

1 FLORITO L. CARUNUNGAN.
2 17300 Norwalk Blvd.,
3 Cerritos, CA 90703
4 Telephone: (562) 924-7733
5

FILED

NOV 10 2015

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

6 STATE BAR COURT
7 HEARING DEPARTMENT - LOS ANGELES

8 In the Matter of) Case No. 15-O-10266-WKM
9)
10 FLORITO LONTOC CARUNUNGAN) Response to the Motion for Entry of Default
11 No. 216117) And Answer to the Disciplinary Charges
12)
13 A Member of the State Bar.)
14)
15)

16 It is respectfully requested that the Motion for the Entry of Default be denied for the
17 following reasons:

- 18 1. Respondent was out of the country when the said incident occurred. I was in the
19 Philippines taking care of some personal matters. Please see **Exhibit 1** showing
20 the stamp on my Passport that I arrived in the Philippines on August 27, 2014.
- 21 2. I immediately took measures to correct the overdraft in the Trust Account that
22 occurred 9/9/2014, and instructed my staff to make a deposit to cover for the
23 deficiency in the account. See attached statement from Bank of America dated
24 October 3, 2014 covering the month ending September 30, 2014, which reflect a
25 positive balance in the account. The amount for \$1490 was for a client's
26 immigration case with the United States Citizenship and Immigration Services
27 (USCIS). The amount would cover the fees for client's Form I-130 fees for \$420
28 and Form I-485 for \$1070 for an Adjustment of Status case. Client's case was
timely filed and USCIS tried to encash the check on September 9, 2104, probably a
week after it was filed. Unfortunately, the office staff failed to follow my
instructions to deposit a check for \$480 dated August 31, 2014 to that same



1 account. That staff is no longer with the office but, I FOUND and have the actual
2 UNCASHED original check, a copy of which is attached. **Exhibit 2.** If this
3 check for \$480.00 was DEPOSITED by staff as instructed, it was more than
4 enough to cover the **\$392.15** that the bank said the account was overdrawn for.
5 **Exhibit 3.** This proves that the incident was an oversight and was purely
6 unintentional.

- 7
- 8 3. I sincerely apologize to the State Bar for this incident. I respectfully submit that this
9 unfortunate incident was NOT at all intentional, nor was there any intent on my
10 part to misuse or misappropriate the funds of my clients. I have initiated changes
11 to my immigration practice so as to prevent this from happening again. We have
12 required our clients to pay for their USCIS fees with their own checks or use
13 money orders payable DIRECTLY to USCIS so as to avoid this kind of occurrence
14 from happening again.
- 15 4. Furthermore, my non response to the State Bar notices was not to disrespect or
16 ignore the State Bar but was rather due to my circumstances at that time. I was out
17 of the country for an extended period of time, and was not aware of the ongoing
18 investigation. The same staff whom I instructed to deposit the check was receiving
19 the phone calls and our office mail, but was not relaying any information to me
20 probably because she felt guilty and scared because of her shortcoming about the
21 check. I last arrived in the US on September 28, 2015, and it took some time for
22 me to piece things together to become fully aware of the situation, and find out
23 exactly what happened because the incident had occurred over a year ago already.
24 After that, I have contacted Trial Counsel Drew Massey a couple of times to find
25 out what I need to do given the case at hand.
- 26 5. I sincerely hope that State Bar would consider all the circumstances and not
27 unduly and severely punish me given the clearly and purely unintentional nature of
28 the incident. I sincerely and respectfully hope that the State Bar would let me
continue my immigration law practice so that I could continue to serve the
immigrant community in California

Respectfully submitted,

DATED:

11/10/15


Florito Lontoc Carunungan

Exhibit 1

Exhibit 2



Bank of America

BANK OF AMERICA, N.A.
P.O. BOX 830175 ACCT ANALYSIS
DALLAS, TX 75283-0175

H

ANALYSIS STATEMENT

Member FDIC

0031983

WZ 0000 000 960 024858 #001 AT 0.406
LAW OFFICES OF FLORITO L CARUNGAN
16933 STOWERS AVE
CERRITOS CA 90703-1417

[REDACTED] 01 0016 6410 3071
BANK AND COST CENTER NUMBER 318 3191109
[REDACTED]
MONTHLY SETTLEMENT 09-30-14
SETTLEMENT & ACCOUNT TYPE DEBIT 551
OFFICER NUMBER
PAGE 1 OF 1

