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Sebastian Rucci (CA Bar No. 178114) (pro se)  
5455 Clarkins Drive  
Austintown, Ohio 44515  
Cell: (330) 720-0398  
Email: SebRucci@gmail.com

**FILED**

**OCT 07 2016**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of: )  
SEBASTIAN RUCCI, ) Case No. 15-C-14668-YDR  
No. 178114, ) RESPONSE TO NOTICE OF  
A Member of the State Bar. ) DISCIPLINARY CHARGES  
Rule P of State Bar, Rule 5.43(C)

**RESPONSE TO NOTICE OF DISCIPLINARY CHARGES**

Respondent Sebastian Rucci in response and opposition to the notice of disciplinary charges states unto this Honorable Court as follows:

- 1. **ADDRESS OF RESPONDENT.**
  - 1.1 The address to which all notices to Respondent in these proceedings should be sent: Sebastian Rucci, 5455 Clarkins Drive, Austintown, Ohio 44515.
  - 1.2 All phone calls to Sebastian Rucci are acceptable at 330-720-0398 and all emails to Sebastian Rucci can be sent to SebRucci@gmail.com.
- 2. **GENERAL DENIAL OF ALLEGATIONS.**
  - 2.1 Respondent admits that he was convicted of violating Ohio Revised Code § 4301.58 (Illegal Sales of Beer or Intoxicating Liquor), a misdemeanor and was convicted of violating Ohio Revised Code 4399.09 (Keeper of Place - Beer or Liquor are Sold Illegally), an unclassified misdemeanor.



1           2.2 Respondent denies all of other allegations in the notice of  
2 disciplinary charges. Respondent specifically denies that a violation of Ohio  
3 Revised Code § 4301.58 is a crime involving moral turpitude.

4           2.3 Respondent denies that a violation of Ohio Revised Code § 4301.58  
5 is analogous to *In re Murphy* (1975) 15 Cal.3d 533 or analogous to *In re Finch*  
6 (1930), 156 Wash. 609, as alleged in the notice of disciplinary charges.

7           2.4 Respondent denies that a violation Ohio Revised Code § 4399.09,  
8 an unclassified misdemeanor, punishable by a fine only, is a crime involving  
9 moral turpitude as alleged in the notice of disciplinary charges.

10       **3. FIRST AFFIRMATIVE DEFENSE: THE APPLICATION OF *IN RE FINCH* OR**  
11 ***IN RE MURPHY* TO THE FACTS IN THIS CASE DOES NOT SUPPORT THAT**  
12 **THE OHIO LIQUOR VIOLATIONS INVOLVE MORAL TURPITUDE.**

13           3.1 The notice of disciplinary charges state that a violation of Ohio  
14 Revised Code § 4301.58 is a misdemeanor involving moral turpitude *analogous*  
15 to *In re Finch* (Wash. 1930), 156 Wash. 609, 287 P. 677. The attorney in *Finch*  
16 was convicted during the prohibition era, of violating a federal statute prohibiting  
17 one from conspiring to import, possess and sell liquor unlawfully. The crime was  
18 punishable “by *imprisonment for a term of not more than five years.*” [*Id.* at  
19 611]. The attorney “was sentenced to imprisonment in the United States  
20 *penitentiary for a term of two years*” on count one and “*sentenced to one year*”  
21 on count two of the indictment. [*Id.* at 610]. The crime for “gain and profit” was  
22 found to involve moral turpitude. [*Id.* at 612].

23           3.2 The eighty-six year old *Finch* decision from the State of Washington  
24 is not analogous to the instant case for a host of reasons. The statute at issue in  
25 *Finch* provided for disbarment for the “conviction of a felony or misdemeanor  
26 involving moral turpitude.” [*In re Finch*, 156 Wash. at 610]. The Washington  
27 statute required a finding of moral turpitude for felonies. [*Id.*] The crime in that  
28 case was a felony punishable by up to five years. [*Id.* at 611]. The attorney was

1 sentenced to “a term of two years” on count one and “one year” on count two. [*Id.*  
2 at 610]. The court also found that the crime was for “gain and profit.” [*Id.* at 612].  
3 The application of *In re Finch* to this case does not support a finding that the  
4 Ohio misdemeanor violations are crimes involving moral turpitude.

