# PUBLIC MATTER

1	STATE BAR OF CALIFORNIA	EII D-		
2	OFFICE OF THE CHIEF TRIAL COUNSEL GREGORY P. DRESSER, No. 136532	FILED		
3	INTERIM CHIEF TRIAL COUNSEL RENE L. LUCARIC, No. 180005	JUL 26 2016		
4	ASSISTANT CHIEF TRIAL COUNSEL MIA ELLIS, No. 228235	STATE BAR COURT CLERK'S OFFICE		
5	SENIOR SUPERVISING TRIAL COUNSEL HUGH G. RADIGAN, No. 94251 DEPUTY TRIAL COUNSEL	LOS ANGELES		
6 7	845 South Figueroa Street Los Angeles, California 90017-2515 Telephone: (213) 765-1206			
8	1 refeptione. (213) 703-1200			
9				
	STATE BAR COURT			
10	HEARING DEPARTMENT - LOS ANGELES			
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12	In the Matter of:	) Case Nos. 15-O-13356 and 15-O-13357		
13	PHILIP EBERHARD KOEBEL,	) NOTICE OF DISCIPLINARY CHARGES		
14	No. 249899,	) NOTICE OF DISCIPLINARY CHARGES		
15				
16	A Member of the State Bar	)		
17	NOTICE - FAILL	IRE TO RESPOND!		
18	NOTICE - FAILURE TO RESPOND!			
19	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;			
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22	(3) YOU WILL NOT BE PERMITT	ED TO PARTICIPÁTE FURTHER IN SS YOU MAKE A TIMELY MOTION		
23	AND THE DEFAULT IS SET ASIDE, AND; (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.			
24	SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN			
25	ORDER RECOMMENDING FURTHER HEARING OR PRO	YOUR DISBARMENT WITHOUT CEEDING. SEE RULE 5.80 ET SEQ.,		
26	KULES OF PROCEDURE OF T	HE STATE BAR OF CALIFORNIA.		
27		kwiktag ° 211 099 2		

The State Bar of California alleges:

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### **JURISDICTION**

1. Phillip Eberhard Koebel ("Respondent") was admitted to the practice of law in the State of California on June 6, 2007, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

### **COUNT ONE**

Case No. 15-O-13356
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

2. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of judicial sanctions against Respondent by failing to timely report to the State Bar the \$23,800 in sanctions the court imposed on Respondent on or about March 26, 2014, in connection with *In re Patrick Cecil Brooks*, Debtor, Case No. 2:13-bk-33628-VZ, filed in the United States Bankruptcy Court for the Central District of California, in willful violation of Business and Professions Code section, 6068(o)(3).

#### **COUNT TWO**

Case No. 15-O-13356
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

3. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear, by failing to comply with the order to pay \$23,800 in sanctions the court imposed on Respondent on or about March 26, 2014, in connection with *In re Patrick Cecil Brooks*, Debtor, Case No. 2:13-bk-33628-VZ, filed in the United States Bankruptcy Court for the Central District of California, which respondent had notice of, served on respondent and filed in the United States Bankruptcy Court for the Central District of California, on or about March 26, 2014, in that Respondent failed to satisfy the sanctions as ordered, in willful violation of Business and Professions Code, section 6103.

# COUNT THREE

Case No. 15-O-13356
Business and Professions Code, section 6068(c)
[Maintaining an Unjust Action]

4. On or about November 3, 2013, Respondent failed to counsel or maintain such action, proceedings, or defenses only as appear to Respondent legal or just by filing a verified complaint on behalf of the debtor, in connection with *In re Patrick Cecil Brooks*, Debtor, Case No. 2:13-bk-33628-VZ, in the United States Bankruptcy Court for the Central District of California, to avoid foreclosure sale for an improper purpose to harass, cause unnecessary delay, needlessly increase litigation costs and assert frivolous claims that were without merit and were not warranted by existing law in willful violation of Business and Professions Code, section 6068(c).

#### **COUNT FOUR**

Case No. 15-O-13357
Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

5. On or about June 10, 2013, respondent filed on behalf of the debtor, a chapter 13 proceeding captioned *In re Kathleen Marie Latham, Debtor*, Case No. 1-13-bk-13908-VK, in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division, wherein he certified by signing the petition that the information contained within the petition was accurate and that the debtor's certification was appropriate that the underlying unlawful detainer judgment for possession was not exempt from the bankruptcy automatic stay provisions of section 362(a) as set forth in 11 U.S.C. section 362(b)(22) when he knew that the exemption was applicable and Respondent knew the debtor's 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).

