

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
 OFFICE OF THE CHIEF TRIAL COUNSEL
 2 JAYNE KIM, No. 174614
 CHIEF TRIAL COUNSEL
 3 JOSEPH R. CARLUCCI, No. 172309
 DEPUTY CHIEF TRIAL COUNSEL
 4 MELANIE J. LAWRENCE, No. 230102
 ASSISTANT CHIEF TRIAL COUNSEL
 5 TIMOTHY G. BYER, No. 172472
 DEPUTY TRIAL COUNSEL
 6 845 South Figueroa Street
 Los Angeles, California 90017-2515
 7 Telephone: (213) 765-1325

AUG 29 2014
 STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 14-O-00586
 13 BRENDA ELIZABETH VARGAS,)
 No. 153230,) NOTICE OF DISCIPLINARY CHARGES
 14)
 15 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:

- 19 (1) YOUR DEFAULT WILL BE ENTERED;
- 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- 21 (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;
- 22 (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.

kwiktag® 048 638 395



1 The State Bar of California alleges:

2 JURISDICTION

3 1. BRENDA E. VARGAS ("Respondent") was admitted to the practice of law in the
4 State of California on June 11, 1991, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-00586
8 Business and Professions Code, section 6106
9 [Moral Turpitude - Misrepresentation]

10 2. On or about May 20, 2013, Respondent stated to her client, Oscar Oviedo, that the
11 signature page she was asking Oviedo to sign, in Workers Compensation Appeals Board Case
12 numbers ADJ8834638 and ADJ8834639 in which Respondent was then representing him,
13 would signify Oviedo's acceptance of a settlement of only one, not both, cases, when
14 Respondent knew or was grossly negligent in not knowing the statement was false, and thereby
15 committed an act involving moral turpitude, dishonesty or corruption in willful violation of
16 Business and Professions Code, section 6106.

17 COUNT TWO

18 Case No. 14-O-00586
19 Business and Professions Code, section 6068(d)
20 [Seeking to Mislead a Judge]

21 3. On or about May 22, 2013, Respondent filed a Compromise and Release ("C&R")
22 at the Workers Compensation Appeals Board on behalf of her client, Oscar Oviedo, in Workers
23 Compensation Appeals Board Case numbers ADJ8834638 and ADJ8834639, Oscar Oviedo v.
24 Sheet Metal Services, et al., in which Respondent

- 25 a) included both injury claims in the documents preceding Oviedo's signature,
26 signifying his agreement to settle both cases, despite that Oviedo was ignorant of her
27 intent to settle both cases and had expressed his opposition to that proposal, and
- 28 b) included attestations by two individuals who falsely represented having witnessed
Oviedo's signature,

1 when Respondent knew the statements were false, and thereby sought to mislead the judge or
2 judicial officer by an artifice or false statement(s) of fact or law, in willful violation of Business
3 and Professions Code, section 6068(d).

4
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
15 **NOTICE - COST ASSESSMENT!**

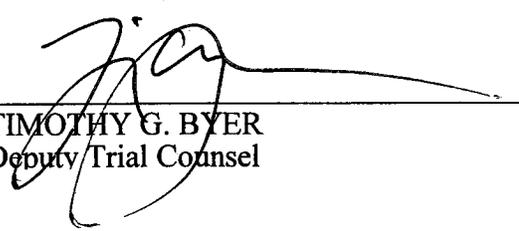
16 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
17 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
18 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
19 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
20 PROFESSIONS CODE SECTION 6086.10.**

21
22 Respectfully submitted,

23
24 THE STATE BAR OF CALIFORNIA
25 OFFICE OF THE CHIEF TRIAL COUNSEL

26
27 DATED: August 29, 2014

28
By: _____


TIMOTHY G. BYER
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-00586

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 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 1006 8098 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: Brenda E. Vargas, Law Office of Brenda E. Vargas, 765 The City Drive S., Ste. 430, Orange, CA 92868, 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: August 29, 2014

SIGNED:

Handwritten signature of Jason Peralta

Jason Peralta Declarant