5 3.3 The notice of disciplinary charges also states a violation of Ohio  
6 Revised Code § 4301.58 is a misdemeanor involving moral turpitude *analogous*  
7 to *In re Murphy* (1975) 15 Cal 3d 533. The attorney in *Murphy* “was employed”  
8 by a group of doctors as the corporations attorney. [*Id.* at 536]. The attorney had  
9 “shares issued to himself in payment for legal services.” [*Id.* at 536-37]. The  
10 attorney gave a check for \$140,000 to purchase shares “without having sufficient  
11 funds in his account.” [*Id.* at 537]. “Two restraining orders were obtained  
12 against” the attorney prohibiting him from participating as an officer or director  
13 of the corporation, or in any capacity, and the attorney “blatantly ignored” the  
14 restraining orders. [*Id.*] After signing a stipulation to no longer sell insurance  
15 policies for medical malpractice insurance the attorney misrepresented the  
16 demand for the policies and sold shares to at least two shareholders. [*Id.* at 538].

17 3.4 The attorney in *Murphy* secured a permit to sell shares to medical  
18 doctors, dentists, pharmacists, and attorneys. [*In re Murphy*, 15 Cal 3d at 536].  
19 The attorney knowingly sold the shares of stock to nonqualifying purchasers. [*Id.*]  
20 The attorney also “participated directly in the sale of additional shares in  
21 violation of the conditions” of the amended permit. [*Id.* at 537]. The attorney was  
22 convicted of five counts of offering and selling securities in violation of the  
23 conditions of a stock permit issued by the commissioner of corporations. The  
24 statute at issue, Cal. Corp. Code § 25540, provides that willful violation shall  
25 upon conviction be imprisoned for up to five years. The court found that the  
26 attorney’s conduct involved moral turpitude “*in view of his acts of fraud and*  
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1 *deceit* and his repeated disregard of court orders and governing statutes, as well  
2 as the requirements applicable to the sale of shares.” [*Id.* at 539].

3 3.5 The *Murphy* decision is not analogous to the instant case for a host  
4 of reasons. The statute at issue in *Murphy* is a felony the word misdemeanor is  
5 not found anywhere in the *Murphy* decision. Also, the statute violated in *Murphy*  
6 required a finding of actual intent, and the court actually found that the attorneys  
7 actions involved “fraud and deceit.” The violations at issue in *Murphy* where  
8 done while the attorney was practicing law as he was the corporations attorney  
9 and the damage impacted clients and others.

10 3.6 By comparison, the Ohio statute is a strict liability statute and does  
11 not require a finding of intent or fraud. The Ohio liquor violation is a  
12 misdemeanor, not a felony, and the Ohio liquor violations did not involve the  
13 practice of law, and there was no harm to clients. The Ohio violations, unlike  
14 those in *Murphy*, did not occur in the practice of law and did not victimize  
15 clients. If the violation of the Corporate Securities Act at issue in *Murphy* did not  
16 involve clients, accompanied by intent to evade, the would not have implicated  
17 a crime involving moral turpitude. [*In re Hatch* (1937) 10 Cal 2d 147]. The  
18 application of *In re Murphy* to the facts in this case simply does not support a  
19 crime involving moral turpitude.

20 4. **SECOND AFFIRMATIVE DEFENSE: RESPONDENT RELIED ON THE**  
21 **FEDERAL INJUNCTION ENJOINING THE DIVISION OF LIQUOR FROM**  
**REVOKING THE LIQUOR PERMIT UNTIL STATE APPEALS CONCLUDED.**

22 4.1 Sebastian Rucci was co-owner of a bar/restaurant in Austintown  
23 Ohio. Sebastian Rucci supported the losing candidate for county prosecutor. The  
24 elected prosecutor retaliated with revocation of the liquor permit. The corporation  
25 which held the permit, 5455 Clarkins Drive, Inc. (“Clarkins”), filed for injunctive  
26 relief in the U.S. District Court in the Northern District of Ohio to prevent the  
27 revocation of the permit. *5455 Clarkins Drive v. Poole*, Case No. 1:09CV1841.

