

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**

**MAY 24 2016**

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

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case No. 15-O-13354  
 13 DEAN ROBERT KITANO, )  
 No. 182398, ) NOTICE OF DISCIPLINARY CHARGES  
 14 )  
 15 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:**

- 19 (1) YOUR DEFAULT WILL BE ENTERED;
- 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- 21 (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;
- 22 (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. DEAN ROBERT KITANO ("Respondent") was admitted to the practice of law in the  
4 State of California on June 11, 1996, 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-13354  
8 Business and Professions Code, section 6068(o)(2)  
[Failure to Report Entry of Judgment]

9 2. Respondent failed to report to the State Bar of California, in writing, within 30 days  
10 of the time Respondent had knowledge thereof, of the entry of judgment against Respondent for  
11 fraud in *Shohreh Bahri v. Dean R. Kitano*, Fourth Appellate District, Division Three, case  
12 number G044593, in willful violation of Business and Professions Code, section 6068(o)(2).

13 COUNT TWO

14 Case No. 15-O-13354  
15 Business and Professions Code, section 6106  
[Moral Turpitude – Fraud/Misrepresentation]

16 3. Between in or about August 2007 and in or about November 2008, Respondent  
17 intentionally or grossly negligently defrauded Shohreh Bahri out of approximately \$300,000 by  
18 taking the following actions:

- 19 (a) In or about August 2007, Respondent created ING Radiology Medical Center, Inc., of  
20 which he was the sole shareholder and officer, as a shell corporation for the purpose of  
21 protecting his personal liability in the execution of the fraud;
- 22 (b) On or about January 30, 2008, Respondent sent Bahri a letter in which Respondent  
23 misrepresented a potential sale of Mir Akhorli's share of Akhorli and Bahri's joint  
24 business, the MRI center in Long Beach, concealed his identity as the potential buyer of  
25 Akhorli's share of the MRI center, and used his title and position as Akhorli's attorney to  
26 gain Bahri's trust, in order to delay Bahri's discovery of the fraud; and
- 27 (c) On or about August 1, 2008, Respondent filed a false declaration under penalty of  
28 perjury in order to have receivership of the MRI center lifted;

1 and thereby committed an act involving moral turpitude, dishonesty or corruption in  
2 willful violation of Business and Professions Code, section 6106.

3 COUNT THREE

4 Case No. 15-O-13354  
5 Business and Professions Code, section 6068(d)  
6 [Seeking to Mislead a Judge]

7 4. On or about August 1, 2008, Respondent filed a false declaration under penalty of  
8 perjury in *Dr. S. Don Kim v. Mir Hausen Akhorli, et. al.*, Los Angeles Superior Court, case  
9 number NC039604, in which Respondent stated:

10 (a) Akhorli had no ownership interest in the Long Beach MRI center;

11 (b) Since September 2007, the true owners of the MRI center have been ING Radiology  
12 Inc. and Shohreh Bahri; and

13 (c) Bahri and ING jointly purchased the MRI machine at the Long Beach MRI center for  
14 \$650,000.

15 In fact, Akhorli did have an ownership interest in the MRI center, Bahri and ING were  
16 never partners in the MRI center and had never jointly purchased an MRI machine. At the time  
17 Respondent filed his declaration, Respondent knew the statements in the declaration were false,  
18 and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact  
19 or law, in willful violation of Business and Professions Code, section 6068(d).

20 COUNT FOUR

21 Case No. 15-O-13354  
22 Business and Professions Code, section 6106  
23 [Moral Turpitude - Misrepresentation]

24 5. On or about August 1, 2008, Respondent stated in writing to the Superior Court of  
25 Los Angeles in *Dr. S. Don Kim v. Mir Hausen Akhorli, et. al.*, case number NC039604, that:  
26 Akhorli had no ownership interest in the Long Beach MRI center; the true owners of the MRI  
27 center have been ING Radiology Inc. and Shohreh Bahri since September 2007; and that Bahri  
28 and ING jointly purchased the MRI machine at the Long Beach MRI center for \$650,000.

1 When Respondent made these statements, Respondent knew or was grossly negligent in not  
2 knowing the statements were false, and thereby committed an act involving moral turpitude,  
3 dishonesty or corruption in willful violation of Business and Professions Code, section 6106.  
4

5 **NOTICE - INACTIVE ENROLLMENT!**

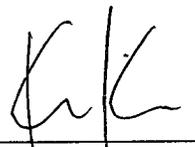
6 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
7 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
8 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
9 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
10 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
11 INACTIVE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

14 **NOTICE - COST ASSESSMENT!**

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

20 Respectfully submitted,

21 THE STATE BAR OF CALIFORNIA  
22 OFFICE OF CHIEF TRIAL COUNSEL



23 DATED: May 24, 2016

24 By: \_\_\_\_\_  
25 **KIM KASRELIOVICH**  
26 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-13354

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))
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 0659 37 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: Edward O. Lear, Century Law Group LLP, 5200 W Century Blvd #345, Los Angeles, CA 90045, 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: May 24, 2016

SIGNED:

Juli Finnila signature and name: JULI FINNILA Declarant