

FILED

AUG 28 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case No. 15-O-11645
14 DANIEL ISAAC WAGNER,) NOTICE OF DISCIPLINARY CHARGES
15 No. 195610,)
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.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. DANIEL ISAAC WAGNER ("Respondent") was admitted to the practice of law in
4 the State of California on June 2, 1998, was a member at all times pertinent to these charges, and
5 is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-11645
8 Business and Professions Code, section 6068(a)
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. On or about February 17, 2015 and on or about February 19, 2015, Respondent held
11 himself out as entitled to practice law and actually practiced law when Respondent was not an
12 active member of the State Bar by filing on each date an ex parte motion on behalf of his client
13 Wilson Perry in the case entitled *Wilson D. Perry v. Bakewell Hawthorne, LLC*, Los Angeles
14 County Superior Court Case No. BC500198, and by thereafter appearing at the hearings on each
15 of the ex parte motions, in violation of Business and Professions Code, sections 6125 and 6126,
16 and thereby willfully violated Business and Professions Code, section 6068(a).

17 COUNT TWO

18 Case No. 15-O-11645
19 Business and Professions Code, section 6106
20 [Moral Turpitude]

21 3. On or about February 17, 2015 and on or about February 19, 2015, Respondent held
22 himself out as entitled to practice law and actually practiced law when Respondent knew, or was
23 grossly negligent in not knowing, Respondent was not an active member of the State Bar by
24 filing on each date an ex parte motion on behalf of his client Wilson Perry in the case entitled
25 *Wilson D. Perry v. Bakewell Hawthorne, LLC*, Los Angeles County Superior Court Case No.
26 BC500198, and by thereafter appearing at the hearings on each of the ex parte motions, in
27 violation of Business and Professions Code, and thereby committed an act involving moral
28

1 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section
2 6106.

3 COUNT THREE

4 Case No. 15-O-11645
5 Business and Professions Code, section 6068(k)
6 [Failure to Comply With Conditions of Probation]

7 4. Respondent failed to comply with conditions attached to Respondent's disciplinary
8 probation in State Bar Case No. 12-O-11175 et al. as follows, in willful violation of Business and
9 Professions Code, section 6068(k):

10 A. By failing to comply with the State Bar Act by engaging in the unauthorized
11 practice of law and holding himself out as entitled to practice law on or about
12 February 17, 2015 and on or about February 19, 2015 in violation of Business
13 and Professions Code sections 6068(a), 6125 and 6126, when he filed two ex
14 parte motions indicating he was the attorney for Wilson Perry in the case
15 entitled *Wilson D. Perry v. Bakewell Hawthorne, LLC*, Los Angeles County
16 Superior Court Case No. BC500198; and

17 B. By failing to comply with the State Bar Act by committing acts of moral
18 turpitude in violation of Business and Professions Code section 6106 on or
19 about February 17, 2015 and on or about February 19, 2015, when
20 Respondent held himself out as entitled to practice law and actually practiced
21 law when Respondent knew, or was grossly negligent in not knowing,
22 Respondent was not an active member of the State Bar by filing two Ex Parte
23 Motions on behalf of his client Wilson Perry in the case entitled *Wilson D.*
24 *Perry v. Bakewell Hawthorne, LLC*, Los Angeles County Superior Court Case
25 No. BC500198.

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COUNT FOUR

Case No. 15-O-11645
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation in Quarterly Probation Report]

5. On or about April 10, 2015, Respondent filed a Quarterly Report with the Office of Probation of the State Bar of California with respect to Respondent's disciplinary probation in State Bar Case No. 12-O-11175 et al. falsely stating that he had complied with the State Bar Act when Respondent knew, or was grossly negligent in not knowing, that he had not complied with the State Bar Act during the Quarterly Report period. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 15-O-11645
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

6. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of April 22, 2015, May 7, 2015 and June 2, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-11645, in willful violation of Business and Professions Code, section 6068(i).

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

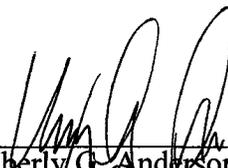
1 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
2 **PROFESSIONS CODE SECTION 6086.10.**

3 Respectfully submitted,

4 THE STATE BAR OF CALIFORNIA
5 OFFICE OF THE CHIEF TRIAL COUNSEL

6 DATED: August 28, 2015

7 By: _____

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9 Kimberly C. Anderson
10 Senior Trial Counsel

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DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-11645

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:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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.: 9414 7266 9904 2010 0686 79 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: DANIEL ISAAC WAGNER, Wagner & Associates 1925 Century Park E Ste 1380 Los Angeles, CA 90067, 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).

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: August 28, 2015

SIGNED: Kim Wimbish
KIM WIMBISH
Declarant