

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

FEB 18 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

8
9 STATE BAR COURT

10 HEARING DEPARTMENT - SAN FRANCISCO

11
12 In the Matter of:) Case No. 14-O-04098
13 REGINALD VON TERRELL,) NOTICE OF DISCIPLINARY CHARGES
No. 127874,)
14)
15 A Member of the State Bar)

16
17 **NOTICE - FAILURE TO RESPOND!**

18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
THE STATE BAR COURT TRIAL:

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
22 (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;
23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
26 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

27 The State Bar of California alleges:

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COUNT THREE

Case No. 14-O-04098
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

4. On or about May 8, 2014, respondent received \$30,000 into his CTA through wire transfer from Hudson Realty Capital on behalf of respondent's client, Mark Keener. Respondent had agreed to distribute on behalf of Keener the entire sum of \$30,000 out of respondent's CTA to Gloria Williams as a settlement payment on behalf of Keener. Respondent failed to maintain a balance of \$30,000 on behalf of Keener in respondent's CTA, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT FOUR

Case No. 14-O-04098
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

5. On or about March 5, 2014, respondent received \$900 for advanced costs from his client Mark Keener. On or about March 5, 2014, respondent deposited the \$900 into respondent's CTA on behalf of the client. Between on or about March 5, 2014, and March 24, 2014, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$899.03, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 14-O-04098
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

6. On or about May 8, 2014, respondent received into respondent's CTA \$80,000 for distribution to attorney Robert Pollak for Pollak's clients, Alan and Gweneth Brown on behalf of Keener. Respondent had agreed to wire transfer on behalf of Keener the entire sum of \$80,000 out of respondent's CTA to attorney Robert Pollak as a settlement payment on behalf of Keener to Pollak's clients, Alan and Gweneth Brown. Between on or about May 8, 2014, and May 27, 2014, respondent dishonestly or grossly negligently misappropriated for respondent's own

1 purposes \$78,420.03, and thereby committed an act involving moral turpitude, dishonesty or
2 corruption in willful violation of Business and Professions Code, section 6106.

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4 COUNT SIX

5 Case No. 14-O-04098
6 Business and Professions Code, section 6106
7 [Moral Turpitude - Misappropriation]

8 7. On or about May 8, 2014, respondent received into respondent's CTA \$30,000 for
9 distribution to Gloria Williams on behalf of Keener. Respondent had agreed to distribute on
10 behalf of Keener the entire sum of \$30,000 out of respondent's CTA to Gloria Williams as a
11 settlement payment on behalf of Keener. Between on or about May 16, 2014, and June 2, 2014,
12 respondent dishonestly or grossly negligently misappropriated for respondent's own purposes
13 \$9, 995.03, and thereby committed an act involving moral turpitude, dishonesty or corruption in
14 willful violation of Business and Professions Code, section 6106.

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16 COUNT SEVEN

17 Case No. 14-O-04098
18 Business and Professions Code, section 6106
19 [Moral Turpitude - Misrepresentation]

20 8. On or about June 19, 2014, respondent stated to his client, Mark Keener, that the
21 \$80,000 to be paid to Alan and Gweneth Brown was still in respondent's CTA when respondent
22 knew or was grossly negligent in not knowing the statement was false, and thereby committed an
23 act involving moral turpitude, dishonesty or corruption in willful violation of Business and
24 Professions Code, section 6106.

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26 COUNT EIGHT

27 Case No. 14-O-04098
28 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9. Respondent failed to cooperate and participate in a disciplinary investigation pending
against respondent by failing to provide a substantive response to the State Bar's letters of July
31, 2014, and August 19, 2014, which respondent received, that requested respondent's response

1 to the allegations of misconduct being investigated in case no. 14-O-04098, in willful violation
2 of Business and Professions Code, section 6068(i).

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4 **NOTICE - INACTIVE ENROLLMENT!**

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

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14 **NOTICE - COST ASSESSMENT!**

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

20
21 Respectfully submitted,

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

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28 DATED: 2/18/15

By: Sherrie B. McLetchie
Sherrie B. McLetchie
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 14-O-04098

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco.



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 San Francisco, 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 2393 1815 at San Francisco, 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: Reginald Von Terrell, Respondent; Reginald Von Terrell, The Terrell Law Group, PO Box 13315, Oakland, CA 94661; 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 San Francisco, California, on the date shown below.

DATED: February 18, 2015

SIGNED: [Signature]
Meagan McGowan
Declarant