

PUBLIC MATTER

FILED

AUG 25 2015

STATE BAR OF CALIFORNIA  
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STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of: ) Case No. 14-O-04265  
KENNETH CLIFFORD OLSON, ) NOTICE OF DISCIPLINARY CHARGES  
No. 279643, )  
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:





1 addressing whether he received certain pleadings, why he did not comply with  
2 the court's September 27, 2013 order, why he did not serve timely responses  
3 to discovery and how he learned of the hearings on each of the items.

4 H. By failing to comply with the court's order of December 2, 2013, requiring  
5 respondent to file a declaration under penalty of perjury by December 26,  
6 2013, attaching all of the verified responses to discovery and stating whether  
7 his clients have appeared for their depositions;

8 I. By failing to file an opposition to the plaintiff's motion requesting attorney's  
9 fees and for entry of judgment;

10 J. By failing to inform the clients of the February 18, 2014 court order granting  
11 terminating sanctions against them; and

12 K. By failing to inform the clients of the March 24, 2014 court order entering  
13 judgment against them in the amount of \$60,249.28, plus interest.

14 COUNT TWO

15 Case No. 14-O-04265  
16 Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

17 3. Respondent disobeyed or violated an order of the court requiring respondent to do or  
18 forbear an act connected with or in the course of respondent's profession which respondent ought  
19 in good faith to do or forbear by failing to comply with the following orders issued in *Positano*  
20 *Owners Association v. Ernest and Nikki Cheng*, Alameda County Superior Court Case No.  
21 HG13669469, in willful violation of Business and Professions Code, section 6103:

22 A. By failing to obey the court's order of July 18, 2013, requiring respondent to file a  
23 CMC statement;

24 B. By failing to obey the court order of August 2, 2013, requiring respondent to pay  
25 \$100 in sanctions;

26 C. By failing to obey the court order of September 27, 2013, requiring respondent to  
27 serve discovery, have his clients appear for depositions and pay \$6,613 in sanctions;  
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- 1 D. By failing to obey the court order of November 22, 2013, requiring respondent to  
2 deposit jury fees;
- 3 E. By failing to obey the court order of December 2, 2013, requiring respondent to file a  
4 declaration under penalty of perjury by December 3, 2013, addressing whether he  
5 received certain pleadings, why he did not comply with the court's September 27,  
6 2013 order, why he did not serve timely responses to discovery and how he learned of  
7 the hearings on each of the items; and
- 8 F. By failing to obey the court order of December 2, 2013, requiring respondent to file a  
9 declaration by December 26, 2013, attaching all of the verified responses to discovery  
10 and stating whether his clients have appeared for their depositions.

11 COUNT THREE

12 Case No. 14-O-04265  
13 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

14 4. Respondent failed to keep respondent's clients, Ernest and Nikki Cheng,  
15 reasonably informed of significant developments in the matter, *Positano Owners Association v.*  
16 *Ernest and Nikki Cheng*, Alameda County Superior Court Case No. HG13669469, in which  
17 respondent had agreed to provide legal services, in willful violation of Business and Professions  
18 Code, section 6068(m), by failing to inform the client of the following:

- 19 A. By failing to inform the clients that respondent never responded to discovery;
- 20 B. By failing to inform the clients that their depositions were scheduled to go forward on  
21 August 6, 2013;
- 22 C. By failing to inform the clients of the court's September 27, 2013 discovery and  
23 sanctions order;
- 24 D. By failing to inform the clients that their depositions were rescheduled for October  
25 23, 2013;
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- 1 E. By failing to inform the clients of the court's October 18, 2013 order to show cause,  
2 requiring respondent to show cause why he failed to comply with the court's  
3 September 27, 2013 order regarding discovery;
- 4 F. By failing to inform the clients of the court's October 28, 2013 order to show cause,  
5 requiring respondent to show cause why he failed to comply with the court's  
6 September 27, 2013 order regarding his clients' depositions;
- 7 G. By failing to inform the clients of the plaintiff's motion requesting attorney's fees and  
8 for judgment to be entered against them;
- 9 H. By failing to inform the clients that there was a "prove up" hearing scheduled to take  
10 place on February 4, 2014;
- 11 I. By failing to inform the clients of the February 18, 2014 court order granting  
12 terminating sanctions against them; and
- 13 J. By failing to inform the clients of the March 24, 2014 court order entering judgment  
14 against them in the amount of \$60,249.28, plus interest.

15 COUNT FOUR

16 Case No. 14-O-04265  
17 Rules of Professional Conduct, rule 3-700(D)(2)  
18 [Failure to Refund Unearned Fees]

19 5. From on or about February 26, 2013, through on or about December 30, 2013,  
20 respondent received advanced fees of \$3,765 from clients, Ernest and Nikki Cheng, for  
21 representation in *Positano Owners Association v. Ernest and Nikki Cheng*, Alameda County  
22 Superior Court Case No. HG13669469. Respondent failed to perform with competence, failed to  
23 inform the clients of significant events and failed to comply with multiple court orders in  
24 *Positano Owners Association v. Ernest and Nikki Cheng*, Alameda County Superior Court Case  
25 No. HG13669469, and therefore earned none of the advanced fees paid. Respondent failed to  
26 refund promptly, upon respondent's termination of employment on or about March 18, 2014, any  
27 part of the \$3,765 fee to the client, in willful violation of Rules of Professional Conduct, rule  
28 3-700(D)(2).

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COUNT FIVE

Case No. 14-O-04265  
Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

6. Respondent failed to release promptly, after termination of respondent's employment on or about March 18, 2014, to respondent's clients, Ernest and Nikki Cheng, all of the client's papers and property following the client's request for the client's file on March 18, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT SIX

Case No. 14-O-04265  
Rules of Professional Conduct, rule 4-100(A)  
[Failure to Deposit Client Funds in Trust Account]

7. On or about November 25, 2013, respondent received on behalf of respondent's clients, Ernest and Nikki Cheng, \$150 in advanced costs to pay jury fees in *Positano Owners Association v. Ernest and Nikki Cheng*, Alameda County Superior Court Case No. HG13669469. Respondent failed to deposit \$150 in funds received for the benefit of the clients in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation Rules of Professional Conduct, rule 4-100(A).

**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.**

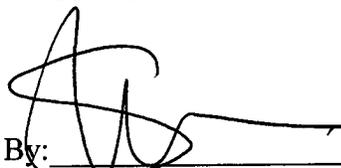
**NOTICE - COST ASSESSMENT!**

**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.**

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Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL



DATED: August 25, 2015

By: \_\_\_\_\_  
SUSAN I. KAGAN  
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-04265

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.: 9414 7266 9904 2011 9758 08 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy via regular mail to:
Kenneth Olson	Olson Law Group 2415 San Ramon Valley Blvd Ste # 4-229 San Ramon, CA 94583	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: August 25, 2015

SIGNED:

Dawn Williams  
Dawn Williams  
Declarant