28

1           4.2    On August 17, 2009 Senior Federal Judge Ann Aldrich issued an  
2 order finding “that procedural deficiencies have prevented Clarkins from  
3 receiving a fair and timely hearing” and that the liquor commission can “postpone  
4 the hearing for any reason whatsoever until an appealing party is run out of  
5 business.” *5455 Clarkins Drive v. Poole*, Case No. 1:09CV1841; N.D. Ohio Aug.  
6 17, 2009, 2009 WL 2567761; 2009 U.S. Dist. Lexis 80456 pg. \*22.

7           4.3    Judge Aldrich recognized that retaliation was at issue and noted that  
8 Clarkins “was arbitrarily targeted” with “a systematic campaign to have Clarkins  
9 shut down.” *5455 Clarkins Dr. v. Poole*, 2009 U.S. Dist. Lexis 80456 pg. \*16.  
10 “There is a high likelihood that [Clarkins] would succeed on the merits on at least  
11 one of its due process claims.” *Id.* pg. \*18. The court issued an injunction  
12 enjoining the revocation of the liquor permit until all state appeals were final. The  
13 order granting the injunction concluded with the following passage:

14           “Terry Poole [the Superintendent of the Division of Liquor Control] and the  
15 officers, employees, agents and representatives of the Division of Liquor  
16 Control are enjoined and restrained from requiring 5455 Clarkins Drive to  
17 surrender its liquor license (Permit No. 2759612), or revoking its operating  
18 privileges, or in any way limiting its rights in such license, until the appeal  
19 is heard and decided by the Commission in his favor or, if the  
20 Commission’s decision is unfavorable to 5455 Clarkins, ***until a  
subsequent appeal has been heard and decided by the appropriate state  
court.***”

21 *5455 Clarkins Drive*, 2009 U.S. Dist. Lexis 80456 pg. \*22.

22           4.4    The court also held that the “adequacy of the state proceedings is of  
23 serious concern to this court.” [*5455 Clarkins Drive*, 2009 U.S. Dist. Lexis 80456  
24 pg. \*14]. “Procedural deficiencies have prevented Clarkins from receiving a fair  
25 and timely hearing” which can be postponed until they are “run out of business.”  
26 [*Id.* pg 17]. Clarkins “would suffer irreparable injury” due to the “state’s failure  
27 to hear its appeal in a timely or predictable manner.” [*Id.* pg. 19].  
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1           4.5    After the injunction issued, the Division of Liquor attempted an end  
2 run around the federal injunction by continuing the non-renewal case (which this  
3 court enjoined) and was pending for five months and instead proceeded to hold  
4 a hearing on newly filed administrative violations, which reached the court of  
5 appeals first and terminated on December 1, 2010. The final appeal of the  
6 renewal case which was enjoined concluded on April 9, 2012. See *5455 Clarkins*  
7 *Drive v. Ohio Liquor Com.*, Ohio App. No. 11-AP-568, 10th Dist 4-09-2012.

8           4.6    The liquor violation charges and filed with the notice of disciplinary  
9 charges and state that on December 12, 2011 an employee “did unlawfully sell,  
10 furnish, or giveaway beer or intoxicating liquor, to wit: 12 Oz bottle of Yuengling  
11 and one shot of Black Haus, without the proper permit issued by the Division of  
12 Liquor Control . . . in violation of Ohio Revised Code § 4301.58.”

13           4.7    At the time of the charges on December 12, 2011, Sebastian Rucci  
14 believed that the federal injunction remained in full force and effect. The final  
15 state appeal concluded four months later on April 9, 2012. See *5455 Clarkins*  
16 *Drive v. Ohio Liquor Commission*, Ohio App. No. 11-AP-568, 10th Dist 4-09-  
17 2012. Sebastian Rucci believed that until April 9, 2012, the “officers, employees,  
18 agents and representatives of the Division of Liquor Control are enjoined and  
19 restrained” from revoking the liquor license. *5455 Clarkins Drive v. Poole*, 2009  
20 U.S. Dist. Lexis 80456 pg. \*22.

21           4.8    The Court of Appeals ruling on the liquor license convictions is on  
22 file with the notice of disciplinary charges and notes the existence of the federal  
23 injunction, but finds that the injunction ended when the first appeal terminated  
24 on September 29, 2010. *State v. Rucci* (Ohio App 2015), 2015-Ohio-1882, ¶ 21.  
25 The Court of Appeals held that the injunction expired based on its own language  
26 and that this preceded the dates of the liquor sales at issue. *Id.*

1           4.9   Four months after the license purportedly terminated as the court of  
2 appeals found, the Division of Liquor on February 1, 2011, renewed the operating  
3 privileges to Clarkins for one more year. Also, nine months after the license  
4 purportedly terminated on September 29, 2010, the state court hearing the appeal  
5 of the non-renewal case on June 30, 2011, granted a “motion for a stay pending  
6 resolution of the appeal.” The stay continued “during the present timely appeal.”

7           4.10 Also, on November 15, 2011, the federal court which issued the  
8 injunction noted in a ruling that “Plaintiffs’ arguments appear to in some manner  
9 allege that the injunction has been violated. If this is Plaintiffs’ true argument, it  
10 is not properly raised through a motion for clarification.” [*5455 Clarkins Drive*  
11 *v. Poole*, Case No. 1:09CV1841; November 15, 2011; Docket No. 80.]

12           4.11 A mere two weeks before the purported December 12, 2011 liquor  
13 license violation, the Federal Court which issued the injunction did not find on  
14 November 15, 2011 that the injunction expired. Sebastian Rucci acted in good  
15 faith in believing that the injunction was still in place on December 12, 2011.

16           4.12 In our system of federalism, the “Laws of the United States . . . shall  
17 be the supreme Law of the Land; and the Judges in every State shall be bound  
18 thereby.” U.S. Const. Art. VI. The revocation of the liquor license was in direct  
19 contempt of the federal injunction. “Persons subject to an injunctive order issued  
20 by a court with jurisdiction are expected to obey that decree until it is modified  
21 or reversed, even if they have proper grounds to object to the order.” [*Celotex*  
22 *Corp. v. Edwards* (1995), 514 U.S. 300, 307]. “An injunction issued by a court  
23 acting within its jurisdiction must be obeyed until the injunction is vacated or  
24 withdrawn.” [*W.R. Grace & Co. v. Local Union 759* (1983), 461 U.S. 757, 766].

25           4.13 The Division of Liquor attempted an end run around the federal  
26 injunction by continuing the non-renewal case that was pending for five months  
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1 and instead proceeded to hold a hearing on newly filed administrative violations,  
2 which reached the court of appeals first.

3 4.14 Sebastian Rucci believed in good faith that the operating privileges  
4 ended when all “legal remedies have concluded.” The case was on appeal until  
5 April 9, 2012, and at the time the violation occurred on December 12, 2011 the  
6 Division of Liquor was “enjoined and restrained” from forcing Clarkins “to  
7 surrender its liquor license” until the conclusion of all appeals.

8 **5. THIRD AFFIRMATIVE DEFENSE: MISDEMEANOR CONVICTION FOR THE**  
9 **SALE OF ALCOHOL WITHOUT PROPER PERMIT COMMITTED IN A**  
10 **NONPROFESSIONAL SETTING DOES NOT INVOLVE A CRIME OF MORAL**  
11 **TURPITUDE.**

12 5.1 “Conviction of a felony or misdemeanor, involving moral turpitude,  
13 constitutes a cause for disbarment or suspension.” Cal. Bus. & Prof. Code §  
14 6101(a). Not all misdemeanors are grounds for discipline, only misdemeanor  
15 convictions “involving moral turpitude” are grounds for discipline. The  
16 California Supreme Court has a long history of protecting professional licenses  
17 from meritless claims of moral turpitude.

18 5.2 In *Lorenz v. Board of Medical Examiners* (1956) 46 Cal. 2d 684, the  
19 California Supreme Court found no moral turpitude and reversed the suspension  
20 of a medical license for a misdemeanor conviction for “furnishing of intoxicating  
21 liquor” to a minor. [*Id.* at 686]. The Supreme Court explained the moral turpitude  
22 necessary for suspending or revoking a license in the following passage:

23 “Moral turpitude must be inherent in the crime itself to warrant  
24 cancellation or suspension of a license because of a conviction. Moral  
25 turpitude is not inherent in the crime itself unless a conviction in every  
26 case would evidence bad moral character. Only if the minimum elements  
27 for a conviction necessarily involve moral turpitude and a conviction  
28 cannot be had without proof of facts showing moral turpitude, can the  
conviction be held to be of an offense involving moral turpitude.”

1 *Lorenz*, 46 Cal. 2d at pp. 686-687 (citations omitted). Accord, *In re Lesansky*  
2 (2001) 25 Cal. 4th 11, 16 (an offense necessarily involves moral turpitude if the  
3 conviction would in every case evidence bad moral character).

4 5.3 Courts cases from Georgia, Pennsylvania, Alabama and New York  
5 note that violation of state liquor laws do not implicate moral turpitude. The  
6 “unlawful sale of intoxicating liquors is not a crime involving moral turpitude.”  
7 [*Hutto v. Rowland* (Ga. 1970), 226 Ga. 889, 891, 178 S.E.2d 180]. “The selling  
8 of moonshine liquor is not a crime involving moral turpitude.” [*United States v.*  
9 *Haynes* (D. Pa. 1948), 81 F. Supp. 63, 69]. “A violation of the laws relative to  
10 prohibited beverages and their manufacture does not involve moral turpitude.”  
11 [*Bryant v. State* (Ala. Ct. App. 1948), 33 Ala. App. 346, 348, 33 So. 2d 402].  
12 “Selling intoxicating liquor is not, under the Federal law, a crime involving moral  
13 turpitude.” [*People v. Cook* (N.Y. App. 1927), 220 A.D. 110, 112].

14 5.4 In *In re Fahey* (1973), 8 Cal.3d 842, the California Supreme Court  
15 addressed whether an attorney’s conviction for willful failure to file tax returns  
16 in three years constituted moral turpitude crimes rendering him subject to  
17 discipline by the State Bar. The court concluded in the negative, finding that  
18 moral turpitude crimes either involve moral turpitude on their face or based on  
19 circumstances of the conviction, neither of which were present:

20 Conviction of some crimes establishes moral turpitude on its face. These  
21 include crimes that necessarily involve an intent to defraud or intentional  
22 dishonesty for the purpose of personal gain. They may also include  
23 particular crimes that are extremely repugnant to accepted moral standards  
such as murder or serious sexual offenses.

24 There are other crimes the commission of which may or may not involve  
25 moral turpitude; conviction of these is not ground for discipline without  
26 additional proof of circumstances surrounding the offense \*\*\*

1 As shown by the opinion affirming respondent's conviction on appeal, his  
2 conviction was not based on, and did not require, any intent to defraud, but  
3 rested on a finding of a "bad purpose" inferred from his voluntary,  
4 deliberate failure to file the returns with knowledge that there was no  
5 reasonable justification for his not doing so. Such a conviction does not  
6 establish moral turpitude on its face. Thus respondent is subject to  
7 discipline only if his moral turpitude is established by special  
8 circumstances that are not necessarily present whenever the offense is  
9 committed."

10 *In re Fahey*, 8 Cal.3d at 849-50 (citations omitted).

11 5.5 If the licensee in *Fahey* was not guilty of moral turpitude in failing  
12 to file tax returns in three separate years, or the licensee in *Lorenz* who offered  
13 alcohol to a minor did not reach the level of moral turpitude as a matter of law,  
14 surely no moral turpitude can be found in the present case for the misdemeanor  
15 convictions for the sale of alcohol without a proper permit committed in a  
16 nonprofessional setting. The lack of moral turpitude is further supported by the  
17 fact that wrongful intent is not required for a conviction under the Ohio statute.

