

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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FILED

SEP. 23 2015

STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

## STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 15-O-10091  
 14 CHARLES XAVIER DELGADO, )  
 No. 51919, ) NOTICE OF DISCIPLINARY CHARGES  
 15 )  
 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  
 THE STATE BAR COURT TRIAL:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;  
 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
 WILL NOT BE PERMITTED TO PRACTICE LAW;  
 22 (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;  
 23 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
 24 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
 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.,  
 26 RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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COUNT THREE

Case No. 15-O-10091  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

4. On or about May 13, 2013, Respondent received on behalf of Respondent's client, Stephanie Pina ("Pina"), Hertz Claim Management made payable to Respondent and Pina in the sum of \$15,000. On or about May 13, 2013, Respondent deposited the \$15,000 into Respondent's client trust account at Bank of America, #xxxxxxx1711, on behalf of the client. Between on or about May 13, 2013 and May 28, 2013, Respondent dishonestly or grossly negligently misappropriated for Respondent's own purposes \$1,670.94 that Pina 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.

COUNT FOUR

Case No. 15-O-10091  
Business and Professions Code, section 6068(m)  
[Failure to Respond to Client Inquiries]

5. Respondent failed to respond promptly to client, Stephanie Pina's ("Pina") multiple telephonic reasonable status inquiries made by Respondent's client, Stephanie Pina ("Pina"), between May 13, 2013 and April 2015 that Respondent received in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT FIVE

Case No. 15-O-10091  
Rules of Professional Conduct, rule 4-100(A)  
[Commingling - Payment of Personal Expenses from Client Trust Account]

6. On or about August 9, 2013, Respondent issued check no. 1437 to Zelda Gomez in the amount of \$339 from funds in Respondent's client trust accountant Bank of America, #xxxxxxx1711, for the payment of personal expenses, in willful violation of Rules of Professional Conduct, rule 4-100(A).

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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: September 23, 2015

By:   
\_\_\_\_\_  
William Todd  
Senior Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 15-O-10091**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, **Article No.: 9414, 7266 9904 2010 0825 38**, at Los Angeles, on the date shown below, addressed to:

Charles Xavier Delgado  
Law Office of Charles X Delgado  
39252 Winchester Rd  
Ste 107-296  
Murrieta, CA 92563

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: September 23, 2015

Signed:   
\_\_\_\_\_  
Laura Jett  
Declarant