

PUBLIC MATTER

FILED

DEC 29 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: 14 KATAYOUN FAZLI, 15 No. 289425, 16 A Member of the State Bar)))))	Case No. 15-O-14014 NOTICE OF DISCIPLINARY CHARGES
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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. Katayoun Fazli ("respondent") was admitted to the practice of law in the State of
4 California on May 22, 2013, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6
7 COUNT ONE

8 Case No. 15-O-14014
9 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10 2. On or about April 7, 2015, Joseph Jaramillo employed Respondent to perform legal
11 services, namely to enforce the May 1, 2006, court order in, *Marta Garcia vs. Joseph Jaramillo*,
12 Los Angeles Superior Court Case No. BF027424, which Respondent intentionally, recklessly, or
13 repeatedly failed to perform with competence, in willful violation of Rules of Professional
14 Conduct, rule 3-110(A), by failing to enforce a restraining order, obtain joint custody of Joseph
15 Jaramillo's child, and obtain medical insurance for Joseph Jaramillo's child.

16
17 COUNT TWO

18 Case No. 15-O-14014
19 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

20 3. Between on or about April 7, 2015, and April 13, 2015, Respondent received total
21 advanced fees of \$1,000 from a client, Joseph Jaramillo, for the purpose of enforcing a May 1,
22 2006, court order from, *Marta Garcia vs. Joseph Jaramillo*, Los Angeles Superior Court Case
23 No. BF027424. Respondent failed to enforce a restraining order, obtain joint custody of Joseph
24 Jaramillo's child, obtain medical insurance for Joseph Jaramillo's child, or perform any legal
25 services for the client, and therefore did not earn any or all of the advanced fees paid.
26 Respondent failed to refund promptly, upon Respondent's termination of employment on or

27

28

1 about May 26, 2015, any part of the \$1,000 fee to the client, in willful violation of Rules of
2 Professional Conduct, rule 3-700(D)(2).

3
4 COUNT THREE

5 Case No. 15-O-14014
6 Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

7 4. Between on or about April 7, 2015, and April 13, 2015, Respondent received from
8 Respondent's client, Joseph Jaramillo a total of \$1,000 as advanced fees for legal services to be
9 performed. Respondent thereafter failed to render an appropriate accounting to the client
10 regarding those funds following the client's request for such accounting and upon the
11 termination of Respondent's employment on or about May 26, 2015, in willful violation of
12 Rules of Professional Conduct, rule 4-100(B)(3).

13
14 COUNT FOUR

15 Case No. Case No. 15-O-14014
16 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

17 5. Respondent failed to cooperate and participate in a disciplinary investigation pending
18 against Respondent by failing to provide a substantive response to the State Bar's letters of
19 September 3, 2015 and September 30, 2015, which Respondent received, that requested
20 Respondent's response to the allegations of misconduct being investigated in case no. 15-O-
21 14014, in willful violation of Business and Professions Code, section 6068(i).

22
23 COUNT FIVE

24 Case No. Case No. 15-O-14014
25 Business and Professions Code, section 6068(j)
[Failure to Update Membership Address]

26 6. In or about May 2015, Respondent moved out of the location maintained on the
27 official membership records of the State Bar and thereafter failed to comply with the
28

1 requirements of Business and Professions Code section 6002.1, by failing to notify the State Bar
2 of the change in Respondent's address within 30 days, in willful violation of Business and
3 Professions Code, section 6068(j).

4 COUNT SIX

5 Case No. Case No. 15-O-14014
6 Business and Professions Code, section 6068(m)
7 [Failure to Respond to Client Inquiries]

8 7. Respondent failed to respond promptly to three telephonic, and six written reasonable
9 status inquires made by Respondent's client, Joseph Jaramillo, between on or about May 14,
10 2015, and May 26, 2015, that Respondent received in a matter in which Respondent had agreed
11 to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

12 NOTICE - INACTIVE ENROLLMENT!

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

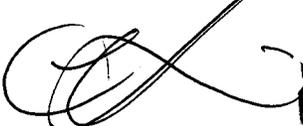
21 NOTICE - COST ASSESSMENT!

22 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
23 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
24 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
25 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
26 PROFESSIONS CODE SECTION 6086.10.**

27 Respectfully submitted,

28 THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: December 28, 2015

By: 

Ann Kim, for DTC Sue Hong
Deputy 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-14014

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)) - 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))

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.: 7196900891110079865 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: Katayoun T. Fazli, Naples Center Bldg, 5855 Naples Plz Ste 205, Long Beach, CA 90803, 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'). 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 29, 2015

SIGNED:

Handwritten signature of Juli Finnila

JULI FINNILA
Declarant