

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
2 OFFICE OF CHIEF TRIAL COUNSEL
3 GREGORY P. DRESSER, No. 136532
4 INTERIM CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 MELANIE J. LAWRENCE, No. 230102
8 ASSISTANT CHIEF TRIAL COUNSEL
9 R. KEVIN BUCHER, No. 132003
10 DEPUTY TRIAL COUNSEL
11 845 South Figueroa Street
12 Los Angeles, California 90017-2515
13 Telephone: (213) 765-1630

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-15177; 16-H-10397
13 DAVID ANDREW SEELEY,) NOTICE OF DISCIPLINARY CHARGES
14 No. 78089,)
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**
19 **THE STATE BAR COURT TRIAL:**

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
25 **AND THE DEFAULT IS SET ASIDE, AND;**
- 26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
28 **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.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The State Bar of California alleges:

JURISDICTION

1. DAVID ANDREW SEELEY ("respondent") was admitted to the practice of law in the State of California on December 21, 1977, 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-15177
Business and Professions Code, section 6068(a)
[Failure to Comply With Laws – Unauthorized Practice of Law]

2. Between approximately July 1, 2015 and August 14, 2015, Respondent held himself out as entitled to practice law, and actually practiced law, when Respondent was not an active member of the State Bar, by filing pleadings as counsel of record on July 5, 2015 and July 8, 2015 in the case *Kumaraperu v. Feldsted, et al.*, Court of Appeal, 2d Appellate District, case no. B253978, in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

COUNT TWO

Case No. 15-O-15177
Business and Professions Code, section 6106
[Moral Turpitude]

3. Between approximately July 1, 2015 and August 14, 2015, Respondent held himself out as entitled to practice law, and actually practiced law, when Respondent knew or was grossly negligent in not knowing Respondent was not an active member of the State Bar, by filing pleadings as counsel of record on July 5, 2015 and July 8, 2015 in the case *Kumaraperu v. Feldsted, et al.*, Court of Appeal, 2d Appellate District, case no. B253978, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

///
///
///

1 reporting period by holding himself out as an attorney and actually practicing law, when he was
2 not entitled to practice, and thereby Respondent committed an act involving moral turpitude,
3 dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

4 **NOTICE - INACTIVE ENROLLMENT!**

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

13 **NOTICE - COST ASSESSMENT!**

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

19 Respectfully submitted,

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

22 DATED: 5.24 2016

23 By: _____

24 
25 R. KEVIN BUCHER
26 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-15177; 16-H-10397

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))
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.: 71969008911110083428 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: David Andrew Seeley, David A. Seeley, Sylvester, Oppenheim & Linde, 15910 Ventura Blvd., Suite 1508, Encino, CA 91436, 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: Kathi Palacios, Declarant