

PUBLIC MATTER

FILED

AUG 23 2012

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
DANE C. DAUPHINE, No. 121606
ASSISTANT CHIEF TRIAL COUNSEL
CECILIA M. HORTON-BILLARD, No. 111023
SENIOR TRIAL COUNSEL
LEE ANN KERN, No. 156623
DEPUTY TRIAL COUNSEL
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1272

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 12-O-11263
DANIEL KRISTOF LAK,)
No. 216983,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar)

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.**

The State Bar of California alleges:

kwiktag®

152 141 498



1 JURISDICTION

2 1. Daniel Kristof Lak ("Respondent") was admitted to the practice of law in the State of
3 California on December 3, 2001, was a member at all times pertinent to these charges, and is
4 currently a member of the State Bar of California.

5 COUNT ONE

6 Case No. 12-O-11263
7 Rules of Professional Conduct, rule 4-100(A)
[Commingling Personal Funds in Client Trust Account]

8 2. Respondent willfully violated Rules of Professional Conduct, rule 4-100(A), by
9 depositing or commingling funds belonging to Respondent in a bank account labeled "Trust
10 Account," "Client's Funds Account" or words of similar import, as follows:

11 3. At all relevant times, Respondent maintained a Client Trust Account, number
12 *****1377,¹ at JP Morgan Chase Bank ("CTA").

13 4. Between on or about September 2, 2011 and on or about January 26, 2012,
14 Respondent misused his CTA by depositing into the CTA cash and earned fees and, thereafter,
15 issuing paper and electronic checks payable to non-clients to pay his personal and business
16 expenses. Respondent's use of his CTA during that period includes, but is not limited to the
17 following:

18	Date:	Check No.:	Payee:	Amount:
19	09/02/11	1702	Von's	\$ 279.95
20	09/09/11	1770	Amazing Grapes Wine Store	44.11
21	09/27/11	Deposit	Daniel Lak "Pmt on Acct"	2,500.00
22	09/30/11	0004	California Polo Club	100.00
23	10/03/11	0002	Burke Williams	220.00
24	11/03/11		Cash Deposit	126.36
25	11/14/11	eCheck	Verizon wireless	376.68
26	11/18/11		Cash Deposit	1,500.00
27	12/14/11	Online Payment	Capital One	500.00

28 ¹ The full account number has been excluded to protect the account from identify theft.

1	01/09/12	1890	Coto De Caza Golf and Racquet Club	217.23
2	01/26/12	3212	Gold's Gym	47.41

3 5. By depositing his own cash into the CTA, and by issuing paper and electronic checks
4 payable to non-clients from the CTA to pay his personal and business expenses, Respondent
5 deposited or commingled funds belonging to Respondent in a bank account labeled "Trust
6 Account," "Client's Funds Account" or words of similar import.

COUNT TWO

Case No. 11-O-11263
Business and Professions Code, section 6106
[Moral Turpitude – Issuing Checks from Client Trust Account against Insufficient Funds]

6. Respondent willfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

12 || 7. The allegations of Count One are incorporated by reference.

8. On or about October 13, 2011, Respondent issued check no. 1972 from his CTA to Von's in the amount of \$74.60. At the time the item was presented for payment, the balance in Respondent's CTA was \$35.76. The item was returned unpaid. On or about October 24, 2011, the payee again presented the item for payment and it was paid.

17 9. On or about November 5, 2011, Respondent issued check no. 1983 from his CTA to
18 Jerry Hou in the amount of \$425.00. At the time the item was presented for payment, the
19 balance in Respondent's CTA was \$50.35. The item was returned unpaid. On or about
20 November 15, 2011, the payee again presented the item for payment and it was paid on that date.

10. On or about December 5, 2011, Respondent made two electronic payments from his CTA in the amount of \$20.00 and \$29.42. At the time the items were presented for payment, the balance in Respondent's CTA was \$11.31. The items were returned unpaid.

11. On or about December 5, 2011, Respondent issued check no. 1928 from his CTA in the amount of \$35.00. At the time the item was presented for payment, the balance in Respondent's CTA was \$11.31. The item was returned unpaid.

27 |||

1 12. At the time Respondent issued the paper and electronic payments from his CTA ,
2 Respondent knew, or was grossly negligent in not knowing, that his CTA contained insufficient
3 funds to cover those items.

4 13. By repeatedly issuing paper and electronic payments from his CTA when his CTA
5 contained insufficient funds to pay those items on the dates they were first presented for
6 payment, Respondent committed an act involving moral turpitude, dishonesty or corruption.

7 **NOTICE - INACTIVE ENROLLMENT!**

8 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
9 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
10 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
11 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
12 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
13 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
14 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
15 **RECOMMENDED BY THE COURT.**

16 **NOTICE - COST ASSESSMENT!**

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

22 Respectfully submitted,

23 THE STATE BAR OF CALIFORNIA
24 OFFICE OF THE CHIEF TRIAL COUNSEL

25 DATED: 8/23/12

26 By: 

27 Lee Ann Kern
28 Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 12-O-11263

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

☐

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- 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.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

☐

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

☒

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 7160 3901 9849 2214 7238 at Los Angeles, addressed to: *(see below)*

☐

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
DANIEL KRISTOF LAK	18101 Von Karman Avenue, Suite 330 Irvine, CA 92612	Electronic Address	

☐

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service ('UPS'). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the 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.

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: August 23, 2012

SIGNED:

Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant