

JUN 15 2015



**STATE BAR COURT CLERK'S OFFICE
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**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case Nos. 14-O-03359-LMA (14-O-03665)
)	
DENNIS M. ASSURAS,)	
)	DECISION AND ORDER OF
Member No. 85874,)	INVOLUNTARY INACTIVE
)	ENROLLMENT
<u>A Member of the State Bar.</u>)	

INTRODUCTION¹

In this contested, original disciplinary proceeding, respondent **DENNIS M. ASSURAS** is found culpable on a total of four counts of professional misconduct involving two separate client matters.² Specifically, respondent is found culpable on two counts of failing to support the laws of this state (§ 6068, subd. (a)) by engaging in the unauthorized practice of law (UPL) (§§ 6125, 6126, subd. (b)) and on two counts of engaging in acts involving moral turpitude and dishonesty (§ 6106) by misrepresenting to others that he was entitled to practice law in California.

For the reasons set forth *post*, the court will recommend that respondent be disbarred. Moreover, in light of the court's disbarment recommendation, the court will order that respondent be involuntarily enrolled as an inactive member of the State Bar of California under section 6007, subdivision (c)(4).

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code unless otherwise indicated.

² On the motion of the State Bar at trial, count five, which charged respondent with entering into an agreement for an illegal fee (rule 4-200(A)), was **DISMISSED** with prejudice.

PERTINENT PROCEDURAL HISTORY

The Office of Chief Trial Counsel of the State Bar of California (State Bar) initiated this proceeding by filing a notice of disciplinary charges (NDC) against respondent on November 21, 2014. Respondent filed a response to the NDC on December 22, 2014.

On March 24, 2015, the parties filed a partial stipulation as to facts and admission of documents. On March 24, 2015, the trial was held, and the court took the case under submission for decision.

The State Bar was represented by Deputy Trial Counsel Sue Hong. Respondent represented himself.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jurisdiction

Respondent was admitted to the practice of law in California on May 31, 1979, and has been a member of the State Bar of California since that time.

Respondent's Suspension

Beginning on February 18, 2014, and continuing to the present, respondent has been suspended from the practice of law in this state because he failed to take and pass the Multistate Professional Responsibility Examination (MPRE) within the time prescribed by the Supreme Court in its December 3, 2012, order in case number S205546 (State Bar Court case number 11-O-19134), styled *In re Dennis M. Assuras on Discipline (Assuras I)*.³

Respondent knew that he was suspended during the events described below.

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³ An attorney whose misconduct results in suspension from practice is required, as a condition of continuing to practice law, to demonstrate that he or she knows, understands, and can apply the principles of legal ethics by passing the Multistate Professional Responsibility Examination (MPRE). If an attorney does not succeed in passing the MPRE within the time prescribed by the Supreme Court, the attorney is suspended from the practice of law until he or she passes the examination and provides satisfactory proof thereof to the State Bar. (*Segretti v. State Bar* (1976) 15 Cal.3d 878, 890-891 & fn. 8; see also Cal. Rules of Court, rule 9.10(b).)

Case number 14-O-03359 -- The Gonzalez Matter

Facts

In about October 2013, respondent prepared a petition seeking to have Sylvia Gonzalez (Gonzalez) appointed as the conservator over the person and estate of her mother, Febe Gonzalez. On the first page of the petition, respondent designated himself as the attorney for Gonzalez (i.e., the petitioner). In addition, on page 7 of the petition, respondent signed the petition as the "Attorney for Petitioner" (i.e., the attorney for Gonzalez). Even though respondent and Gonzalez both signed the petition in October 2013, respondent did not file the petition with the superior court until May 8, 2014. When respondent filed the petition in the superior court on May 8, 2014, respondent knew that he was then suspended from practice and that he had been suspended since February 18, 2014. According to respondent, he filed the petition on May 8, 2014, while he was suspended "because the filing was helpful to the client."⁴

Respondent did not inform the superior court that he was suspended when he filed the petition on May 8, 2014. Eventually, the superior court learned that respondent was suspended from practice when he filed the petition. And, on its own motion on June 2, 2014, the superior court struck the May 8, 2014, petition and dismissed the conservatorship proceedings without prejudice.

In July 2014, Attorney Gary H. Blaylock replaced respondent as Gonzalez's attorney of record in the conservatorship proceedings.

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⁴ The court rejects respondent's contention for want of credibility. Moreover, even if respondent's contention were true, it would not be a defense to the charges. Nor would it be a mitigating circumstance. (Cf. *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 574 ["The suspended attorneys' only duty is to stop practicing law until they have reestablished themselves as attorneys in good standing."].)

Conclusions

***Count One -- § 6068, subd. (a) [Duty to Support Constitution and
Laws of United States and California]
Count Two - § 6106 [Moral Turpitude]***

Section 6068, subdivision (a), provides that an attorney has a duty to support the Constitution and laws of the United States and California. Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment.

Section 6125 provides that only active members of the State Bar may lawfully practice law in California. And section 6126, subdivision (b) provides that it is a crime for an attorney who has been involuntarily enrolled inactive, suspended, or disbarred from practice or who has resigned from the State Bar with disciplinary proceedings pending (1) to practice or to attempt to practice law or (2) to advertise or hold himself or herself out as practicing or entitled to practice law. When an attorney engages in UPL, he or she violates either or both sections 6125 and 6126, subdivision (b). Moreover, when an attorney violates either or both sections 6125 and 6126, subdivision (b), the attorney also violates his or her duty, under section 6068, subdivision (a), to support the laws of this state and is subject to discipline. (E.g., *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 236, 237; *In the Matter of Acuna* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 495, 506.)

UPL includes the mere holding out that one is entitled to practice law. (*Crawford v. State Bar* (1960) 54 Cal.2d 659, 666.) An attorney “cannot expressly or impliedly create or leave undisturbed the false impression that he or she has the present or future ability to practice law” when in fact he is ineligible to practice, and doing so violates section 6126, subdivision (b). (*Cadwell v. State Bar* (1975) 15 Cal.3d 762, 771; *In the Matter of Wyrick* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 83, 91.)

When respondent filed the May 8, 2014, petition, respondent held himself out to the superior court as being entitled to practice law and actually practiced law. Moreover, when respondent filed the petition on May 8, 2014, respondent entered an appearance in the superior court on behalf of his client Gonzalez. Making such an appearance alone is the practice of law. Respondent willfully violated sections 6125, 6126, subdivision (b), and 6068, subdivision (a) as charged in count one.

“However else moral turpitude may be defined, it most assuredly includes creating a false impression by concealment as well as affirmative misrepresentations. [Citations.]” (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 910.) Thus, an attorney who knowingly and deliberately misrepresents his eligibility to lawfully practice law commits an act involving moral turpitude (*In re Cadwell* (1975) 15 Cal.3d 762, 770-771) and dishonesty.

By deliberately engaging in UPL and by knowingly misrepresenting himself to the superior court as being entitled to practice law, respondent committed acts involving moral turpitude and dishonesty in willful violation of section 6106 as charged in count two.⁵

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⁵ In count two, the State Bar charges that respondent willfully violated section 6106 because “On or about May 8, 2014, Respondent held himself out as entitled to practice law and actually practiced law when Respondent knew, *or was grossly negligent in not knowing*, Respondent was not an active member of the State Bar.” (Italics added.) The charge in count two that respondent willfully violated section 6106 when he held himself out as entitled to practice law and actually practiced law because he was grossly negligent in not knowing that he was not an active member of the State Bar of California is DISMISSED with prejudice because it fails to state a disciplinable offense. UPL does not involve deception or moral turpitude in violation of section 6106 if the attorney was unaware of his or her suspension or inactive enrollment. (*In the Matter of Heiner* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 301, 319; see also *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 239 [UPL, even in deliberate or knowing violation of sections 6125 and 6126, does not inherently involve moral turpitude, deception, or misrepresentation].) Thus, an attorney’s belief, even if mistaken and unreasonable, that he or she is entitled to practice law precludes a finding that attorney’s UPL violated section 6106. (Cf. *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 589 [misappropriation of client funds does not involve moral turpitude or dishonesty when attorney has an honest, but mistaken and unreasonable belief in a right to the funds].)

It is not duplicative to rely on the same act or acts of misconduct to find that an attorney has both (1) willfully violated a rule or statute and (2) engaged in an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106. (See, e.g., *In the Matter of Hagen* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 153, 169 [attorney's misappropriation of \$929 violated trust account rule and section 6106].) In other words, it is not duplicative to find that an attorney's willful violation of a rule or statute is so egregious that it rises to the level of an act involving moral turpitude, dishonesty, or corruption in violation of section 6106. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 520.)

Case Number 14-O-03365 -- The Zuniga Matter

Facts

Respondent admits that, on June 5, 2014, while he knew that he was suspended from practice, he met with Amelia Zuniga and discussed with her a then upcoming hearing on her cosmetology license before the Office of Administrative Hearings in case number 2014010897, *In the Matter of the Accusation Against Amelia Zuniga, Respondent* (Office of Consumer Affairs of the State of California, Board of Barbering and Cosmetology case number BC 2011-411).

Later in the day on June 5, 2014, respondent sent a letter regarding Zuniga's case to the presiding administrative law judge and to the assigned deputy attorney general. Respondent wrote the letter on a transmittal sheet that identifies respondent as an attorney at law. In the letter, respondent states:

I was retained yesterday evening to represent Ms. Zuniga. I will file a response as soon as possible but perhaps you could grant me a brief continuance from the scheduled hearing date of June 23, 2014 so that I can get up to speed on the matter.

The following day, the presiding administrative law judge issued an order denying respondent's motion for continuance because respondent failed, inter alia, to confer with all other parties before he filed the motion and to include sufficient facts in his letter/motion to show good

cause for the requested continuance. The third sentence in that order states: "Respondent [Amelia Zuniga] is represented by Dennis M. Assuras, Attorney at Law."

Respondent never told his client Zuniga, the deputy attorney general, or the administrative law judge that he was suspended from practice. It was the deputy attorney general who discovered that respondent was suspended. She first called respondent, but he failed to call her back. Thereafter, she notified Zuniga that respondent was not entitled to practice law. At that point, Zuniga no longer trusted respondent, and she went forward without an attorney. Zuniga and the deputy attorney general reached a stipulated settlement, but Zuniga firmly believes that she was at a grave disadvantage with respect to terms of the settlement because she was not represented by an attorney.

Conclusions of Law

***Count Three -- § 6068, subd. (a) [Duty to Support Constitution and
Laws of United States and California]***

Count Four -- § 6106 [Moral Turpitude]

Without question, meeting with a potential client while on suspension, as respondent did with Zuniga on June 5, 2014, is the practice of law and the attorney-client privilege effectively attached to the discussion even if the potential client does not retain the suspended attorney's services. Moreover, respondent's June 5, 2014, letter to the presiding administrative law judge, standing alone, constitutes the practice of law. In addition, that letter alone establishes that respondent deliberately entered into an attorney-client relationship with Zuniga on June 5, 2014. The third sentence in the presiding administrative law judge's June 6, 2014, order, which is quoted *ante*, makes clear that, on June 5, 2014, respondent made an appearance for Zuniga her case pending in the Office of Administrative Hearings. Making such an appearance also constitutes the practice of law.

When respondent sent the presiding administrative law judge and the assigned deputy attorney general the June 5, 2014, letter seeking a continuance of the hearing in Zuniga's case,

respondent held himself out as being entitled to practice law and actually practiced law. This court rejects for want of credibility respondent's testimony that he did not practice law in the Zuniga matter. In short, respondent willfully violated sections 6125, 6126, subdivision (b), and 6068, subdivision (a) as charged in count three.

By deliberately engaging in UPL and by knowingly misrepresenting himself to Zuniga, the presiding administrative law judge, and the assigned deputy attorney general as being entitled to practice law, respondent committed acts involving moral turpitude and dishonesty in willful violation of section 6106 as charged in count four.⁶

MITIGATING AND AGGRAVATING CIRCUMSTANCES

Mitigation

Candor And Cooperation (Rules Proc. of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, std. 1.6(e))⁷

Respondent is entitled to mitigation for his cooperation with the State Bar by entering into the partial stipulation as to facts. However, respondent is entitled to only *nominal* mitigation because the stipulated facts were easily provable. (*In the Matter of Kaplan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 547, 567.)

Aggravation

Prior Records of Discipline (Std. 1.5(a))

Respondent has two prior records of discipline.

Assuras I

Respondent's first prior record is the Supreme Court's December 3, 2012, order in *Assuras I* (see page 2, *ante*). In that order, the Supreme Court placed respondent on one year's

⁶ For the reasons set forth *ante* in footnote 4, the charge in count four that respondent willfully violated section 6106 because he was grossly negligent in not knowing that he was not an active member of the State Bar of California is DISMISSED with prejudice.

⁷ All further references to standards (or stds.) are to this source.

stayed suspension and three years' probation on conditions, including a 30-day actual suspension continuing until respondent paid the disciplinary costs imposed on him in that matter. The Supreme Court imposed that discipline on respondent in accordance with a stipulation regarding facts, conclusions of law, and disposition that respondent entered into with the State Bar and that was approved by the State Bar Court in an order filed on August 10, 2012, in case number 11-O-19134. That stipulation establishes (1) that, over an eight-month period in 2011, respondent repeatedly paid thousands of dollars in personal expenses from his client trust account (CTA) (rule 4-100(A)) and (2) that, for the ten-month period from late March 2011 through late January 2012, respondent failed to keep the CTA ledgers for each of his clients; failed to keep an account journal for his CTA, and failed perform monthly reconciliations of his CTA. In aggravation, respondent committed multiple acts of misconduct. In mitigation, respondent displayed candor and cooperation with the State Bar by immediately admitting and stipulating to his extensive misconduct involving his CTA; had no prior record of discipline after 30 years of practice; there was no client harm; and respondent had significant community service.

Assuras II

Respondent's second prior record of discipline is the Supreme Court's April 27, 2015, order in case number S224113 (State Bar Court case number 12-O-14295, etc.), styled *In re Dennis M. Assuras on Discipline (Assuras II)* in which respondent was placed on three years' stayed suspension and four years' probation on conditions including a minimum actual suspension of two years and until respondent's pays a combined total of \$3,500 in restitution with interest to two clients and until respondent establishes his rehabilitation, fitness to practice and learning in the law in accordance with standard 1.2(c)(1). That discipline was imposed on respondent after he was found culpable on 18 of the 19 counts of charged misconduct in that matter.

Respondent was found culpable on four counts of engaging in UPL (during the 30-day actual suspension that was imposed on in *Assuras I* (§§ 6125, 6126, subd. (b), 6068, subd. (a)) and on four counts of moral turpitude related to his UPL (§ 6106). In at least two of the four UPL counts, respondent clearly had actual knowledge of his suspension when he chose to engage in UPL. In another separate client matter, respondent was found culpable of the following five counts of misconduct: sharing legal fees with nonattorneys (rule 1-320(A)); aiding others engage in UPL (1-300(A)); permitted a nonattorney to misuse his name (§ 6105); failing to account of an advanced fee (rule 4-100(B)(3)); and failing to refund the unearned portion of the advanced fee (3-700(D)(2)). In addition, respondent was again found culpable on a count of commingling his personal funds with client funds in his CTA (rule 4-100(A)). Respondent was also found culpable on one additional count of moral turpitude and dishonesty (§ 6106) by falsely stating in one of his probation reports that he had complied with the State Bar Court. Finally, respondent was found culpable on two counts of failing comply with the conditions of the disciplinary probation imposed on him in *Assuras I* (§ 6068, subd. (k)).

Indifference (Std. 1.5(g))

Respondent's meritless insistence throughout this proceeding that the charged and found misconduct in this proceeding (i.e., UPL and moral turpitude and dishonesty) are "trivial" matters establishes that respondent is indifferent and that he lacks insight into the wrongfulness of his misconduct. Respondent's clear indifference and lack of insight are particularly aggravating because they suggest that the misconduct will reoccur. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 781-782.)

Multiple Acts of Wrongdoing (Std. 1.5(b))

Respondent's present misconduct involves multiple acts of wrongdoing.

Significant Client Harm (Std. 1.5(f))

In addition to the harm to the administration of justice that is inherent in all acts of UPL by suspended attorneys, respondent's UPL in the present proceeding caused significant client. Gonzalez had her petition stricken, and Zuniga had to represent herself.

DISCUSSION

The purpose of disciplinary proceedings is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain the highest possible professional standards for attorneys. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025.) In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.)

If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed should be the most severe of the applicable sanctions. (Std. 1.7(a).) In the present proceeding, the most severe sanction is standard 2.6(a), which provides:

Disbarment or actual suspension is appropriate when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on actual suspension for disciplinary reasons or involuntary inactive enrollment under Business and Professions Code section 6007(b)-(e). The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law.

Respondent's suspension, which was imposed on him because he failed to timely take and pass the MPRE (see *Segretti v. State Bar, supra*, 15 Cal.3d at pp. 890-891 & fn. 8) is a suspension for disciplinary reasons under standard 2.6(a). Also relevant is Standard 1.8(b), which provides:

If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct:

1. Actual suspension was ordered in any one of the prior disciplinary matters;

2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or
3. The prior disciplinary matters coupled with the current record demonstrate the member's unwillingness or inability to conform to ethical responsibilities.

The fact that the Supreme Court's disciplinary order in *Assuras II* only recently became final on May 27, 2015, does not negate or reduce the aggravating weight of *Assuras II* under standard 1.8(b) because the all of the misconduct charged and found in the present proceeding is identical to or resembles the misconduct charged in at least eight counts in the August 22, 2013, NDC in *Assuras II* and because respondent committed all of the misconduct charged and found in this proceeding after the initial NDC in *Assuras II* was filed and served on August 22, 2013.

(*In the Matter of Kaplan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 547, 564.)

