

1 STATE BAR OF CALIFORNIA
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PUBLIC MATTER

FILED

DEC 06 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:

13 DANIEL KRISTOF LAK,
14 No. 216983,

15 A Member of the State Bar

) Case No. 13-O-11189

) 13-O-12314

) 13-O-14235

) NOTICE OF DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

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

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
22 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
24 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
25 AND THE DEFAULT IS SET ASIDE, AND;
- 26 (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.

27 The State Bar of California alleges:

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1 COUNT THREE

2 Case No. 13-O-11189
3 Business and Professions Code, section 6106
4 [Moral Turpitude – Misrepresentation to Client]

5 4. On or about September 4, 2012, Respondent orally informed his client, Brian Hsieh, that
6 Respondent had re-filed the judgment and other documents that had been rejected by the court on
7 August 6, 2012, when Respondent knew, or was grossly negligent in not knowing, the statements
8 were false, and thereby committed acts involving moral turpitude, dishonesty, or corruption in
9 willful violation of Business and Professions Code section 6106.

10 COUNT FOUR

11 Case No. 13-O-11189
12 Rules of Professional Conduct, rule 4-100(B)(3)
13 [Failure to Render Accounts of Client Funds]

14 5. On or about November 4, 2011, Respondent received advanced fees and costs of \$3,000
15 from his client, Brian Hsieh, for legal services to be performed. Thereafter, Respondent failed to
16 render an accounting to the client from October 5, 2012, the date on which Respondent's
17 employment was terminated, until in or about late May 2013, in willful violation of Rules of
18 Professional Conduct, rule 4-100(B)(3).

19 COUNT FIVE

20 Case No. 13-O-11189
21 Business and Professions Code, section 6068(a)
22 [Failure to Comply With Laws – Unauthorized Practice of Law]

23 6. Respondent held himself out as entitled to practice law when Respondent was not an
24 active member of the State Bar, in violation of Business and Professions Code, sections 6125 and
25 6126, and thereby willfully violated Business and Professions Code, section 6068(a), by the
26 following:

- 27 A. Mailing his former client, Brian Hsieh, a letter dated May 29, 2013 on letterhead bearing
28 the heading "The Law Offices of Daniel K. Lak."
B. Sending State Bar Investigator Podina Brown an email dated May 29, 2013 bearing the
words, "Daniel Lak, Esq., Law Offices of Daniel Lak."

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COUNT SIX

Case No. 13-O-12314
Rules of Professional Conduct, rule 4-100(A)
[Misuse of Client Trust Client Trust Account]

7. Between on or about December 5, 2012 and on or about March 12, 2013, Respondent, in willful violation of Rules of Professional Conduct, rule 4-100(A), misused his client trust account at JP Morgan Chase, account number *****377,¹ by issuing paper and electronic checks to non-clients to pay his personal and business expenses, including but not limited to the following:

<u>DATE:</u>	<u>PAYEE:</u>	<u>AMOUNT:</u>
12/05/12	The Gas Company	\$ 16.34
12/12/12	Credit One	\$209.95
12/17/12	Verizon Wireless	\$347.81
01/03/13	Capital One	\$100.00
01/14/13	So. Cal. Edison	\$287.89
02/04/13	Vons	\$167.79
02/22/13	Paradise Cleaners	\$ 86.93
03/12/13	Nelix	\$ 7.00

COUNT SEVEN

Case No. 13-O-14235
Business and Professions Code, section 6068(b)
[Failure to Maintain Respect to the Court]

8. Respondent failed to maintain the respect due to the courts of justice and judicial officers, in willful violation of Business and Professions Code, section 6068(b), by the following:

A. Commencing a trial on June 26, 2013, in a family law matter entitled *Montes vs. Montes*, Orange County Superior Court case no. 12D005456, when he knew he would be suspended from the practice of law commencing June 30, 2013, without first informing the court of his impending suspension and the likelihood he would be unable to complete the trial once his suspension began.

¹ The account number has been redacted due to privacy concerns.

1 B. Failing to inform the court on July 27, 2013, the date the court trailed the trial to July 1,
2 2013 and ordered all parties to return, that he would be suspended from the practice of
3 law on July 1, 2013 and unable to represent his client at trial.

4 COUNT EIGHT

5 Case No. 13-O-14235
6 Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge of Judicial Officer]

7 9. On or about July 1, 2013, Respondent called Department L66 in the Central District of
8 the Orange County Superior Court and spoke with Rebecca Lau, Clerk to Judge Lon Hurwtiz,
9 and informed Clerk Lau that he would not be appearing at trial that day in the matter entitled
10 *Montes vs. Montes*, Orange County Superior Court case no. 12D005456, because of a "family
11 emergency" when Respondent knew that the statement was false, and thereby sought to mislead
12 the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of
13 Business and Professions Code, section 6068(d).

14 NOTICE - INACTIVE ENROLLMENT!

15 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
16 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
17 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
18 **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

19 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
20 **RECOMMENDED BY THE COURT.**
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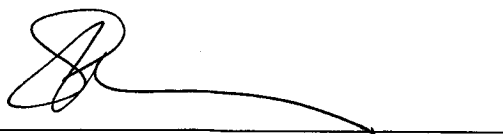
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NOTICE - COST ASSESSMENT!

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: December 6, 2013

By: _____
Lee Ann Kern
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 13-O-11189, 13-O-12314, 13-O-14235

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 6411 0804 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: December 6, 2013

SIGNED:


Genelle De Luca-Suarez
Declarant