

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**

**JUN 26 2015**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

) Case No. 14-O-05356

14 RICHARD EUGENE ASHBRAN,  
15 No. 60467,

) NOTICE OF DISCIPLINARY CHARGES

16 A Member of the State Bar

## 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**  
20 **THE STATE BAR COURT TRIAL:**

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

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Richard Eugene Ashbran (“respondent”) was admitted to the practice of law in the  
4 State of California on December 20, 1974, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-5356  
8 Business and Professions Code, section 6106  
9 [Moral Turpitude - Misappropriation]

10 2. Between about August 2008 and May 2009, respondent received on behalf of  
11 respondent’s client, Kemper Auto and Home Insurance Company (the “Client”), settlement  
12 checks from Jim Nowlin in the total amount of \$20,000 (the “Settlement Funds”). Respondent  
13 deposited the Settlement Funds into respondent’s client trust account at Citizens Business Bank,  
14 account #XXXXX2447, on behalf of the Client.<sup>1</sup> Between about September 2008 and June 2009,  
15 respondent dishonestly or grossly negligently misappropriated for respondent’s own purposes  
16 \$19,050 of the Settlement Funds that the Client was entitled to receive, and thereby committed  
17 an act involving moral turpitude, dishonesty or corruption in willful violation of Business and  
18 Professions Code, section 6106.

18 COUNT TWO

19 Case No. 14-O-5356  
20 Rules of Professional Conduct, rule 4-100(A)  
21 [Failure to Maintain Client Funds in Trust Account]

22 3. Between about August 2008 and May 2009, respondent received on behalf of  
23 respondent’s client, Kemper Auto and Home Insurance Company (the “Client”), settlement  
24 checks from Jim Nowlin in the total amount of \$20,000 (the “Settlement Funds”). Respondent  
25 deposited the Settlement Funds into respondent’s client trust account at Citizens Business  
26 Bank, account #XXXXX2447, on behalf of the Client. Of this sum, the Client was entitled to at  
27 least \$20,000. Respondent failed to maintain a balance of \$20,000 on behalf of the Client in

28 <sup>1</sup> The account number of respondent’s client trust account is redacted for privacy considerations in this notice of disciplinary charges.

1 Respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-  
2 100(A).

3 **NOTICE - INACTIVE ENROLLMENT!**

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

12 **NOTICE - COST ASSESSMENT!**

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

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA  
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: 6-26-15

22 By:   
23 Ross Viselman  
24 Deputy 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-05356

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 South 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))

- 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 Los Angeles.

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 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 0870 90 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: Richard Eugene Ashbran, Richard E. Ashbran, A Law Corporation P.O. Box 191 Glendora, CA 91740, 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 Los Angeles, California, on the date shown below.

DATED: June 26, 2015

SIGNED:

Handwritten signature of Jason Peyalta, Declarant.