

PUBLIC MATTER

STATE BAR OF CALIFORNIA
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FILED

DEC 30 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case No. 15-O-12406
)	
MARY DERPARSEGHIAN aka)	NOTICE OF DISCIPLINARY CHARGES
MARY DER-PARSEGHIAN,)	
No. 224541,)	
)	
)	
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. Mary Derparseghian aka Mary Der-Parseghian ("Respondent") was admitted to the
4 practice of law in the State of California on March 29, 2003, was a member at all times pertinent
5 to these charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-12406
8 Rules of Professional Conduct, rule 4-100(A)
[Commingle Personal Funds in Client Trust Account]

9 2. On or about April 8, 2015, Respondent received on behalf of her client, Marcia
10 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000
11 payable to Respondent and her client. On or about April 8, 2015, Respondent deposited the
12 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,¹
13 on behalf of her client. Of these funds, Respondent was entitled to attorney's fees of the
14 approximate sum of \$40,000. Respondent did not promptly remove the funds which she had
15 earned as attorney's fees from her client trust account and instead, left her attorney's fees in her
16 client trust account to be withdrawn as needed, in willful violation of Rules of Professional
17 Conduct, rule 4-100(A).

18 COUNT TWO

19 Case No. 15-O-12406
20 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

21 3. On or about April 8, 2015, Respondent received on behalf of her client, Marcia
22 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000
23 payable to Respondent and her client. On or about April 8, 2015, Respondent deposited the
24 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,²
25 on behalf of her client. Of these funds, Respondent was entitled to attorney's fees of the
26 approximate sum of \$40,000. Between on or about April 8, 2015 and on or about July 17, 2015,

27 ¹ The account number has been redacted to protect the account and account holder.

28 ² The account number has been redacted to protect the account and account holder.

1 Respondent failed to maintain a balance of the approximately sum of \$60,000 on behalf of her
2 client in her client trust account, in willful violation of Rules of Professional Conduct, rule 4-
3 100(A).

4 COUNT THREE

5 Case No. 15-O-12406
6 Business and Professions Code section 6106
7 [Moral Turpitude - Misappropriation]

8 4. On or about April 8, 2015, Respondent received on behalf of her client, Marcia
9 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000
10 payable to Respondent and her client. On or about April 8, 2015, Respondent deposited the
11 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,³
12 on behalf of her client. Of these funds, Respondent was entitled to attorney's fees of the
13 approximate sum of \$40,000. Between on or about April 8, 2015 and on or about July 17, 2015,
14 Respondent dishonestly or grossly negligently misappropriated for her own purposes the
15 approximate sum of \$59,999.55 that the client was entitled to receive, and thereby committed an
16 act involving moral turpitude, dishonesty or corruption in willful violation of Business and
17 Professions Code section 6106.

18 COUNT FOUR

19 Case No. 15-O-12406
20 Rules of Professional Conduct, rule 4-100(A)
21 [Commingling Personal Funds in Client Trust Account]

22 5. Between on or about June 5, 2015 and on or about June 8, 2015, Respondent
23 deposited or commingled funds belonging to her or her family trust into her client trust account
24 at Wells Fargo Bank, Account No. xxxxxx0433,⁴ as follows in wilful violation Rules of
25 Professional Conduct, rule 4-100(A):

<u>DATE</u>	<u>AMOUNT</u>	<u>FORM OF DEPOSIT</u>
6/5/15	\$6,500	Transfer from "Mdp Family Trust"
6/8/15	\$22,500	Transfer from Respondent's Business Market Savings

27 ³ The account number has been redacted to protect the account and account holder.

28 ⁴ The account number has been redacted to protect the account and account holder.

1 COUNT FIVE

2 Case No. 15-O-12406
3 Rules of Professional Conduct, rule 4-100(B)(3)
4 [Failure to Render Accounts of Client Funds]

5 6. On or about April 8, 2015, Respondent received on behalf of her client, Marcia
6 Bourke, a settlement from Progressive Advanced Insurance Company in the sum of \$100,000
7 payable to Respondent and her client. On or about April 8, 2015, Respondent deposited the
8 check for \$100,000 into her client trust account at Wells Fargo Bank, Account No. xxxxxx0433,⁵
9 on behalf of her client. Of these funds, Respondent was entitled to attorney's fees of the
10 approximate sum of \$40,000. Respondent thereafter failed to prepare and maintain appropriate
11 records concerning those funds and her client trust account, including but not limited to the client
12 ledger for the client, the written journal for the client trust account, and the monthly
13 reconciliation for the client trust account, in willful violation of the Rules of Professional
14 Conduct, rule 4-100(B)(3).

15 NOTICE - INACTIVE ENROLLMENT!

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

24 NOTICE - COST ASSESSMENT!

25 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
26 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**

27 ///

28 ⁵ The account number has been redacted to protect the account and account holder.

1 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
2 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
3 PROFESSIONS CODE SECTION 6086.10.

4 Respectfully submitted,

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

7 DATED: December 30, 2015

8 By: Anthony Garcia

9 for Charles T. Calix
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-12406**

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))**
- 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 U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**
- 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 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.: 7196 9008 9111 1007 8387 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	Business-Residential Address	Fax Number	Courtesy Copy to:
Mary Derparseghian	MARY DER-PARSEGHIAN, APC 35 N Lake Ave Ste 740 Pasadena, CA 91101	Electronic Address	Joan E. Kenegos Kaplan Kenegos & Kadin 9150 Wilshire Blvd #175 Beverly Hills, CA 90212

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

N/A

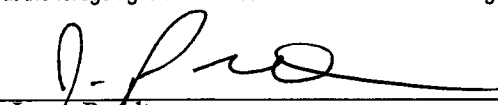
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence 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: December 30, 2015

SIGNED:


Jason Peralta
Declarant