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FILED

JUN 08 2016

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

8
9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11
12 In the Matter of:) Case No. 14-O-4734
13 DAVID HIERSEKORN,)
No. 237471,) AMENDED NOTICE OF DISCIPLINARY
14) CHARGES
15 A Member of the State Bar)

16 **NOTICE - FAILURE TO RESPOND!**

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
18 **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.**
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
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.

26 The State Bar of California alleges:

27
28 JURISDICTION



1 8. Between June 22, 2012 to May 23, 2013, Respondent, as trustee, disbursed a total of
2 \$42,042.50 for expenses, on behalf of Patricia Davis' estate. As of May 23, 2013, there should
3 have been \$210,834.30 remaining in the client trust account for the benefit of the estate.

4 9. On May 23, 2013, the balance in respondent's client trust account fell to \$625.69.
5 Respondent failed to maintain a balance of \$210,834.30 in the client trust account for the benefit
6 of the estate, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

7 COUNT TWO

8 Case No. 14-O-4734
9 Business and Professions Code, section 6068(a)
[Failure to Comply With Laws]

10 10. Between in or about May 2012 and January 2015, Kathleen Loomis and Loomis'
11 daughters, Rebekah Loomis Corum and Amy Sisk, beneficiaries of Patricia Davis's estate,
12 requested an accounting of the funds respondent, as trustee, was holding for the benefit of the
13 estate on several occasions. Respondent did not provide an accounting to them despite receiving
14 their requests.

15 11. On July 16, 2014 and August 11, 2014, Kathleen Loomis' attorney Stephen Abraham
16 sent letters requesting a complete accounting of Patricia Davis's estate assets. Mr. Abraham
17 followed this correspondence with several emails to respondent between August and September
18 2014. Although he received the requests, respondent did not provide an accounting.

19 12. On December 4, 2014, Kathleen Loomis' subsequent attorney Patrick Walsh sent a
20 letter to respondent requesting a complete accounting of Patricia Davis's estate assets. Although
21 he received the request, respondent did not respond to Mr. Walsh. Respondent failed to render
22 appropriate accounting upon request by a beneficiary regarding trust administration and all funds
23 coming into his possession as trustee as required by Probate Code section 16061, and thereby
24 failed to support the laws of this state in wilful violation of Business and Professions Code
25 section 6068(a).

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COUNT THREE

Case No. 14-O-4734
Business and Professions Code, section 6106
[Moral Turpitude]

13. Between June 22, 2012 and February 28, 2013, respondent received a total of \$252,876.80 as trustee on behalf of the Patricia Davis trust. He placed those funds into his client trust account at JP Morgan Chase Bank, N.A., account no. xxxxx9247.

14. Between June 22, 2012 to May 23, 2013, Respondent, as trustee, disbursed a total of \$42,042.50 for expenses, on behalf of Patricia Davis' estate from the trust funds. As of May 23, 2013, there should have been \$210,834.30 remaining in the client trust account for the benefit of the estate.

15. On May 23, 2013, the balance in respondent's client trust account fell to \$625.69. Respondent dishonestly misappropriated for respondent's own purposes \$210,208.61 in funds that the estate was entitled to receive, and thereby committed an act of moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

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.

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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 CHIEF TRIAL COUNSEL

DATED: June 8, 2016

By: 
MURRAY B. GREENBERG
Senior Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): 14-O-04734

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:

AMENDED 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))**
- 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 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 0744 10 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)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
DAVID ALLEN HIERSEKORN	PRIVATE COUNSEL 170 E. YORBA LINDA BLVD., #435 PLACENTIA, CA 92870-3327	Electronic Address	

- via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

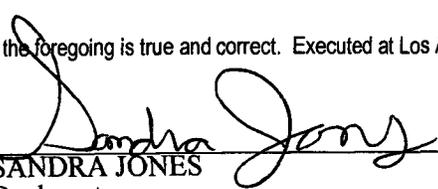
N/A

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 8, 2016

SIGNED: 
SANDRA JONES
Declarant