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**JAN 21 2015**

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1 KIMBERLY P. TEAL SBN 109382  
2 315 N. COAST HWY 101 . STE U-174  
3 ENCINITAS, CA ~~9024~~ 92024  
4 858-336-1361

7 **STATE BAR COURT**

9 **HEARING DEPARTMENT- LOS ANGELES**

12 In the Matter of:

CASE NUMBER: 14-O-02845

13 KIMBERLY TEAL,  
14 No. 109382

**RESPONSE TO NOTICE OF DISCIPLINARY  
CHARGES**

16 A Member of the State Bar.

21 Kimberly Teal responds to the State Bar's Notice of Disciplinary Charges as follows:

22 **COUNT ONE**

23 Business and Professions code, Section 6106

24 (Moral Turpitude – Issuance of NSF Checks)

- 25
- 26 1. Respondent denies having committed any acts of moral turpitude.
- 27 2. Respondent denies violating Business and Professions Code 6106.
- 28



- 1 3. Respondent denies any knowledge that there were insufficient funds in the Client Trust  
2 Account when check numbers 1037 and 1038 were written. In fact, Respondent was quite  
3 certain that there WERE funds available.
- 4
- 5 4. When Respondent wrote the checks in question there was sufficient funds in the account to  
6 cover them.
- 7 5. Respondent denies that she was grossly negligent in not knowing that there were insufficient  
8 funds in the client trust account to pay them.
- 9 6. Respondent committing an act involving moral turpitude.
- 10
- 11 7. Respondent denies acting in a dishonest manner.
- 12 8. Respondent denies acting in a corrupt manner.
- 13 9. Respondent had no intent to commit fraud or to pass a bad check.
- 14
- 15 10. Respondent has not acted with gross, habitual or pervasive negligence in a manner to  
16 establish a basis for discipline.
- 17 11. Respondent acted in good faith on the facts as she knew them and did not commit an act of  
18 moral turpitude.
- 19 12. If gross negligence is found to have occurred due to Respondent's lack of knowledge as to  
20 the balance in the Trust account, Respondent has still not committed an act of moral  
21 turpitude but rather has simply made an honest mistake.
- 22
- 23

24 COUNT TWO

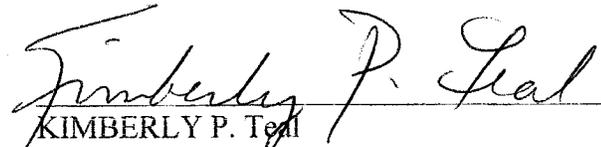
25 Rules of Professional Conduct, rule 4-100 (A)

26 (Commingling – Payment of Personal Expenses from Client trust Account)

- 27
- 28 13. Respondent denies violating Rule 4 – 100(A).

- 1 14. Respondent denies any commingling of funds.
- 2 15. Respondent denies paying personal expenses with funds from the trust account.
- 3
- 4 16. All checks written from the Trust account were to pay the expenses of the client, Teal, Inc.
- 5 17. Teal, Inc was the umbrella corporation for all of Respondent and her husbands businesses.
- 6 18. Respondent and her husband were the only shareholders of Teal, Inc.
- 7 19. Krisuhlis, Inc was the landlord for a property rented by Teal, Inc's business, Teal Green
- 8 Design. It was a storage warehouse housing inventory and business records for Teal, Inc.
- 9 20. All archived patient records from the dental practice were stored there.
- 10 21. All records from respondent's law practice were stored there.
- 11 22. None of Respondent's actions or conduct pose a substantial threat of harm to the interests of
- 12 her clients or to the public.
- 13

14 DATED: January 14, 2015

15   
16 KIMBERLY P. Teal