CUSTOMER SERVICE: 1.888.852.5000

BALANCE SUMMARY

AVG POSITIVE LEDGER BALANCE	\$	436.09
<hr/>		
AVG LEDGER BALANCE		148.51
LESS AVG FLOAT		.00
<hr/>		
AVG COLLECTED BALANCE		148.51
AVG NEGATIVE COLL BALANCE		287.57
<hr/>		
AVG POSITIVE COLL BALANCE		436.09
LESS RESERVES 00%		.00
<hr/>		
AVAIL BAL FOR INVESTMENT INT		436.09
AVAILABLE BALANCE REQUIRED		.00

EARNINGS CREDIT SUMMARY

NET AVAILABLE BALANCE	\$	436.09
INTEREST ON AVAILABLE BALANCE		.03
EXCESS ALLOWANCE		.03
<hr/>		
TOTAL INTEREST PAID		.03

ACCOUNT# 318 0016 6430 0420 WILL BE
CREDITED FOR INTEREST.

CURRENT MONTH'S EARNINGS CREDIT RATE = 0.10%		CURRENT MONTH'S MULTIPLE = \$12,166.78		
SERVICE	NUMBER OF UNITS	UNIT PRICE	SERVICE CHARGE	BALANCE REQUIRED
DEPOSITORY SERVICES ACCOUNT MAINTENANCE	1	.0000	.00	0.00
TOTAL SERVICE CHARGES			.00	0.00

THIS ACCOUNT IS CREDITED FOR INTEREST

Exhibit 3



FARMERS
INSURANCE

62-20
311

P O Box 2959
Shawnee MS, KS 66201

CHECK NOT GOOD AFTER SIX MONTHS
No. 0970905914

DATE: 08-31-2014

PAY

\$480.31

Represents
Refund on

Billing Account Number G459197056

* *****Four Hundred Eighty and 31/100 DOLLARS

TO THE ORDER OF

FARMERS INSURANCE GROUP OF COMPANIES REFUND ACCOUNT

~~Florida Carundagan~~

CITIBANK DELAWARE - A SUBSIDIARY OF CITICORP ONE PENNS WAY, NEW CASTLE, DE 19720

⑈0970905914⑈

⑈031100209⑈

38641962⑈

85059101

26-5059 4-09

Account Name: LAW OFFICES OF FLORITO L CARUNUNGAN
Account Number: xxxxxxxx3071

According to our records, your Bank of America account has been overdrawn since [REDACTED] the overdrawn balance [REDACTED]. Please check your account and pay the amount needed to bring your account balance above zero immediately.

Actions you can take

To bring your account balance above zero, you can:

- Go to Online Banking and transfer money between accounts
- Visit a nearby banking center or ATM and deposit money into your account
- Mail a check or money order with your deposit slip to the following address:
Bank of America, P.O. Box 105576, GA4-004-01-52, Atlanta, GA 30348-5576

What happens if you don't take action

If you don't deposit enough money to bring your account balance above zero, we may transfer money from your other deposit account(s). Or, unfortunately, we may close your account.

Important Notice: If you believe you received this notice in error or, if you can't make a deposit at this time, please call us at 1.800.432.1000 and we can discuss how to resolve this issue. Or, have your attorney call us if you filed for bankruptcy and this account is part of your pre-petition debt, as the above actions do not apply.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): FLORITO L CARUNUNGAN 17300 NORWALK BLVD. CERRITOS CA 90703 TELEPHONE NO.: 562- 924 -7733 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
STREET ADDRESS: 845 SOUTH FIGUEROA STREET, MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGES CA 90017 BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: FLORITO LONTOC CARUNUNGAN	CASE NUMBER: 15- O - 10266 - WKM
<p style="text-align: center;">PROOF OF SERVICE—CIVIL</p> <p>Check method of service (only one):</p> <input checked="" type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	
JUDGE: DEPT.:	

(Do not use this proof of service to show service of a Summons and complaint.)

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is:
17300 NORWALK BLVD. CERRITOS CA 90703
3. The fax number or electronic service address from which I served the documents is *(complete if service was by fax or electronic service):*
4. On *(date):* **11/ 10/ 2015** I served the following **documents (specify):**

Response to Motion for Entry of Default and Answer to the Disciplinary Charges

The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).

5. I served the documents on the **person or persons** below, as follows:

- a. Name of person served: **DREW MASSEY**
- b. *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*

Business or residential address where person was served:
845 South Figueroa Street, Los Angeles, CA 90017

- c. *(Complete if service was by fax or electronic service.)*
 (1) Fax number or electronic service address where person was served:

(2) Time of service:

The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).

6. The documents were served by the following means *(specify):*

- a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

