

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**

**JAN 28 2015**

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

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case No. 14-O-3182  
 13 MING GANG LI, )  
 14 No. 174894, ) NOTICE OF DISCIPLINARY CHARGES  
 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  
23 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
24 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
25 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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**JURISDICTION**

1. Ming Gang Li (respondent) was admitted to the practice of law in the State of

1 California on December 9, 1994, was a member at all times pertinent to these charges, and is  
2 currently a member of the State Bar of California.

3 COUNT ONE

4 Case No. 14-O-03182  
5 Rules of Professional Conduct, rule 3-310(B)(1)  
6 [Conflict - Relationship with a Party or Witness]

7 2. On or about June 28, 2011, respondent accepted representation of his client, Yin  
8 Kwan Lau (Lau), without providing written disclosure to the client that respondent had a legal  
9 relationship with a party, namely Robert Klayman, the owner of a startup business called SCI  
10 Live, in Lau's same matter, in willful violation of the Rules of Professional Conduct, rule 3-  
11 310(B)(1).

12 COUNT TWO

13 Case No. 14-O-03182  
14 Rules of Professional Conduct, rule 3-110(A)  
15 [Failure to Perform with Competence]

16 3. On or about June 28, 2011, Yin Kwan Lau (Lau) employed respondent to perform  
17 legal services, namely to file an Immigrant Petition for an Alien Entrepreneur (EB-5 petition)  
18 with the United States Customs and Immigration Services (USCIS) on her behalf, which  
19 respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful  
20 violation of Rules of Professional Conduct, rule 3-110(A), by filing an EB-5 petition that  
21 respondent knew or should have known was deficient and respondent failed to cure the  
22 deficiencies in Lau's EB-5 petition after USCIS notified respondent of the deficiencies.

23 COUNT THREE

24 Case No. 14-O-03182  
25 Business and Professions Code section 6106  
26 [Moral Turpitude - Misrepresentation]

27 4. Between on or about June 20, 2011, and on or about June 28, 2011, respondent  
28 stated to Yin Kwan Lau (Lau) that Lau's investment in a startup business called SCI Live was a  
safe investment, and that SCI Live was a fully operational business that would be able hire at  
least 27 full time employees, and that respondent had previously processed an Immigrant Petition  
for an Alien Entrepreneur that had been approved without problems, when respondent knew or

1 was grossly negligent in not knowing the statements were false, and thereby committed an act  
2 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
3 Professions Code, section 6106.

4 COUNT FOUR

5 Case No. 14-O-03182  
6 Business and Professions Code section 6106  
7 [Moral Turpitude - Breach of Fiduciary Duty]

8 5. Between on or about June 20, 2011, and June 30, 2011, respondent solicited  
9 \$500,000 from Yin Kwan Lau (Lau) to invest in a startup business called SCI Live. Respondent  
10 sought to mislead and induce Lau to invest in SCI Live by assuring Lau that the investment was  
11 a safe investment, and by personally promising to refund Lau's money if SCI Live failed or if  
12 Lau was unable to get a permanent investor visa, when respondent knew or was grossly negligent  
13 in not knowing that SCI Live was a very high risk investment, that respondent did not have the  
14 financial resources to guarantee the return of Lau's investment, and that respondent would not be  
15 able to refund Lau's money. By inducing Lau to invest \$500,000 with false and misleading  
16 statements and claims, respondent breached his fiduciary duty to Lau and thereby respondent  
17 committed an act or acts involving moral turpitude dishonesty or corruption, in willful violation  
18 of Business and Professions Code section 6106.

19 COUNT FIVE

20 Case No. 14-O-03182  
21 Rules of Professional Conduct, rule 3-700(D)(2)  
22 [Failure to Refund Unearned Fees]

23 6. Between on or about June 20, 2011 and June 30, 2011, respondent received  
24 advanced fees of \$50,000 from a client, Yin Kwan Lau (Lau) for purposes of obtaining an  
25 investor visa. Respondent failed to perform and therefore failed to earn the advanced fees that  
26 Lau paid. Respondent failed to refund promptly, upon respondent's termination of employment  
27 on or about October 24, 2012, any part of the \$50,000 fee, in willful violation of Rules of  
28 Professional Conduct, rule 3-700(D)(2).

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**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.**

**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: January 28, 2014

By: \_\_\_\_\_

*Anthony Garcia*  
Senior 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-03182

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 S. 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 0905 95 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: Marisol Ocampo, Century Law Group LLP, 5200 W Century Blvd #345, Los Angeles, CA 90045, 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').

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: January 28, 2015

SIGNED:

Handwritten signature of Laura Jett and printed name LAURA JETT Declarant