18 **6. FOURTH AFFIRMATIVE DEFENSE: THE CHARGES ARE INSUFFICIENT  
19 BECAUSE MORAL TURPITUDE IS NOT INHERENT IN THE STRICT  
20 LIABILITY VIOLATIONS OF OHIO'S LIQUOR LAWS.**

21 6.1 Ohio Revised Code § 4301.58(B) states: "No person, by himself or  
22 by his clerk, agent, or employee, who is not the holder of a . . . permit issued by  
23 the division, in force at the time, and authorizing the sale of beer, intoxicating  
24 liquor, or alcohol, . . . shall sell, keep, or possess beer, intoxicating liquor, or  
25 alcohol for sale to any persons . . ."

26 6.2 Ohio Revised Code § 4301.58 "does not specify any degree of  
27 culpability, but merely proscribes the act of selling alcoholic beverages without  
28 a license." *State v. Jones* (Ohio App., 1998), 1998 WL 254946; 1998 Ohio App.

1 Lexis 2198, \*4. “[T]he language in the statute plainly indicates a purpose to  
2 impose strict criminal liability.” *Id.* at \*5.

3 6.3 A violation of Ohio Revised Code § 4301.58 does not require proof  
4 of guilty knowledge or intent. The violations at issue are *strict liability*  
5 *misdemeanors* and have nothing whatever to do with honesty or truthfulness.  
6 Revocation of a professional license upon a finding of moral turpitude as to strict  
7 liability misdemeanor violations of a liquor license is unprecedented in the case  
8 law. *See Lorenz* (moral turpitude not involved in providing alcohol to a minor).

9 6.4 Ohio Revised Code § 4399.09(A) states: “No person shall keep a  
10 place where beer or intoxicating liquors are sold, furnished, or given away in  
11 violation of law.” Ohio Rev Code § 4399.99(B) states: “Whoever violates section  
12 4399.09 of the Revised Code shall be fined not less than one hundred nor more  
13 than five hundred dollars on a first offense and shall be fined not less than two  
14 hundred nor more than five hundred dollars on each subsequent offense.” A  
15 violation of Ohio Rev Code § 4399.09 is governed solely by the penalty  
16 provisions of § 4399.99 which impose mandatory fines. [*Cleveland v. Scott*  
17 (1983), 8 Ohio App. 3d 358, 457 N.E.2d 351].

18 6.5 “The right to practice one’s profession is sufficiently precious to  
19 surround it with a panoply of legal protection’ and terms such as ‘immoral,’  
20 ‘unprofessional,’ and ‘moral turpitude’ constitute only lingual abstractions until  
21 applied to a specific occupation and given content by reference to fitness for the  
22 performance of that vocation.” [*In re Johnson* (1992) 1 Cal. 4th 689, 698]. “The  
23 state’s power to regulate a profession cannot be used arbitrarily to penalize  
24 conduct having no demonstrable bearing upon fitness for its practice.”  
25 [*Cartwright v. Board Chiropractic Examiners* (1976), 16 Cal. 3d 762, 767].

26 6.6 The record of conviction of the crime is “conclusive evidence” of the  
27 fact that the conviction occurred, but only of that fact, not any other fact. Cal.  
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1 Bus. & Prof. Code § 6101(a). The California Supreme Court specifically held in  
2 *Fahey* as follows:

3 “The record shows no intent on his part to avoid ultimately filing his return  
4 or paying his taxes with penalties and interest. He is not shown to have  
5 falsified records, made deceptive statements to revenue agents, testified  
6 untruthfully, or committed any other act of dishonesty. There is no  
7 showing that his income tax delinquencies or his accompanying state of  
mind impaired his performance of professional duties to his clients in an  
honest and faithful manner.”

8 *In re Fahey, supra*, 8 Cal. 3d at pp. 851-52.

9 6.7 The violations at issue are *strict liability misdemeanors* and have  
10 nothing whatever to do with honesty or truthfulness. The violations at issue do  
11 not involve moral turpitude as a matter of law. The bare conviction for violating  
12 the Ohio liquor laws at issue does not provide a substantial relationship between  
13 the liquor violations and Sebastian Rucci’s qualifications as an attorney. The  
14 relationship between the violation and the practice of law is totally lacking and  
15 does not warrant revocation for strict liability misdemeanors conviction at issue.

