

# PUBLIC MATTER

**FILED**

**DEC 08 2015**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
 OFFICE OF CHIEF TRIAL COUNSEL  
 2 JAYNE KIM, No. 174614  
 CHIEF TRIAL COUNSEL  
 3 JOSEPH R. CARLUCCI, No. 172309  
 DEPUTY CHIEF TRIAL COUNSEL  
 4 MIA R. ELLIS, No. 228235  
 ACTING ASSISTANT CHIEF TRIAL COUNSEL  
 5 BROOKE A. SCHAFER, No. 194824  
 SUPERVISING SENIOR TRIAL COUNSEL  
 6 ANN J. KIM, No. 259222  
 DEPUTY TRIAL COUNSEL  
 7 845 South Figueroa Street  
 Los Angeles, California 90017-2515  
 8 Telephone: (213) 765-1230

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 15-O-10784  
 14 DENNIS GERALD GESELOWITZ, )  
 No. 85907, ) NOTICE OF DISCIPLINARY CHARGES  
 15 )  
 16 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.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Dennis Gerald Geselowitz ("respondent") was admitted to the practice of law in the  
4 State of California on May 31, 1979, 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-10784  
8 Rules of Professional Conduct, rule 3-110(A)  
9 [Failure to Perform with Competence]

10 2. On or about August 4, 2010, Fernando Ruiz employed respondent to perform legal  
11 services, namely settlement of an automobile accident personal injury matter, which respondent  
12 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of  
13 Rules of Professional Conduct, rule 3-110(A), by the following:

- 14 a. Failing to promptly negotiate medical liens:
  - 15 i. \$5,105.00 for U.S. Care Chiropractic Center;
  - 16 ii. \$26,197.00 for UC Irvine Medical Center;
- 17 b. Failing to supervise office staff in the closure of an active file; and
- 18 c. Failing to supervise office staff in transferring settlement funds out of the client  
19 trust account.

20 COUNT TWO

21 Case No. 15-O-10784  
22 Rules of Professional Conduct, rule 4-100(A)  
23 [Failure to Maintain Client Funds in Trust Account]

24 3. On or about April 21, 2011, respondent received on behalf of respondent's client,  
25 Fernando Ruiz, a settlement check from Farmers Insurance made payable to respondent and Mr.  
26 Ruiz in the sum of \$15,000.00. On or about April 27, 2011, respondent deposited \$15,000.00  
27 into respondent's client trust account at Pacific City Bank, XXXX366, on behalf of the client.  
28 Of this sum, the client and medical providers were entitled to \$10,000.00. Respondent failed to

1 maintain a balance of \$10,000.00 on behalf of the client and medical providers in respondent's  
2 client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

3  
4 COUNT THREE

5 Case No. 15-O-10784  
6 Business and Professions Code, section 6106  
7 [Moral Turpitude - Misappropriation]

8 4. On or about April 21, 2011, respondent received on behalf of respondent's client,  
9 Fernando Ruiz, a settlement check from Farmers Insurance Group made payable to respondent  
10 and Mr. Ruiz in the sum of \$15,000.00. On or about April 27, 2011, respondent deposited the  
11 \$15,000.00 into respondent's client trust account at Pacific City Bank, XXXX366, on behalf of  
12 the client. Between July 8, 2013 and February 12, 2015, respondent dishonestly or grossly  
13 negligently misappropriated for respondent's own purposes \$10,000.00 that respondent's client  
14 and medical providers were entitled to receive, and thereby committed an act involving moral  
15 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section  
16 6106.

17 NOTICE - INACTIVE ENROLLMENT!

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

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**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: December 8, 2015

By: \_\_\_\_\_

Ann J. Kim  
Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 15-O-10784**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South 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.: 7196 9008 9111 1007 8134, at Los Angeles, on the date shown below, addressed to:

**Arthur Lewis Margolis  
2000 Riverside Drive  
Los Angeles, CA 90039**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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: December 8, 2015

Signed:   
\_\_\_\_\_  
Lupe Pacheco  
Declarant