenses:

- 15 1. Nothing was "intentional"  
16 2. My agreement in lieu of discipline did not require the action alleged  
17 3. The action performed satisfied the agreement in lieu of discipline.  
18 4. The action performed materially and substantially complied with agreement in lieu of  
19 discipline ( technical violation but substantial performance)  
20 5. All actions alleged not performed were attempted in good faith but for circumstances  
21 beyond my control they not completed

22 RESPECTFULLY SUBMITTED,  
23 LAW OFFICES OF DAVID C. HOLLINGSWORTH

24 DATED: NOVEMBER 12, 2013

25   
26 DAVID C. HOLLINGSWORTH  
27 Member  
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>David C. Hollingsworth SBN 203887</b> <b>516 W. Shaw Ave., Suite 200</b> <b>Fresno, California 93704</b> TELEPHONE NO.: <b>559-221-2560</b> FAX NO. (Optional): <b>559-221-4955</b> E-MAIL ADDRESS (Optional): <b>dhplus12@yahoo.com</b> ATTORNEY FOR (Name): <b>David Curtis Hollingsworth</b>		<b>FOR COURT USE ONLY</b>          CASE NUMBER: <b>12-O-10185</b>  JUDGE:  DEPT.:
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF State Bar Court</b> STREET ADDRESS: <b>180 Howard Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, 94105-1639</b> BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>The State Bar of California</b> DEFENDANT/RESPONDENT: <b>David Curtis Hollingsworth</b>		
<b>PROOF OF SERVICE—CIVIL</b> <b>Check method of service (only one):</b> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service		

(Do not use this proof of service to show service of a Summons and complaint.)

- At the time of service I was over 18 years of age and not a party to this action.
- My residence or business address is:  
**516 W. Shaw Ave., Suite 200, Fresno, CA 93704**
- ☐ The fax number or electronic service address from which I served the documents is (complete if service was by fax or electronic service):
- On (date): **11-22-13** I served the following documents (specify): **Answer**

☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).

5. I served the documents on the person or persons below, as follows:

a. Name of person served: **State Bar Court**

b. ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)

Business or residential address where person was served:

**180 Howard Street, San Francisco, Ca 94105-1639**

c. ☐ (Complete if service was by fax or electronic service.)

(1) Fax number or electronic service address where person was served:

(2) Time of service:

☒ The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).

6. The documents were served by the following means (specify):

a. ☐ **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME: In the Matter of: David Curtis Hollingsworth	CASE NUMBER: 12-O-10185
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6. b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☒ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state): Fresno, California

- c. ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. ☐ **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11/25/13

Melissa Mooradian

(TYPE OR PRINT NAME OF DECLARANT)

► Melissa Mooradian

(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

#### DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(NAME OF DECLARANT)

► \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

SHORT TITLE: In the Matter of: David Curtis Hollingsworth

CASE NUMBER:

12-O-10185

**ATTACHMENT TO PROOF OF PERSONAL SERVICE—CIVIL (PERSONS SERVED)***(This Attachment is for use with form POS-020)*

<u>Name of Person Served</u>	<u>Address (number, street, city, and zip code)</u>	<u>Date and Time of Service</u>
The State Bar Court	180 Howard Street San Francisco, California 94105-1639	Date: <u>11/22/2013</u> Time: <u>5:00pm</u>
		Date: _____ Time: _____
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		Date: _____ Time: _____
		Date: _____ Time: _____
		Date: _____ Time: _____
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