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**FILED**

**DEC 27 2012**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

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STATE BAR COURT  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of: ) Case No. 12-O-12595  
KENNETH ROGER MARKMAN, )  
No. 155529, ) NOTICE OF DISCIPLINARY CHARGES  
A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) YOUR DEFAULT WILL BE ENTERED;  
22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;  
23 (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;  
24 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
25 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
26 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

27  
28 The State Bar of California alleges:





1 at Wells Fargo Bank maintained by Welch and LAL. Respondent was a signatory on the  
2 account. On April 1, 2011, Respondent withdrew \$600 from the \$1,000 deposited into the  
3 account.

4 10. Respondent shared the \$1,000 deposited into the account with Welch.

5 11. By sharing the \$1,000 deposited into the account with Welch, Respondent wilfully  
6 shared legal fees with a person who is not a lawyer.

7 COUNT THREE

8 Case No. 12-O-12595  
9 Rules of Professional Conduct, rule 3-700(D)(2)  
[Failure to Refund Unearned Fees]

10 12. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by  
11 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

12 13. The factual allegations of Counts One and Two are incorporated by reference.

13 14. On April 4, 2011, Melendez, on behalf of Mee, terminated Respondent's  
14 employment.

15 15. On or about April 15 and June 6, 2011, Melendez, on behalf of Mee and Tony,  
16 requested a refund of the \$1,000 from Respondent which was unearned by Respondent.

17 16. On June 8, 2011, Mee received a refund of \$166.50 from Welch via a check drawn  
18 from the account for LAL.

19 17. To date, Respondent has not refunded any of the balance of \$833.50 from the \$1,000  
20 paid by Melendez and Tony to Mee, Tony or Melendez.

21 18. By not refunding any of the \$833.50 to Mee, Tony or Melendez, Respondent  
22 wilfully failed to refund promptly any part of a fee paid in advance that has not been earned.

23 COUNT FOUR

24 Case No. 12-O-12595  
25 Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

26 19. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(3), by  
27 failing to render appropriate accounts to a client regarding all funds coming into Respondent's  
28 possession, as follows:



# DECLARATION OF SERVICE

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

CASE NUMBER(s): **12-O-12595**

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.: 7196 9008 9111 0442 7467 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 via Certified Mail: | Business-Residential Address            | Fax Number         | Courtesy Copy via Regular U.S. Mail to:  |
|-----------------------------------|---|--------------------|--|
| KENNETH ROGER<br>MARKMAN          | P.O. Box 49523<br>Los Angeles, CA 90049 | Electronic Address | P.O. Box 49523<br>Los Angeles, CA 90049<br>&<br>11356 Albata Street<br>Los Angeles, CA 90049 |

- 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: December 27, 2012

SIGNED:

*Genelle De Luca-Suarez*  
Genelle De Luca-Suarez  
Declarant