

PUBLIC MATTER

FILED

MAY 13 2016

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

1 STATE BAR OF CALIFORNIA
 OFFICE OF CHIEF TRIAL COUNSEL
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STATE BAR COURT
 HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 15-O-14305
 13 MARK SITRAK SIMONIAN,)
 No. 96969,) NOTICE OF DISCIPLINARY CHARGES
 14)
 15 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
 18 **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. Mark Sitrak Simonian ("respondent") was admitted to the practice of law in the State
4 of California on January 22, 1981, 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-14305
8 Business and Professions Code, section 6106
9 [Moral Turpitude – Misrepresentation of MCLE Compliance]

10 2. On or about February 3, 2014, respondent falsely reported, under the penalty of
11 perjury, to the State Bar that respondent had fully complied with respondent's minimum
12 continuing legal education ("MCLE") requirements for the period of February 1, 2011 to January
13 31, 2014, when respondent knew, or was grossly negligent in not knowing, that respondent had
14 failed to complete the MCLE requirements for that period, and thereby committed an act
15 involving moral turpitude, dishonesty or corruption in willful violation of Business and
16 Professions Code section 6106.

17 COUNT TWO

18 Case No. 15-O-14305
19 Business and Professions Code, section 6068(i)
20 [Failure to Cooperate in State Bar Investigation]

21 3. Respondent failed to cooperate and participate in a disciplinary investigation pending
22 against respondent by failing to provide a substantive response to the State Bar's letters of
23 October 23, 2015 and November 11, 2015, which respondent received, that requested
24 respondent's response to the allegations of misconduct being investigated in case no. 15-O-
25 14305, in willful violation of Business and Professions Code, section 6068(i).

26 **NOTICE - INACTIVE ENROLLMENT!**

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
28 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**

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ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

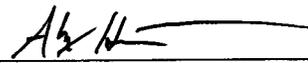
NOTICE - COST ASSESSMENT!

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: May 13, 2016

By: 
Alex Hackert
Deputy Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 15-O-14305

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2010 0667 81, at Los Angeles, on the date shown below, addressed to:

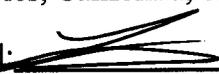
**Mark Sitrak Simonian
500 S. Grand Ave. 19th Fl.
Los Angeles, CA 90071**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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 13, 2016

Signed: 

Lupe Pacheco
Declarant