As the Supreme Court and the review department have made clear, when applying a standard that provides for a specific level of discipline based an attorney's prior record or records of discipline, such as standard 1.8(b), the State Bar Court is not to blindly "treat all priors as having equal weight, but [is to] consider the facts underlying the various proceedings in arriving at the appropriate discipline." (*Conroy v. State Bar* (1991) 53 Cal.3d 495, 506-507; *Arm v. State Bar* (1990) 50 Cal.3d 763, 778-779.) In other words, this court is not to recommend that an attorney be disbarred based solely on the number of times he or she has been disciplined. "The imposition of attorney discipline does not issue from a fixed formula but from a balanced consideration of all relevant factors, including aggravating and mitigating circumstances." (*Rodgers v. State Bar* (1989) 48 Cal.3d 300, 316.) Moreover, even purported mandatory standards can be tempered by "considerations peculiar to the offense and the offender." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221-221; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994).

The court concludes that standard 1.8(b) must be applied in the same manner as former standard 1.7(b). Former standard 1.7(b) was applied "with due regard to the nature and extent of

the respondent's prior records. [Citation.]" (*In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 704.) In that regard, when former standard 1.7(b) was applied, significant weight was placed "on whether or not there is a 'common thread' among the various prior disciplinary proceedings or a 'habitual course of conduct' which justifies disbarment. [Citation.]" (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 841.)

There is a common thread between the present proceeding and *Assuras II*. In the present matter, respondent has been found culpable of engaging in UPL in two separate client matters (§§ 6068, subd. (a), 6125, 6126) and, in each of the two client matters, respondent's UPL was found to involve moral turpitude and dishonesty (§ 6106). In *Assuras II*, respondent was found culpable of the same misconduct in four separate client matters. Not only has respondent failed reform his conduct and stop engaging in the unauthorized practice of law and acts of moral turpitude and dishonesty, but respondent insists that the misconduct charged and found in the present proceeding are "trivial" matters. The unauthorized practice of law by suspended attorneys, conduct punishable as a crime (§ 6126, subd. (b)) and as contempt of court (§ 6127, subd. (b)), is not trivial. Nor is attorney misconduct involving moral turpitude and dishonesty.

Furthermore, the court finds that the common thread between *Assuras I* and *Assuras II* is also relevant on the issue of discipline in the present proceeding. The common thread between those two proceedings is respondent extensive commingling of his personal funds with client funds in his CTA and misuse of his CTA.

Without question, respondent's continued and extensive commingling of his personal funds with client funds in his CTA and misuse of his CTA as his personal checking account by paying personal expense from it have put respondent's clients' funds at risk to attachment by respondent's creditors. This extensive and continuing misconduct also suggests that respondent is hiding assets. In any event, respondent's continued commingling and misuse of his CTA to pay personal expenses are strong evidence that respondent will not or cannot conform his

conduct to the strictures of the profession. They also preclude the court from finding any reason that would justify its recommending less discipline than disbarment as provided for in standard 1.8(b). Moreover, the court did not arrive at its disbarment recommendation based solely on the mere number of respondent's past disciplinary proceedings, but only after it carefully examined the substance and nature of respondent's disciplinary history with due regard to the facts and circumstances of his present misconduct.

The court finds that *Morgan v. State Bar* (1990) 51 Cal.3d 598, 607 supports the disbarment provided for under standard 1.8(b). Even though *Morgan* involved more misconduct than that found here and even though the attorney in *Morgan* had four prior records of discipline and respondent has only two, respondent displayed a complete lack of insight, recognition, or remorse for any of his wrongdoing. That factor and the lack of any meaningful mitigation make disbarment appropriate under standard 1.8(b) and *Morgan*. (*In the Matter of Wyshak* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 70, 83.) Moreover, independent of standard 1.8(b), standard 2.6(a) provides for disbarment particularly in light of the facts that respondent knowingly and deliberately engaged in UPL in both the Gonzalez and the Zuniga matters and that respondent was previously disciplined for UPL in *Assuras II*.

RECOMMENDATIONS

Disbarment

The court recommends that respondent **DENNIS M. ASSURAS**, State Bar number 85874, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

The court also recommends that respondent **DENNIS M. ASSURAS** be again ordered to comply with the requirements of California Rules of Court, rule 9.20 and to perform the acts

specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that **DENNIS M. ASSURAS**, State Bar number 85874, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after service of this decision and order by mail (Rules Proc. of State Bar, rule 5.111(D)).

Dated: June 15, 2015.



LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on June 15, 2015, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

DENNIS M. ASSURAS
12960 CENTRAL AVE STE A
CHINO, CA 91710

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

KIMBERLY ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 15, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court