

FILED

JAN 11 2016

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

1 STATE BAR OF CALIFORNIA
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10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

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13 In the Matter of:) Case No. 15-O-11384 and 15-O-11486
14 DANIEL HIBBARD,) AMENDED NOTICE OF DISCIPLINARY
No. 138147,) CHARGES
15)
16 A Member of the State Bar)

17 **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**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
26 **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. DANIEL HIBBARD ("respondent") was admitted to the practice of law in the
4 State of California on December 9, 1988, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-11384
8 Rules of Professional Conduct, rule 4-100(A)
9 [Failure to Maintain Client Funds in Trust Account]

10 2. On or about February 19, 2014, respondent received and deposited on behalf of
11 his client, Nicolas Valenti, settlement funds from AFA Claim Services in the sum of \$15,000
12 payable to respondent and Valenti into his client trust account at Provident Bank, account
13 number *****2640. Of this amount, respondent was required to keep \$1,954 on deposit for
14 Valenti's medical provider. Respondent failed to maintain a balance of \$1,954 on behalf of
15 Valenti in the client trust account, in wilful violation of Rules of Professional Conduct, rule 4-
16 100(A).

16 COUNT TWO

17 Case No. 15-O-11384
18 Rules of Professional Conduct, rule 4-100(B)(4)
19 [Failure to Pay Client Funds Promptly]

20 3. On or about February 19, 2014, respondent received and deposited on behalf of
21 his client, Nicolas Valenti, settlement funds from AFA Claim Services in the sum of \$15,000
22 payable to respondent and Valenti into his client trust account at Provident Bank, account
23 number *****2640. Of this amount, respondent was required to keep \$1,954 on deposit for
24 Valenti's medical provider. Respondent failed to pay Valenti's medical provider despite several
25 requests for the funds by Valenti and the medical provider, in wilful violation of Rules of
26 Professional Conduct, rule 4-100(B)(4).

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COUNT THREE

Case No. 15-O-11384
Business and Professions Code, section 6106
[Moral Turpitude]

4. On or about February 19, 2014, respondent received and deposited on behalf of his client, Nicolas Valenti, settlement funds from AFA Claim Services in the sum of \$15,000 payable to respondent and Valenti into his client trust account at Provident Bank, account number *****2640. Of this amount, respondent was required to keep \$1,954 on deposit for Valenti's medical provider. From February 19, 2014 to the present, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$1,954 that Valenti was entitled to receive, and thereby committed an act of moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

COUNT FOUR

Case No. 15-O-11384
Business and Professions Code, section 6106
[Moral Turpitude]

5. On or about July 23, 3014, issued check 1007 drawn upon his client trust account at Provident Bank, when respondent knew or was grossly negligent in not knowing that there were insufficient funds in the account to pay them, and thereby committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 15-O-11486
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

6. On or about July 26, 2013, respondent received and deposited on behalf of his clients, Robert and Vickie Nibecker, settlement funds from State Farm Insurance company draft 123634915 in the amount of \$12,500 payable to respondent and Robert Nibecker and draft 123634917 in the amount of \$12,500 payable to respondent and Vickie Nibecker into his client trust account at Provident Bank, account number *****2640. On or about July 29, 2013, respondent disbursed \$3,961.68 to Robert Nibecker and \$3,961.68 to Vickie Nibecker.

1 amount of \$15,000 payable to respondent and Robert Nibecker and draft 0006620048 in the
2 amount of \$37,500 into his client trust account at Provident Bank, account number *****2640.
3 On or about December 13, 2013, respondent disbursed \$20,000 by a check written off his client
4 trust account payable to Robert and Vickie Nibecker. On or about December 13, 2013,
5 Respondent was required to maintain \$23,743.64 on deposit in his client trust account on behalf
6 of Robert and Vickie Nibecker in his client trust account.

7 12. Prior to any further payment to Robert or Vickie Nibecker or anyone on their
8 behalf, the balance in respondent's client trust account dropped to \$63.31 on May 31, 2014.
9 Respondent dishonestly or grossly negligently misappropriated for respondent's own purposes
10 funds that the Nibeckers were entitled to receive, and thereby committed an act of moral
11 turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section
12 6106.

13 COUNT EIGHT

14 Case No. 15-O-11486
15 Business and Professions Code, section 6106
16 [Moral Turpitude]

17 13. On several occasions beginning on or about December 13, 2013, respondent made
18 representations to the Nibeckers that he was continuing to negotiate with their medical providers
19 and that he was maintaining the funds needed to pay the providers when he knew these
20 representations were not true when he made them and thereby committed an act involving moral
21 turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section
22 6106.

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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!

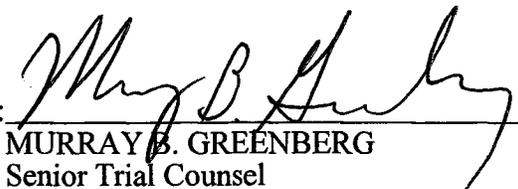
IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: January 11, 2016

By: _____


MURRAY B. GREENBERG
Senior Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): **15-O-11384 and 15-O-11486**

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:

AMENDED NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**
- By Personal Service – (CCP § 1011)** I personally served the following person at the address, date and time stated below:
- 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").
- 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 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.: _____ 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)*

Person Served	Place Served	Approximate Time Served	Courtesy Copy to:
DANIEL HIBBARD	845 SOUTH FIGUEROA STREET LOS ANGELES, CA 90017	Electronic Address	

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

N/A

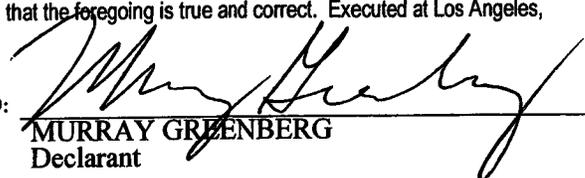
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence 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 Los Angeles, California, on the date shown below.

DATED: **January 11, 2016**

SIGNED:


 MURRAY GREENBERG
 Declarant