

FILED

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 15-O-11448
14 PHILLIP EBERHARD KOEBEL,)
15 No. 249899,) NOTICE OF DISCIPLINARY CHARGES
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
20 THE STATE BAR COURT TRIAL:

- 21 (1) YOUR DEFAULT WILL BE ENTERED;
- 22 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
23 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 24 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
25 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
26 AND THE DEFAULT IS SET ASIDE, AND;
- 27 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
28 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.



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Phillip Eberhard Koebel (“Respondent”) was admitted to the practice of law in the
4 State of California on June 6, 2007, 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-11448
8 Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

9 2. Respondent failed to report to the agency charged with attorney discipline, in writing,
10 within 30 days of the time Respondent had knowledge of the imposition of judicial sanctions
11 against Respondent by failing to report to the State Bar the \$17,456.90 in sanctions the court
12 imposed on Respondent on or about September 30, 2015, in connection with *In re Cuevas*, Case
13 No. 2:14-bk-32359-NB, filed in the United States Bankruptcy Court for the Central District of
14 California, in willful violation of Business and Professions Code section, 6068(o)(3).

15 COUNT TWO

16 Case No. 15-O-11448
17 Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

18 3. On or about December 2011, Respondent stated in writing under oath within a
19 verified complaint and declaration in support of an ex parte TRO application filed in the
20 United States Bankruptcy Court for the Central District of California, in *Koebel v. MTC*
21 *Financial, et al.* Case No. SACV 11-1978 AG (Anx), that defendants did not post a notice of sale
22 on his property on November 21, 2011, and that he had not received notice of sale or notice of
23 default after May 9, 2011, when Respondent knew or was grossly negligent in not knowing the
24 statement(s) were false, and thereby committed an act involving moral turpitude, dishonesty or
25 corruption in willful violation of Business and Professions Code, section 6106.

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COUNT THREE

Case No. 15-O-11448
Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

4. On or about December 2011, Respondent, within a verified complaint and declaration in support of an ex parte TRO application filed in the United States Bankruptcy Court for the Central District of California, in *Koebel v. MTC Financial, et al.* Case No. SACV 11-1978 AG (Anx), stated that defendants did not post a notice of sale on his property on November 21, 2011, and that he had not received notice of sale or notice of default after May 9, 2011, when he knew that a posting of notice of sale at his residence took place on or about November 28, 2011, and Respondent knew the statement was false, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

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: February 5, 2016 _____

By: *Hugh G. Radigan*

Hugh G. Radigan
Deputy 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-11448

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, CA 90017-2515, 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))
[X] By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
- 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.

[] 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)

[X] (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 9414 7266 9904 2010 0741 44 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 to. Row 1: Arthur Lewis Margolis, Margolis & Margolis LLP, 2000 Riverside Dr, Los Angeles, CA 90039.

[] 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: February 5, 2016

SIGNED:

JULI FINNILA
Declarant