

PUBLIC MATTER

FILED

APR 30 2014

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
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DEPUTY CHIEF TRIAL COUNSEL
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ASSISTANT CHIEF TRIAL COUNSEL
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DEPUTY TRIAL COUNSEL
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Los Angeles, California 90015-2299
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case No. 13-O-16490
)	
DANIEL KRISTOF LAK,)	
No. 216983,)	
)	NOTICE OF DISCIPLINARY CHARGES
)	
A Member of the State Bar)	

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.**

The State Bar of California alleges:

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1 C. Failing to inform Sullivan or Freeman that Respondent was not entitled to practice law
2 from May 22, 2013 through June 14, 2013, and from June 30, 2013, through the date of
3 Respondent's termination of employment on September 17, 2013.

4 COUNT THREE

5 Case No. 13-O-16490
6 Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation to Client]

7 4. Respondent made the following misrepresentations to his client, Daniel Sullivan, or his
8 client's general counsel, Robert A. Freeman, Esq., whom the client asked to communicate with
9 Respondent, when Respondent knew, or was grossly negligent in not knowing, the statements
10 were false, and thereby committed acts involving moral turpitude, dishonesty, or corruption in
11 willful violation of Business and Professions Code section 6106, as follows:

12 A. Informing Freeman in an email dated May 1, 2013, that Respondent was waiting for
13 confirmation from the Secretary of State that the Articles of Incorporation had been filed,
14 when Respondent knew he had not filed the Articles of Incorporation on or before May 1,
15 2013.

16 B. Informing Freeman in an email dated July 25, 2013, that Respondent re-filed the Articles
17 of Incorporation and that Respondent was told that he would receive confirmation of the
18 filing on July 31, 2013, when Respondent knew that he had not re-filed the Articles of
19 Incorporation on or before July 25, 2013.

20 C. Informing Sullivan in an email dated September 17, 2013, that the Articles of
21 Incorporation were returned in error by the Secretary of State because they failed to state
22 the business address of Warrior Arts Alliance, when he knew that the Secretary of State
23 had returned the documents on August 13, 2013, because Respondent failed to list
24 Respondent's city, as Warrior Arts Alliance's agent of service of process.

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27 ///

1 COUNT FOUR

2 Case No. 13-O-16490
3 Rules of Professional Conduct, rule 3-700(D)(2)
4 [Failure to Refund Unearned Fees]

5 5. On or about March 28, 2013, Respondent received a flat fee of \$1,295 from his client,
6 Daniel Sullivan, to incorporate Sullivan's business, Warrior Arts Alliance. Thereafter,
7 Respondent performed no legal services of value on behalf of Sullivan and therefore earned none
8 of the advanced fees paid. Respondent failed to refund promptly, upon termination of
9 employment on or about September 17, 2013, any part of the \$1,295 fee, in willful violation of
10 Rules of Professional Conduct, rule 3-700(D)(2).

11 COUNT FIVE

12 Case No. 13-O-16490
13 Business and Professions Code, section 6068(a)
14 [Failure to Comply With Laws – Unauthorized Practice of Law]

15 6. Respondent held himself out as entitled to practice law when Respondent was not an
16 active member of the State Bar, in violation of Business and Professions Code sections 6125 and
17 6126, and thereby willfully violated Business and Professions Code, section 6068(a), by the
18 following:

19 A. Engaging in continual email communication with Daniel Sullivan and Sullivan's general
20 counsel, Robert Freeman, in which Respondent purported to act as Sullivan's attorney
21 while Respondent was not entitled to practice law from May 22, 2013 through June 14,
22 2013, and from June 30, 2013 to the date of Respondent's termination of employment on
23 September 17, 2013.

24 COUNT SIX

25 Case No. 13-O-16490
26 Business and Professions Code, section 6106
27 [Moral Turpitude]

28 7. Between on or about May 22, 2013 through on or about June 14, 2013, and between on or
about June 30, 2014 through on or about September 17, 2013, Respondent communicated with
Daniel Sullivan and Sullivan's general counsel, Robert Freeman, and purported to act as

1 Sullivan's attorney when Respondent knew, or was grossly negligent in not knowing, that
2 Respondent was not entitled to practice law, and thereby committed acts involving moral
3 turpitude, dishonesty, or corruption in willful violation of Business and Professions Code section
4 6106.

5 **NOTICE - INACTIVE ENROLLMENT!**

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

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

14 **NOTICE - COST ASSESSMENT!**

15 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
16 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
17 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
18 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
19 PROFESSIONS CODE SECTION 6086.10.**

20 Respectfully submitted,

21 THE STATE BAR OF CALIFORNIA
22 OFFICE OF THE CHIEF TRIAL COUNSEL

23 DATED: April 30, 2014

24 By: 

25 Lee Ann Kern
26 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-16490**

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, 845 South Figueroa Street, Los Angeles, California 90017, 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 a court order or an 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 6409 9413 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	LAW OFFICES OF DANIEL LAK 18101 VON KARMAN AVE., STE. 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: April 30, 2014

SIGNED: _____

SANDRA JONES
Declarant