

PUBLIC MATTER

FILED

JUN 18 2015

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

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 14-O-02844
 14 WILLIAM ANDRAI ACOSTA,)
 No. 207377,) NOTICE OF DISCIPLINARY CHARGES
 15)
 16 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 grossly negligently misappropriated for respondent's own purposes \$4,238.18 (\$5,267 -
2 \$1,028.82) that respondent's client and the client's chiropractor, were entitled to receive, and
3 committed an act involving moral turpitude, dishonesty or corruption in willful violation of
4 Business and Professions Code, section 6106.

5 COUNT THREE

6 Case No. 14-O-02844
7 Rules of Professional Conduct, rule 4-100(A)
8 [Failure to Maintain Client Funds in Trust Account]

9 4. On or about January 27, 2014, respondent received on behalf of respondent's client a
10 settlement draft made payable to the Acosta Law Firm and the client in the sum of \$6,109.44.
11 On or about January 27, 2014, respondent deposited the \$6,109.44 draft into respondent's client
12 trust account at Chase Bank, account number xxxx9625, on behalf of the client. Of this sum, the
13 client was entitled to \$1,221.44 and the client's chiropractor was entitled to \$1,402. On January
14 28, 2014, the balance in the client trust account fell to \$1,028.82 without respondent disbursing a
15 total of \$2,623.44 to the client and to the client's chiropractor, and thereby, respondent failed to
16 maintain a balance of \$2,623.44 on behalf of the client and the client's medical provider in
17 respondent's client trust account, in willful violation of Rules of Professional Conduct, rule
18 4-100(A).

19 COUNT FOUR

20 Case No. 14-O-02844
21 Business and Professions Code, section 6106
22 [Moral Turpitude - Misappropriation]

23 5. On or about January 27, 2014, respondent received on behalf of respondent's client a
24 settlement draft made payable to the Acosta Law Firm and the client in the sum of \$6,109.44.
25 On or about January 27, 2014, respondent deposited the \$6,109.44 draft into respondent's client
26 trust account at Chase Bank, account number xxxx9625, on behalf of the client. On January 28,
27 2014, the balance in the client trust account fell to \$1,028.82, without respondent disbursing a
28 total of \$2,623.44 due to the client and to the client's chiropractor, and thereby, respondent
dishonestly or grossly negligently misappropriated for respondent's own purposes \$1,594.62

1 (\$2,623.44 - \$1,028.82) that respondent's client and the client's chiropractor, were entitled to
2 receive, and committed an act involving moral turpitude, dishonesty or corruption in willful
3 violation of Business and Professions Code, section 6106.

4 COUNT FIVE

5 Case No. 14-O-02844
6 Rules of Professional Conduct, rule 4-100(A)
7 [Commingling – Payment of Personal Expenses from Client Trust Account]

8 6. On or about January 16, 2014, respondent caused the issuance of two checks for
9 personal expenses from respondent's client trust account at Chase Bank, account number
10 xxxx9625, which checks were paid on January 28, 2014 with funds belonging to respondent, in
11 willful violation of Rules of Professional Conduct, rule 4-100(A):

<u>Check No.</u>	<u>Payee</u>	<u>Amount</u>
11847462	The Mirage Casino	\$ 7,500
11847912	The Mirage Casino	\$ 2,500

14 COUNT SIX

15 Case No. 14-O-02844
16 Business and Professions Code, section 6106
17 [Moral Turpitude – Issuance of NSF Checks]

18 7. From in or about January 16, 2014 and February 3, 2014, respondent made the
19 following withdrawal from, and caused the issuance of the following checks drawn upon,
20 respondent's client trust account at Chase Bank, account number xxxx9625, when respondent
21 knew or was grossly negligent in not knowing that there was insufficient funds in the client trust
22 account to honor them, and thereby committed an act involving moral turpitude, dishonesty or
23 corruption in willful violation of Business and Professions Code, section 6106:

<u>Check No.</u>	<u>Date of Issue/ Withdrawal</u>	<u>Amount</u>	<u>Date Returned/Paid</u>	<u>Balance upon Presentment</u>
11847462	1-16-14	\$7,500	Returned on 1-17-14	\$ 782.38
11847912	1-16-14	\$2,500	Returned on 1-17-14	\$ 782.38

27 ///

1 1089 1-29-14 \$3,000 Returned on 1-30-14 \$1,228.82
2 Withdrawal 2-03-14 \$ 460 Paid on 2-3-14 - \$ 459.62

3 **NOTICE - INACTIVE ENROLLMENT!**

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

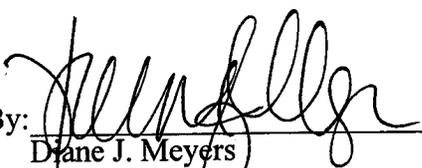
12 **NOTICE - COST ASSESSMENT!**

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

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: June 18, 2015

22 By: 

23 Diane J. Meyers
24 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-02844

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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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.: 9414 7266 9904 2010 0832 14 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: ANTHONY PATRICK RADOGNA, LAW OFFICES OF ANTHONY RADOGNA, 1 PARK PLAZA, STE. 600, IRVINE, CA 92614, 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: June 18, 2015

SIGNED:

SANDRA JONES
Declarant