

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

SEP 22 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13	In the Matter of:)	Case No. 15-O-12179
14	DANIEL ISAAC WAGNER,)	NOTICE OF DISCIPLINARY CHARGES
15	No. 195610,)	
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. 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-12179
8 Business and Professions Code, section 6068(a)
9 [Failure to Comply With Laws – Unauthorized Practice of Law]

10 2. Between on or about February 27, 2015 and on or about March 20, 2015, Respondent
11 held himself out as entitled to practice law and actually practiced law when Respondent was not
12 an active member of the State Bar by entering into a retainer agreement with his clients Michael
13 Joseph Cabuhat ("Cabuhat") and VisionQwest Accountancy Group ("VisionsQuest") on
14 February 27, 2015, which stated that he was an attorney and that he would defend Cabuhat and
15 VisionQwest in the case entitled *Hans Laursen v. VisionQwest Accountancy Group et al.*, Los
16 Angeles County Superior Court Case No. BC573238, by rendering legal advice to Cabuhat and
17 VisionQwest between on or about February 27, 2015 and on or about March 20, 2015, and by
18 engaging in settlement discussions with counsel for the opposing party, in violation of Business
19 and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and
20 Professions Code, section 6068(a).

21 COUNT TWO

22 Case No. 15-O-12179
23 Business and Professions Code, section 6106
24 [Moral Turpitude]

25 3. Between on or about February 27, 2015 and on or about March 20, 2015, Respondent
26 held himself out as entitled to practice law and actually practiced law when Respondent knew, or
27 was grossly negligent in not knowing, Respondent was not an active member of the State Bar by
28 entering into a retainer agreement with his clients Michael Joseph Cabuhat ("Cabuhat") and

1 VisionQwest Accountancy Group (“VisionsQuest”) on February 27, 2015, which indicated that
2 he was an attorney and that he would defend Cabuhat and VisionQwest in the case entitled *Hans*
3 *Laursen v. VisionQwest Accountancy Group et al.*, Los Angeles County Superior Court Case No.
4 BC573238, and by rendering legal advice to Cabuhat and VisionQwest and engaging in
5 settlement discussions with counsel for the opposing party, and thereby committed an act
6 involving moral turpitude, dishonesty or corruption in willful violation of Business and
7 Professions Code, section 6106.

8 COUNT THREE

9 Case No. 15-O-12179
10 Rules of Professional Conduct, rule 4-200(A)
11 [Illegal Fee]

12 4. On or about February 27, 2015, Respondent entered into an agreement for, charged
13 and collected from his clients Michael Joseph Cabuhat (“Cabuhat”) and VisionQwest
14 Accountancy Group (“VisionsQuest”) whereby he charged and collected from them \$9,930 to
15 perform legal services, which fee agreement and fees were both illegal because Respondent was
16 not entitled to practice law at the time he entered into the agreement with Cabuhat and
17 VisionQwest, and because Respondent received the \$9,930 in legal fees for legal work he
18 performed between on or about February 27, 2015 and on or about March 20, 2015 when he was
19 not entitled to practice law, in willful violation of the Rules of Professional Conduct, rule 4-
20 200(A).

21 COUNT FOUR

22 Case No. 15-O-12179
23 Business and Professions Code, section 6068(k)
24 [Failure to Comply With Conditions of Probation]

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

28 A. By failing to comply with the State Bar Act by engaging in the unauthorized
practice of law and holding himself out as entitled to practice law between on

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or about February 27, 2015 and on or about March 20, 2015 in violation of Business and Professions Code sections 6068(a), 6125 and 6126, when he entered into a retainer agreement with his clients Michael Joseph Cabuhat (“Cabuhat”) and VisionQwest Accountancy Group (“VisionsQuest”) on February 27, 2015, which stated that he was an attorney and that he would defend Cabuhat and VisionQwest in the case entitled *Hans Laursen v. VisionQwest Accountancy Group et al.*, Los Angeles County Superior Court Case No. BC573238, and by thereafter rendering legal advice to Cabuhat and VisionQwest and engaging in settlement discussions with counsel for the opposing party without notifying Cabuhat, VisionQwest or the opposing counsel that he was not entitled to practice law until on or about March 20, 2015;

B. By failing to comply with Rule 4-200(A) of the Rules of Professional Conduct by entering into an agreement for charging and collecting fees from his clients Michael Joseph Cabuhat (“Cabuhat”) and VisionQwest Accountancy Group (“VisionsQuest”) to perform legal services that were illegal because Respondent was not entitled to practice law at the time he entered into the agreement with Cabuhat and VisionQwest, and because Respondent received the \$9,930 in legal fees for legal work he performed between on or about February 27, 2015 and on or about March 20, 2015 when he was not entitled to practice law; and

C. By failing to comply with the State Bar Act by committing acts of moral turpitude in violation of Business and Professions Code section 6106 between on or about February 27, 2015 and on or about March 20, 2015, when Respondent held himself out as entitled to practice law and actually practiced law when Respondent knew, or was grossly negligent in not knowing, Respondent was not an active member of the State Bar by entering into a

1 the allegations of misconduct being investigated in case no. 15-O-12179, in willful violation of
2 Business and Professions Code, section 6068(i).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
5 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
6 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
7 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
8 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
9 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
10 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
11 RECOMMENDED BY THE COURT.**

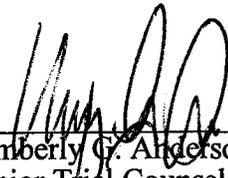
12 **NOTICE - COST ASSESSMENT!**

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

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: September 24, 2015

22 By: 
23 _____
24 Kimberly G. Anderson
25 Senior 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-12179

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 00 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:
Person Served: DANIEL ISAAC WAGNER
Business-Residential Address: Wagner & Associates, 1925 Century Park E Ste 1380, Los Angeles, CA 90067
Fax Number: 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: September 22, 2015

SIGNED: Kim Wimbish
KIM WIMBISH
Declarant