



PUBLIC MATTER

FILED

OCT 20 2016

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

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## STATE BAR COURT

## HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of: ) Case No.: 15-O-10021  
ILIJIA CVETICH, )  
No. 133534, ) NOTICE OF DISCIPLINARY CHARGES  
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:

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1 committing acts of moral turpitude, dishonesty or corruption in willful violation of Business and  
2 Professions Code, section 6106.

3 COUNT FOUR

4 Case No. 15-O-10021

Business and Professions Code, section 6106

5 [Moral Turpitude-Forgery]

6 5. On or about February 22, 2013, respondent forged his client's signature on a  
7 settlement check made payable to Robert Boettner in the amount of \$5,232.42 when respondent  
8 knew that the client did not give him authority to sign his name, thereby committing an act of  
9 dishonesty in willful violation of Business and Professions Code, section 6106.

10 COUNT FIVE

Case No. 15-O-10021

11 Rules of Professional Conduct, rule 4-100(B)(1)

[Failure to Notify of Receipt of Client Funds]

12 6. On or about February 12, 2013 and on or about February 13, 2013, respondent  
13 received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite  
14 made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in  
15 the sum of \$5,242.80 respectively. Respondent failed to notify the client of respondent's receipt  
16 of funds on the client's behalf in willful violation of Rules of Professional Conduct, rule 4-  
17 100(B)(1).

18 COUNT SIX

19 Case No. 15-O-10021

Rules of Professional Conduct, rule 4-100(B)(4)

20 [Failure to Pay Client Funds Promptly]

21 7. On or about February 12, 2013 and on or about February 13, 2013, respondent  
22 received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite  
23 made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in  
24 the sum of \$5,242.80 respectively. Of this sum, the client was entitled to \$10,475.22. Respondent  
25 failed to pay any portion of the \$10,475.22 until December 13, 2013, in willful violation of Rules  
26 of Professional Conduct, rule 4-100(B)(4).

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COUNT SEVEN

Case No. 15-O-10021

Rules of Professional Conduct, rule 4-100(A)  
[Failure to Maintain Client Funds in Trust Account]

8. On or about February 12, 2013 and on or about February 13, 2013, respondent received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in the sum of \$5,242.80 respectively. Of this sum, the client was entitled to \$10,475.22. On or about February 22, 2013, respondent deposited the two checks totaling \$10,475.22 into respondent's client trust account at Wells Fargo Bank, account number XXXXXX2810<sup>1</sup> on behalf of the client. Of this sum, the client was entitled to \$10,475.22. Respondent failed to maintain a balance of \$10,475.22 on behalf of the client in respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT EIGHT

Case No. 15-O-10021

Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

9. On or about February 12, 2013 and on or about February 13, 2013, respondent received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in the sum of \$5,242.80 respectively. Of this sum, the client was entitled to \$10,475.22. On or about February 22, 2013, respondent deposited the two checks totaling \$10,475.22 into respondent's client trust account at Wells Fargo Bank, account number XXXXXX2810 on behalf of the client. Between on or about February 25, 2013 and April 9, 2013, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$10,474.22 that respondent's client was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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<sup>1</sup> The complete account number is redacted for privacy purposes.

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**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.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: October 20, 2016

By: 

Erica L. M. Dennings  
Senior Trial Counsel

# DECLARATION OF SERVICE

by  
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER: 15-O-10021

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") Next Day Air / Worldwide Express.



**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 2042 4870 35** 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 to:
Ilija Cvetich	Law Office of Ilija Cvetich 3465 American River Dr., Ste. B Sacramento, CA 95864-5747	Electronic Address <a href="mailto:ilijacvetichlaw@sbcglobal.net">ilijacvetichlaw@sbcglobal.net</a>	

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

N/A

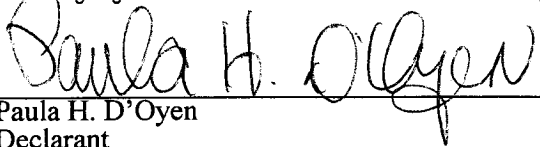
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence 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: October 20, 2016

SIGNED:

  
Paula H. D'Oyen  
Declarant