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STATE BAR COURT CLERK'S OFFICE  
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1 STATE BAR OF CALIFORNIA  
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8

9 STATE BAR COURT

10 HEARING DEPARTMENT - SAN FRANCISCO

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12 In the Matter of: ) Case No. 13-O-11286-PEM  
13 )  
MICHAEL CHRISTOPHER BENNETT, ) AMENDED NOTICE OF DISCIPLINARY  
14 No. 240565, ) CHARGES  
15 )  
16 A Member of the State Bar )

17 **NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**  
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
23 WILL NOT BE PERMITTED TO PRACTICE LAW;**  
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
26 AND THE DEFAULT IS SET ASIDE, AND;**  
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
28 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.**

1 The State Bar of California alleges:

2 JURISDICTION

3 1. MICHAEL CHRISTOPHER BENNETT ("respondent") was admitted to the practice  
4 of law in the State of California on December 1, 2005, was a member at all times pertinent to  
5 these charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-11286  
8 Business and Professions Code, section 6106  
9 [Moral Turpitude – Scheme to Defraud]

10 2. Between in or about March 2012 and in or about January 2, 2013, respondent  
11 engaged in a scheme to defraud his then employer, Generations law firm, as follows:

12 3. Respondent was employed as an attorney by Generations law firm from in or about  
13 December 4, 2006 through in or about January 2, 2013. Between in or about March 2012 and in  
14 or about January 2, 2013, respondent performed work on behalf of existing and new clients of  
15 Generations, whereby respondent asked these clients to make all payments of legal fees to him  
16 personally instead of Generations. Respondent retained these payments for his own personal  
17 benefit. Respondent performed work on behalf of these clients using Generations' resources and  
18 equipment, and while being compensated by Generations to perform work on the firm's behalf.  
19 At no time during respondent's employment with Generations, did respondent notify the firm  
20 that these clients had retained Generations for new or additional legal services, or that these  
21 clients had paid for the firm's legal services. On or about January 2, 2013, respondent attempted  
22 to purge his work computer to hide evidence of the scheme to defraud.

23 4. By engaging in the scheme to defraud, respondent committed acts of moral turpitude,  
24 dishonesty and corruption, in willful violation of Business and Professions Code, section 6106.

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COUNT TWO

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude – Misappropriation]

5. On or about September 27, 2012, respondent received \$400 in advanced fees on behalf of respondent's employer, Generations law firm, from the firm's client, Anthony Barros. On or about September 27, 2012, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$400 that Generations was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT THREE

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Breach of Common Law Fiduciary Duty of Loyalty]

6. On or about September 27, 2012, respondent breached the common law fiduciary duty of loyalty owed to respondent's employer, Generations law firm, in willful violation of Business and Professions Code section 6068(a), by misappropriating \$400 in advanced fees paid by the firm's client, Anthony Barros.

COUNT FOUR

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude – Misappropriation]

7. On or about April 17, 2012, respondent received \$300 in advanced fees on behalf of respondent's employer, Generations law firm, from the firm's client, Jewel Fryklund. On or about April 17, 2012, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$300 that Generations was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT FIVE

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Breach of Common Law Fiduciary Duty of Loyalty]

8. On or about April 17, 2012, respondent breached the common law fiduciary duty of loyalty owed to respondent’s employer, Generations law firm, in willful violation of Business and Professions Code section 6068(a), by misappropriating \$300 in advanced fees paid by the firm’s client, Jewel Fryklund.

COUNT SIX

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

9. On or about October 10, 2012, respondent received \$160 in advanced fees on behalf of respondent’s employer, Generations law firm, from the firm’s client, Della M. Casey. On or about October 10, 2012, respondent dishonestly or grossly negligently misappropriated for respondent’s own purposes \$160 that Generations was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT SEVEN

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Breach of Common Law Fiduciary Duty of Loyalty]

10. On or about October 10, 2012, respondent breached the common law fiduciary duty of loyalty owed to respondent’s employer, Generations law firm, in willful violation of Business and Professions Code section 6068(a), by misappropriating \$160 in advanced fees paid by the firm’s client, Della Casey.

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COUNT EIGHT

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

11. On or about November 20, 2012, respondent received \$1000 in advanced fees on behalf of respondent's employer, Generations law firm, from the firm's client, Misty Ann Jones. On or about November 20, 2012, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$1000 that Generations was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT NINE

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Breach of Common Law Fiduciary Duty of Loyalty]

12. On or about November 20, 2012, respondent breached the common law fiduciary duty of loyalty owed to respondent's employer, Generations law firm, in willful violation of Business and Professions Code section 6068(a), by misappropriating \$1000 in advanced fees paid by the firm's client, Misty Ann Jones.

