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
MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
TIMOTHY G. BYER, No. 172472
DEPUTY TRIAL COUNSEL
845 South Figueroa Street
Los Angeles, California 90017-2515
Telephone: (213) 765-1325

FILED
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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of: JOHN VARGAS, No. 270181, A Member of the State Bar	Case Nos. 13-O-11081, 13-O-12008, 13-O-12317, 13-O-12588, 13-O-13702 FIRST AMENDED NOTICE OF DISCIPLINARY CHARGES

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.

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The State Bar of California alleges:

JURISDICTION

1. John Vargas ("Respondent") was admitted to the practice of law in the State of California on June 1, 2010, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 13-O-11081
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about April 22, 2011, Lilia Contreras employed Respondent to perform legal services, namely to represent her in a bankruptcy matter, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by twice filing bankruptcy actions without the requisite schedules, on or about August 21, 2011, and on or about April 12, 2012, on behalf of Contreras, and thereafter performing no services for Contreras, which led to the court's dismissal of the actions.

COUNT TWO

Case No. 13-O-11081
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

3. Respondent failed to respond promptly to approximately ten text-messaged reasonable status inquiries made by Respondent's client, Lilia Contreras, between about April and July 2012, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT THREE

Case No. 13-O-11081
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Lilia Contreras, by constructively

terminating Respondent's employment on April 12, 2012, by failing to respond promptly to approximately ten text-messaged-reasonable status inquiries made by Contreras between about April and July 2012, by failing to take any action on the client's behalf after filing a bankruptcy petition on behalf of Contreras on April 12, 2012, and thereafter performing no services for Contreras, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case No. 13-O-11081
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

5. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of April 17, 2013, and May 16, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-11081, in willful violation of Business and Professions Code, section 6068(i).

COUNT FIVE

Case No. 13-O-12008
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

6. In September 2012, Kelly Randle employed Respondent to perform legal services, namely to represent her in a bankruptcy matter, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by not filing Randle's bankruptcy petition until February 11, 2013, and by filing the petition without the requisite schedules, and thereafter performing no services for Randle, which led to the court's dismissal of the action.

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COUNT SIX

Case No. 13-O-12008
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

7. Respondent failed to respond promptly to over 100 telephone calls, emails, and text messages, all of them reasonable status inquiries made by Respondent's client, Kelly Randle, between September 2012 and April 2013, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT SEVEN

Case No. 13-O-12008
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

8. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Kelly Randle, by constructively terminating Respondent's employment on February 12, 2013, by failing to respond promptly to over 100 telephone calls, emails, and text messages, all of them reasonable status inquiries made by Randle between September 2012 and April 2013, by failing to take any action on the client's behalf after filing a bankruptcy petition on behalf of Randle on February 11, 2013, and thereafter performing no services for Randle, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT EIGHT

Case No. 13-O-12008
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

9. Respondent failed to release promptly, after termination of Respondent's employment on or about February 12, 2013, to Respondent's client, Kelly Randle, all of the client's papers and property following the client's request for the client's file on April 5, 2013, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

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COUNT NINE

Case No. 13-O-12008
Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

10. In or about October 2012, Respondent received from Respondent's client, Kelly Randle, advanced costs in the sum of $300.00 to cover the filing fees for a civil complaint against the Hemet Unified School District, which Respondent never filed. On or about April 5, 2013, the client requested that Respondent return those funds to her. To date, Respondent has failed to pay promptly, as requested by Respondent's client, any portion of the $300.00 in Respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

COUNT TEN

Case No. 13-O-12008
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

11. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear, by failing to comply with the February 19, 2013 $1,000 sanctions order against Respondent in connection with *Kelly Randle-Chapter 13*, United States Bankruptcy Court for the Central District of California, Case no. 6:13-bk-12327, in willful violation of Business and Professions Code, section 6103.

COUNT ELEVEN

Case No. 13-O-12008
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

12. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the $1,000 in sanctions the court imposed on Respondent on or about February 19, 2013, in connection with *Kelly Randle-Chapter 13*, United States Bankruptcy Court for the Central District of California, Case no. 6:13-bk-12327, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT TWELVE

Case No. 13-O-12008
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

13. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of June 14, 2013, and July 9, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-12008, in willful violation of Business and Professions Code, section 6068(i).

