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FILED

JUN - 4, 2013

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**PUBLIC MATTER**

8  
9 STATE BAR COURT  
10 HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of: ) Case No. 12-0-17912  
12 STEVEN GREGORY KAPLAN, )  
No. 137381, ) NOTICE OF DISCIPLINARY CHARGES  
13 )  
14 A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

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

- 18 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 19 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 20 (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;**
- 21 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
22 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
23 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
24 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
25 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
26 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Steven Gregory Kaplan ("Respondent") was admitted to the practice of law in the  
4 State of California on December 7, 1988, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 12-O-17912  
8 Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

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

11 3. On or about January 10, 2012, David Goldstein ("Goldstein"), David Benullo  
12 ("Benullo") and David Klawans ("Klawans") employed Respondent, pursuant to a written  
13 agreement, to represent Goldstein, Benullo and Klawans in negotiating the sale of a movie script,  
14 entitled Mucho Dinero (the "Script").

15 4. On or about June 28, 2012, Goldstein, Benullo and Klawans reached an agreement, in  
16 writing, with a movie producer, Blake Freeman ("Freeman"), to sell the Script for a purchase  
17 price of \$90,000 (the "Purchase Price").

18 5. Respondent represented Goldstein, Benullo and Klawans in connection with the sale  
19 of the Script to Freeman.

20 6. Respondent was entitled to receive, upon sale of the Script, a portion of the Purchase  
21 Price as attorney fees. Specifically, once the Script was sold to Freeman, Respondent was  
22 entitled to attorney fees in the amount of approximately \$7,706.20.

23 7. Goldstein, Klawans and Benullo each were to receive a share of the Purchase Price  
24 upon sale of the Script. Specifically, Goldstein was to receive a share in the amount of  
25 \$35,381.25.

26 8. Freeman paid the Purchase Price in two installments: \$65,000 and \$25,000, for a total  
27 payment of \$90,000 (the "Funds").  
28



1 20. Respondent was required to maintain the Funds in a client trust account on behalf of  
2 Goldstein, Benullo and Klawans, until paid out to them or to a third party on their behalf.

3 21. Respondent did not deposit the Funds into a client trust account.

4 22. By not maintaining any portion of the Funds in a client trust account, Respondent  
5 willfully failed to maintain client funds in a trust account.

6 COUNT THREE

7 Case No. 12-O-17912  
8 Rules of Professional Conduct, rule 4-100(B)(4)  
9 [Failure to Pay Client Funds Promptly]

10 23. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(4), by  
11 failing to pay promptly, as requested by a client, any funds in Respondent's possession which the  
12 client is entitled to receive, as follows:

13 24. The allegations of Counts One and Two are incorporated herein by reference.

14 25. On or about September 6, 2012, Goldstein inquired about the status of the  
15 disbursement of the Goldstein Funds.

16 26. In response, Respondent, or an agent acting on Respondent's behalf, informed  
17 Goldstein that the Goldstein Funds were not available for disbursement until October 12, 2012.

18 27. Respondent did not disburse the Goldstein Funds on October 12, 2012.

19 28. On or about October 17, 2012, Goldstein requested that Respondent disburse the  
20 Goldstein Funds to Goldstein.

21 29. At no time has Respondent disbursed any of the Goldstein Funds to Goldstein as  
22 requested.

23 30. By not paying the Goldstein Funds, despite Goldstein's request to do so, Respondent  
24 failed to pay client funds as requested by his client.

25 **NOTICE - INACTIVE ENROLLMENT!**

26 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
27 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
28 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
**THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
**THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**  
**INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**

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ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

**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: June 4, 2013

By:   
\_\_\_\_\_  
Ross Viselman  
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-17912

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))
By U.S. Certified 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 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 90008 9111 6411 4161 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: STEVEN GREGORY KAPLAN, 345 N Maple Dr Ste 105 Beverly Hills, CA 90210, 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: June 4, 2013

SIGNED: LAURA JETT Declarant