COUNT TEN

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

13. On or about March 12, 2012, respondent received \$200 in advanced fees on behalf of respondent's employer, Generations law firm, from the firm's clients, Antony and Jody Guest. On or about March 12, 2012, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$200 that Generations was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT ELEVEN

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Breach of Common Law Fiduciary Duty of Loyalty]

14. On or about March 12, 2012, respondent breached the common law fiduciary duty of loyalty owed to respondent’s employer, Generations law firm, in willful violation of Business and Professions Code section 6068(a), by misappropriating \$200 in advanced fees paid by the firm’s clients, Antony and Jody Guest.

COUNT TWELVE

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

15. On or about March 26, 2011, respondent affixed a signature purporting to be of Notary Public Margaret Evangelista, and improperly used her notary seal, on the estate planning documents of Nolan S. Armstrong and Cristina K. Armstrong, when respondent knew or was grossly negligent in not knowing the signature was false, and the use of the notary seal was improper, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT THIRTEEN

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Violation of Gvt. Code Section 8227.1]

16. On or about May 5, 2012, respondent violated Government Code section 8227.1, in willful violation of Business and Professions Code section 6068(a), by affixing a signature purporting to be of Notary Public Margaret Evangelista, and improperly using her notary seal, on the estate planning documents of Nolan S. Armstrong and Cristina K. Armstrong.

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COUNT FOURTEEN

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

17. On or about January 11, January 12 and August 24, 2011, respondent affixed a signature purporting to be of Notary Public Susan J. Meyer, and improperly used her notary seal, on the estate planning documents of James P. Mariner and Patricia H. Mariner, and Ronald S. Casey and Della M. Casey, when respondent knew or was grossly negligent in not knowing the signature was false, and the use of the notary seal was improper, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIFTEEN

Case No. 13-O-11286  
Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Violation of Gvt. Code Section 8227.1]

18. On or about January 11, January 12 and August 24, 2011, respondent violated Government Code section 8227.1, in willful violation of Business and Professions Code section 6068(a), by affixing a signature purporting to be of Notary Public Susan J. Meyer, and improperly using her notary seal, on the estate planning documents of James P. Mariner and Patricia H. Mariner, and Ronald S. Casey and Della M. Casey.

COUNT SIXTEEN

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

19. On or about October 24, 2012 and October 23, 2012, respondent affixed a signature purporting to be of Tom Nearn, on a letter to Interbank Loan Company, and on a Request for Verification of Employment, when respondent knew or was grossly negligent in not knowing the signature was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT SEVENTEEN

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude – Misrepresentation]

20. On or about August 24, 2011, respondent caused a signature, purporting to be that of respondent's wife, to be affixed to the Codicil to the Will of Della M. Casey and the Codicil to the Will of Ronald C. Casey, which declared under penalty of perjury that respondent's wife witnessed the Caseys execute the Codicils, when respondent knew or was grossly negligent in not knowing that his wife did not witness the Caseys execute the Codicils, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT EIGHTEEN

Case No. 13-O-11286  
Business and Professions Code, section 6106  
[Moral Turpitude]

21. On or about October 4, 2012, respondent caused a signature, purporting to be that of respondent's wife, to be affixed to the First Codicil to the Will of Michael Ralph Fabiano, which declared under penalty of perjury that respondent's wife witnessed Fabiano execute the Codicil, when respondent knew that his wife did not witness Fabiano execute the Codicil, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

**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.**

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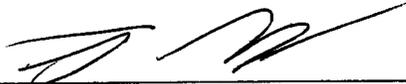
**NOTICE - COST ASSESSMENT!**

**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: March 2, 2016

By:   
HEATHER E. ABELSON  
Deputy Trial Counsel

**DECLARATION OF SERVICE**

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

CASE NUMBER: **13-O-11286 - PEM**

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, 180 Howard Street, San Francisco, California 94105, declare that:

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

**AMENDED 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 San Francisco.
- 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 San Francisco.
- 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") Next Day Air / Worldwide Express.
- 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 San Francisco, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  
Article No.: 9414 7266 9904 2042 4861 13 at San Francisco, 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:
Michael C. Bennett	3017 Douglas Blvd., Ste. 300 Roseville, CA 95661		
		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 San Francisco, California, on the date shown below.

DATED: March 2, 2016

SIGNED: Paula H. D'Oyen  
Paula H. D'Oyen  
Declarant