COUNT THIRTEEN

Case No. 13-O-12317
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

14. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear, by failing to comply with the April 12, 2013, $1,000 sanctions order against Respondent in *Jennifer Madriga* vs. *Alfredo Madriaga,* Riverside County Superior Court case no. RID 233 863, in willful violation of Business and Professions Code, section 6103.

COUNT FOURTEEN

Case No. 13-O-12317
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

15. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the $1,000 in sanctions the court imposed on Respondent on or about April 12, 2013 in connection with *Jennifer Madriga* vs. *Alfredo Madriaga,* Riverside County Superior Court case no. RID 233 863, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT FIFTEEN

Case No. 13-O-12317
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

16. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of June 14, 2013, July 9, 2013, and August 22, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-12317, in willful violation of Business and Professions Code, section 6068(i).

COUNT SIXTEEN

Case No. 13-O-12588
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

17. On or about December 13, 2012, Abraham Alonso employed Respondent to perform legal services, namely to represent him in a criminal matter, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to appear for Alonso's preliminary hearing, on or about March 27, 2013, and thereafter performing no services for Alonso.

COUNT SEVENTEEN

Case No. 13-O-12588
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

18. Respondent failed to respond promptly to numerous telephonic reasonable status inquiries made by Respondent's client, Abraham Alonso, between about April and July 2012, that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

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COUNT EIGHTEEN

Case No. 13-O-12588
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

19. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Abraham Alonso, by constructively terminating Respondent's employment on March 27, 2013, by failing to take any action on the client's behalf after March 27, 2013, by failing to respond promptly to numerous telephonic reasonable status inquiries made by Respondent's client, Abraham Alonso, between about April and July 2012, and thereafter performing no services for Alonso, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

COUNT NINETEEN

Case No. 13-O-12588
Rules of Professional Conduct, Rule 1-300(A)
[Aiding the Unauthorized Practice of Law]

20. From on or about December 13, 2012 through approximately May 2103, Respondent aided Eugenio Montenegro, who is not licensed to practice law in California, in the unauthorized practice of law, by allowing Montenegro to accept the representation of Abraham Alonso on Respondent's behalf and to determine the legal fee to be charged to Abraham Alonso, in willful violation of Rules of Professional Conduct, rule 1-300(A).

COUNT TWENTY

Case No. 13-O-12588
Rules of Professional Conduct, Rule 1-320(A)
[Sharing Legal Fees with a Non-Lawyer]

21. On or about December 13, 2012, Respondent shared legal fees with a person who is not a lawyer, namely, Eugenio Montenegro, in relation to Abraham Alonso's criminal matter, in willful violation of Rules of Professional Conduct, Rule 1-320(A).

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COUNT TWENTY-ONE

Case No. 13-O-12588
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

22. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of June 14, 2013, and July 1, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-12588, in willful violation of Business and Professions Code, section 6068(i).

COUNT TWENTY-TWO

Case No. 13-O-13702
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

23. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the January 29, 2013, $1,008 sanctions order in *Ernesto Medina* v. *JD MC Medina Construction, Inc, et al.*, Los Angeles Superior Court Case no. BC 480 073, in willful violation of Business and Professions Code, section 6103.

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COUNT TWENTY-THREE

Case No. 13-O-13702
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

24. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of August 2, 2013, and August 22, 2013, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 13-O-13702, in willful violation of Business and Professions Code, section 6068(i).

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE 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 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 16, 2014

By: _____
TIMOTHY G. BYER
Deputy Trial Counsel

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 13-O-11081, 13-O-12008, 13-O-12317, 13-O-12588, 13-O-13702

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

FIRST AMENDED NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: **7176 9008 9111 1008 1110**, at Los Angeles, on the date shown below, addressed to:

John Vargas
The Law Offices of John Vargas
4129 Main Street, Suite 202
Riverside, CA 92501

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 16, 2014

Signed: Carmen Corona
Carmen Corona
Declarant