

1 JOHN M. HARMATA SB#131668
993 S Santa Fe Ave., Suite C #265
2 Vista CA 92083
Tel: (760) 917-2650

3 Self Represented
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FILED

SEP 27 2016

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

8 STATE BAR COURT
Los Angeles Hearing Department
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10 In the Matter of)

11 JOHN M. HARMATA)
12 #131668)

13 a Member of the State Bar)
14)
15)

CASE NO: 15-0- 15656; 15-0-15667
15-0-15900 and 16-0-12063

**ANSWER TO DISCIPLINARY
CHARGES**

Judge: Hon. Yvette D. Roland

Hearing 10/11/2016 @1:30

16 Respondent JOHN M. HARMATA, answers the Disciplinary Charges as follows:
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18 Answering the allegations of Paragraph 1, responding Party admits the paragraph.

19 Answering the allegations of Paragraph 2, responding Party admits that he received the
20 January 6, 2016 letter, denies he received the December 15, 2015 letter, admits that he made no
substantive response but denies it was willful.

21 Answering the allegations of Paragraph 3, Responding Party has no information or belief
22 that checks were received on the dates listed or the proceeds belonged to Brian Wilson. Responding
23 Party further denies that he dishonestly or grossly misrepresented any facts related to any proceeds,
24 denies he deposited the checks, and denies that he misappropriated any proceeds for his own
25 purposes. Responding Party denies any allegation of moral turpitude dishonesty or corruption or any
26 willful violation of Business and Professions Code 6106.

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1 Answering the allegations of Paragraph 4, Responding Party has no information or belief
2 that checks were received on the dates listed or the proceeds belonged to Brian Wilson. Responding
3 Party further denies that he dishonestly or grossly misrepresented any facts related to any proceeds,
4 denies he deposited the checks, and has no knowledge that the client trust account violated Rules
5 of Professional Conduct by maintaining an inappropriate balance.

6 Answering the allegations of Paragraph 5, Responding Party denies the allegations that
7 he failed to he failed to timely inform Brian Wilson of the receipt of any check, and specifically
8 denies that he failed to inform Brian Wilson of any settlement check prior to August 27, 2015, and
9 denies that he willfully violated Rules of Professional Conduct.

10 Answering the allegations of Paragraph 6, Responding Party has no information or belief
11 that checks were received on the dates listed or the proceeds belonged to Brian Wilson. Responding
12 Party denies the allegations that moneys owed to Brian Wilson were willfully withheld and further
13 denies any will violation of the Rules of Professional Conduct. Responding party further contends
14 that the reached a settlement with Brian Wilson regarding any claims.

15 Answering the allegations of Paragraph 7, Responding Party denies that he failed to
16 respond to emails in and between June 2014 and October 2015.

17 Answering the allegations of Paragraph 8, Responding Party denies that he failed to keep
18 Brian Wilson reasonably informed of any significant development regarding the provision of legal
19 services and further denies that ongoing legal services were being provided as of September 1,
20 2015. Responding Party denies any willful violation of the Business and Professions Code.

21 Answering the allegations of Paragraph 9, responding Party admits that he received the
22 January 6, 2016 letter, denies he received the December 15, 2015 letter, and admits that he made
23 no substantive response but denies it was willful.

24 Answering the allegations of Paragraph 10, responding Party admits that he failed to
25 complete an incorporation but denies that he failed to earn all fees charged and denies a willful
26 violation of the Rules of Professional Conduct.

27 Answering the allegations of Paragraph 11, responding Party admits that he failed to
28 complete an incorporation but denies that he failed to earn all fees charged and denies a willful

violation of the Rules of Professional Conduct.

1 Answering the allegations of Paragraph 12, responding Party denies that he failed to
2 respond to inquires between June 22 and October 1, 2015 and denies a wilful violation of the
3 Rules of Professional Conduct.

4 Answering the allegations of Paragraph 13, responding Party denies that he did not
5 intend to complete legal services to claimant, and denies a wilful violation of the Business and
6 Professions Code.

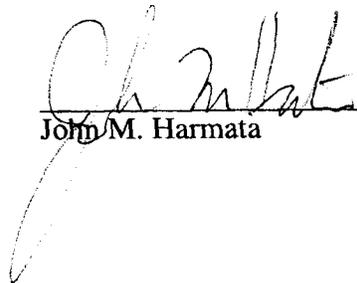
7 Answering the allegations of Paragraph 14, responding Party admits that he received the
8 January 6, 2016 letter, denies he received the December 15, 2015 letter, and admits that he made no
9 substantive response but denies it was willful.

10 Answering the allegations of Paragraph 15, denies that he failed to respond to Claimants
11 request for papers and property, and denies any willful violation of the Rules of Professional
12 Conduct.

13 Answering the allegations of Paragraph 16 Responding Party , admits that he made no
14 substantive response but denies it was willful.

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18 Dated: 9/30/2016

By:


John M. Harmata

State Bar Court Los Angeles Hearing		FOR COURT USE ONLY
TITLE OF CASE (Abbreviated) IN re John Michael Harmata		
NAME AND ADDRESS	TELEPHONE	
JOHN M. HARMATA SB#131668 993 S Santa Fe Ave., Suite C #265 Vista CA 92083 Tel: (760) 917-2650	DATE: 10/11/2016 TIME: 1:30 pm DEPT:	CASE NUMBER

PROOF OF SERVICE BY U.S. MAIL

I, John M Harmata, declare as follows: I am over the age of eighteen years and not a party to the within action; my business address is 993 S Santa Fe Ave., Suite C #265 Vista CA 92083

On 9/26/2016 I transmitted the following documents:

ANSWER TO DISCIPLINARY CHARGES

via U.S. Mail addressed to:

State Bar of CA
 Office Of Chief Trial Counsel
 Gregory P Dresser
 845 South Figueroa Street
 Los Angeles CA 90017-2515

by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, above. I then sealed each envelope and, with postage thereon fully pre-paid, I placed each for deposit in the United States Postal Service, this same day following ordinary business practices.

I declare that I am readily familiar with the business' practice for collection and processing of correspondence with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business. I am aware that on motion of the party served, service by mail is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on 9/26/2016