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#### COUNT FIVE

Case No. 15-O-13357
Business and Professions Code, section 6106
[Moral Turpitude – Misrepresentation]

6. On or about June 10, 2013, Respondent was attorney of record for debtor, Kathleen Marie Latham, and filed on her behalf a chapter 13 petition captioned *In re Kathleen Marie Latham, Debtor*, Case No. 1-13-bk-13908-VK, in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division. Within the petition, Respondent certified in writing to the court that the debtor's asserted grounds for maintaining the automatic stay and precluding the creditor from enforcing the underlying judgment were accurate when Respondent knew or was grossly negligent in not knowing the statement(s) were false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

#### **COUNT SIX**

Case No. 15-O-13357
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

7. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear, by failing to comply with the order to pay \$8,669.96 in sanctions the court imposed on Respondent on or about October 14, 2014, payable within twenty-one days of the issuance of the order, *In re Kathleen Marie Latham, Debtor*, Case No. 1-13-bk-13908-VK, in the United States Bankruptcy Court, Central District of California, San Fernando Valley Division, which respondent had notice of, served on respondent and filed in the United States Bankruptcy Court for the Central District of California, on or about October 14, 2014, in that Respondent failed to satisfy the sanctions as ordered, in willful violation of Business and Professions Code, section 6103.

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1 COUNT SEVEN 2 Case No. 15-O-13357 Business and Professions Code, section 6068(o)(3) 3 [Failure to Report Judicial Sanctions] 4 8. Respondent failed to report to the agency charged with attorney discipline, in writing, 5 within 30 days of the time Respondent had knowledge of the imposition of judicial sanctions 6 against Respondent by failing to timely report to the State Bar the \$8,669.96 in sanctions the 7 court imposed on Respondent on or about October 14, 2014, in connection with In re Kathleen 8 Marie Latham, Debtor, Case No. 1-13-bk-13908-VK, in the United States Bankruptcy Court, 9 Central District of California, San Fernando Valley Division, in willful violation of Business and 10 Professions Code section, 6068(o)(3). 11 **NOTICE - INACTIVE ENROLLMENT!** 12 YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR 13 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL 14 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN 15 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE 16 RECOMMENDED BY THE COURT. 17 **NOTICE - COST ASSESSMENT!** 18 EVENT THESE PROCEDURES RESULT IN **PUBLIC** DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS 19 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND 20 PROFESSIONS CODE SECTION 6086.10. 21 Respectfully submitted, 22 23 THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL 24 24 25 DATED: July 2016 26 Deputy Trial Counsel 27

# DECLARATION OF SERVICE

by

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

## CASE NUMBER(s): 15-O-13356 and 15-O-13357

California, on the date shown below.

DATED: July 26, 2016

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:

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<ul> <li>in accordance with the pra of Los Angeles.</li> </ul>	(CCP §§ 1013 and 1013(a)) ctice of the State Bar of California for collection and pr	By U.S. Certified Mail: rocessing of mail, I deposited or placed for	: (CCP §§ 1013 and 1013(a)) or collection and mailing in the City and County		
By Overnight Delivery: ( - I am readily familiar with the	CCP §§ 1013(c) and 1013(d)) The State Bar of California's practice for collection and p	processing of correspondence for overnig	tht delivery by the United Parcel Service ('UPS').		
Based on agreement of the pa	CCP §§ 1013(e) and 1013(f)) arties to accept service by fax transmission, I faxed the f. The original record of the fax transmission is retaine	e documents to the persons at the fax nu d on file and available upon request.	mbers listed herein below. No error was		
By Electronic Service: (( Based on a court order or an addresses listed herein below. I did not	CCP § 1010.6) agreement of the parties to accept service by electronit receive, within a reasonable time after the transmission	c transmission, I caused the documents on, any electronic message or other indic	to be sent to the person(s_ at the electronic cation 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)					
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Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:		
Philip E. Koebel	KOeBeL Law Offices PO Box 94799 Pasadena, CA 91109-4799	Electronic Address			
			and the second s		
☐ via inter-office mail regularly pro	cessed and maintained by the State Bar of Calif	ornia addressed to:			
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overnight delivery by the United Parcel :	tate Bar of California's practice for collection and proce Service ('UPS'). In the ordinary course of the State Ba Jnited States Postal Service that same day, and for ov	r of California's practice, correspondenc	e collected and processed by the State Bar of		
l am aware that on motion of the after date of deposit for mailing contained	ne party served, service is presumed invalid if postal cad in the affidavit.	ancellation date or postage meter date o	n the envelope or package is more than one day		
I declare under negative of r	perjury under the laws of the State of California	that the foregon is true and correct	et Evocuted at Los Angolos		

State Bar of California DECLARATION OF SERVICE

SIGNED:

JULI FINNILA Declarant