16 6.8 Sebastian Rucci was convicted of selling liquor (a bottle of beer and  
17 a shot of liquor) without a proper permit. The crime did not occur in the practice  
18 of law and did not victimize a client. The misdemeanor convictions committed  
19 in a nonprofessional involving the sale of alcohol without a proper permit do not  
20 involve a crime of moral turpitude on their face. The strict liability misdemeanor  
21 convictions do not involve intent to defraud or intentional dishonesty for the  
22 purpose of personal gain as elements of the crime. Also, the misdemeanor  
23 convictions are not in the class of crimes which are extremely repugnant to  
24 accepted moral standards such as murder or serious sexual offenses.

25 6.9 The allegations of the notice of disciplinary charges are insufficient  
26 to charge professional misconduct because the Ohio violation did not occur in the  
27 practice of law and did not victimize a client. Also, Sebastian Rucci believed in  
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1 good faith that the injunction remained in full force and effect on December 2,  
2 2011 when the charges were filed. Sebastian Rucci believed that until April 9,  
3 2012, the “officers, employees, agents and representatives of the Division of  
4 Liquor Control are enjoined and restrained” from revoking the liquor license.  
5 *5455 Clarkins Drive v. Poole*, 2009 U.S. Dist. Lexis 80456 pg. \*22.

6 **7. EXTENUATING AND MITIGATING CIRCUMSTANCES.**

7 7.1 In the event Sebastian Rucci is found culpable of unprofessional  
8 conduct as charged in the notice of disciplinary charges, Respondent respectfully  
9 submits the following facts in mitigation without admitting that such charges are  
10 true or that the facts alleged therein constitute professional misconduct.

11 7.2 Sebastian Rucci has practiced law for over twenty years, since 1995,  
12 without any prior charges of misconduct or prior disciplinary record. He has  
13 successfully endeavored to maintain a high level of respect and an excellent  
14 reputation among fellow attorneys and the courts for honesty, integrity, and  
15 professional competence in diligently and vigorously representing his clients.

16 7.3 Sebastian Rucci purchased the hotel and attached bar/restaurant and  
17 named the hotel the California Palms Hotel ([www.CaliforniaPalmsHotel.com](http://www.CaliforniaPalmsHotel.com)).  
18 The Ohio Division of Liquor issued a liquor license for the bar/restaurant, and the  
19 newly renovated hotel is now a popular hotel offering live music every weekend.

20 WHEREFORE, Respondent prays that the Hearing Panel find that the acts  
21 charged did not constitute professional misconduct or, if misconduct is found,  
22 that it be excused by virtue of the mitigating circumstances submitted.

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24 Respectfully submitted,

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26 Date: October 7, 2016



27 Sebastian Rucci (CA Bar No. 178114) (pro se)

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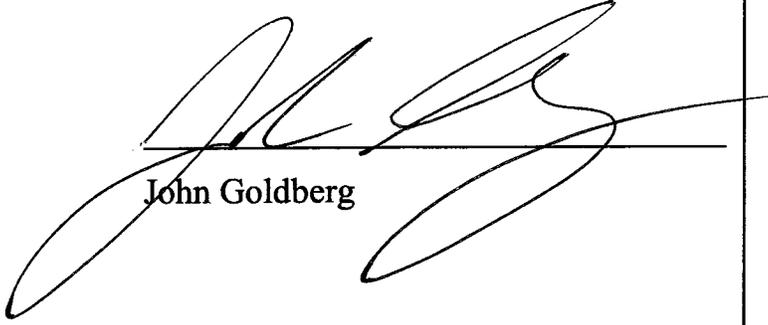
STATE OF CALIFORNIA     }  
COUNTY OF ORANGE       } SS.

I John Goldberg, declare that on October 7, 2016, I served the foregoing document on the State Bar of California in this action by personal delivery to the following address:

STATE BAR OF CALIFORNIA  
Nina Sarraf-Yazdi, No 278877  
845 South Figueroa Street  
Los Angeles, California 90017-2515

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 7, 2016 at Huntington Beach, California.



John Goldberg