

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
5 MIA R. ELLIS, No. 228235
SUPERVISING SENIOR TRIAL COUNSEL
6 ELI D. MORGENSTERN, No. 190560
SENIOR TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1334

FILED

AUG 28 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11
12 In the Matter of:) Case No. 15-O-10045
13 JOHN KENNETH SAUR,)
No. 64558,) NOTICE OF DISCIPLINARY CHARGES
14)
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**
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. John Kenneth Saur ("respondent") was admitted to the practice of law in the State of
4 California on June 27, 1975, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-10045
8 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

9 2. On or about March 13, 2012, respondent received on behalf of respondent's clients,
10 Kit and Sandra Clawson (collectively, "the Clawsons"), two settlement checks from 21st Century
11 Insurance Co. in the total sum of \$43,006.98: (i) a check in the sum of \$32,254.27 made payable
12 to respondent and Ms. Clawson; and (ii) a check in the sum of \$10,752.71 made payable to
13 respondent and Mr. Clawson. On or about March 19, 2012, respondent deposited the two checks
14 into respondent's client trust account at First Bank, account no. xxxxx15185,¹ on behalf of the
15 Clawsons, his clients. Of the \$43,006.98, the Clawsons were entitled to \$22,173.98. Respondent
16 failed to maintain a balance of \$22,173.98 on behalf of the Clawsons in respondent's client trust
17 account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

18 COUNT TWO

19 Case No. 15-O-10045
20 Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

21 3. On or about March 13, 2012, respondent received on behalf of respondent's clients,
22 Kit and Sandra Clawson (collectively, "the Clawsons"), two settlement checks from 21st Century
23 Insurance Co. in the total sum of \$43,006.98: (i) a check in the sum of \$32,254.27 made payable
24 to respondent and Ms. Clawson; and (ii) a check in the sum of \$10,752.71 made payable to
25 respondent and Mr. Clawson. On or about March 19, 2012, respondent deposited the two checks
26 into respondent's client trust account at First Bank, account no. xxxxx15185,² on behalf of the

27 ¹ The full account number is omitted for privacy reasons.

28 ² The full account number is omitted for privacy reasons.

1 Clawsons, his clients. Of the \$43,006.98 , the Clawsons were entitled to \$22,173.98. On or
2 about June 19, 2012, before respondent had disbursed any funds to, or on behalf of the Clawsons,
3 the balance in respondent's client trust account fell to \$603.99. Respondent dishonestly or
4 grossly negligently misappropriated for respondent's own purposes \$21,569.99 (\$22,173.98-
5 \$603.99) that the Clawsons, respondent's clients, were entitled to receive, and thereby committed
6 an act involving moral turpitude, dishonesty or corruption in willful violation of Business and
7 Professions Code, section 6106.

8 COUNT THREE

9 Case No. 15-O-10045
10 Rules of Professional Conduct, rule 4-100(B)(4)
[Failure to Pay Client Funds Promptly]

11 4. On or about March 13, 2012, respondent received on behalf of respondent's clients,
12 Kit and Sandra Clawson (collectively, "the Clawsons"), two settlement checks from 21st Century
13 Insurance Co. in the total sum of \$43,006.98: (i) a check in the sum of \$32,254.27 made payable
14 to respondent and Ms. Clawson; and (ii) a check in the sum of \$10,752.71 made payable to
15 respondent and Mr. Clawson. On or about March 19, 2012, respondent deposited the two checks
16 into respondent's client trust account at First Bank, account no. xxxxx15185,³ on behalf of the
17 Clawsons, his clients. Of the \$43,006.98, the Clawsons were entitled to \$22,173.98. Between
18 on or about March 13, 2012 and on or about July 18, 2013, Ms. Clawson requested that
19 respondent pay the Clawsons their share of their settlement funds, i.e., \$22,173.98. Between on
20 or about July 18, 2013, and on or about January 26, 2015, respondent made payments to Ms.
21 Clawson totaling \$13,250. To date, respondent has failed to pay promptly, as requested by
22 Ms. Clawson, any further portion of Ms. Clawson's settlement funds in respondent's possession,
23 in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

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28 ³ The full account number is omitted for privacy reasons.

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COUNT FOUR

Case No. 15-O-10045
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

5. On or about July 2, 2013, respondent stated in writing to Sandra Clawson, his client, that he was holding her settlement funds due to a dispute between Medicare and Humana when respondent knew or was grossly negligent in not knowing that the statement was false, because at that time there was no dispute between Medicare and Humana and respondent was not holding any funds on behalf of Ms. Clawson, thereby committing an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

NOTICE - INACTIVE ENROLLMENT!

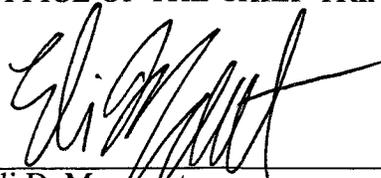
YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR.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

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 THE CHIEF TRIAL COUNSEL



DATED: August 28, 2015

By: _____
Eli D. Morgenstern
Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 15-O-10045

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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6) to:

- (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 0687 23 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 via US Mail to:
Row 1: John Kenneth Saur, Law Office of John K Saur, 28241 Crown Valley Pkwy Ste F323, Laguna Niguel, CA 92677, CC via electronic address:

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

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).

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: August 28, 2015

SIGNED: [Signature] Ana Botosaru-Nercessian Declarant