

PUBLIC MATTER

FILED

JUL 25 2016

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF CHIEF TRIAL COUNSEL  
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 15-O-15746  
14 DONALD LEE PRICHARD, )  
15 No. 186729, ) NOTICE OF DISCIPLINARY CHARGES  
16 A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

18 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
19 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
20 THE STATE BAR COURT TRIAL:

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



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Donald Lee Prichard (“Respondent”) was admitted to the practice of law in the State  
4 of California on December 16, 1996, 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-15746  
8 Rules of Professional Conduct, rule 4-100(B)(4)  
9 [Failure to Pay Client Funds Promptly]

10 2. On or about May 10, 2011, Respondent received on behalf of his client, Brian T.  
11 Miller, a settlement check from the Interinsurance Exchange of the Automobile Club made  
12 payable to Respondent and his client in the sum of \$12,000. On or about May 10, 2011,  
13 Respondent deposited the check for \$12,000 into his client trust account at OneWest Bank,  
14 account number ending 1478,<sup>1</sup> on behalf of his client. Of this sum, the client’s health care  
15 provider Kaiser Foundation Health Plan, Inc. (“Kaiser”), was entitled to the sum of \$992.34 on  
16 its medical lien for health care rendered to his client. On or about May 20, 2011, the client  
17 requested that Respondent pay Kaiser pursuant to the lien. On or about December 1, 2011,  
18 Respondent issued a client trust account check to The Rawlings Company on behalf of Kaiser.  
19 By failing to pay promptly for over six months any portion of the \$992.34 in his possession owed  
20 to The Rawlings Company on behalf of Kaiser as requested by his client, Respondent willfully  
21 violated Rules of Professional Conduct, rule 4-100(B)(4).

22 COUNT TWO

23 Case No. 15-O-15746  
24 Rules of Professional Conduct, rule 4-100(A)  
25 [Failure to Maintain Client Funds in Trust Account]

26 3. On or about May 10, 2011, Respondent received on behalf of his client, Brian T.  
27 Miller, a settlement check from the Interinsurance Exchange of the Automobile Club made  
28 payable to Respondent and his client in the sum of \$12,000. On or about May 10, 2011,

<sup>1</sup> The account number has been redacted to protect the account and account holder.

1 Respondent deposited the check for \$12,000 into his client trust account at OneWest Bank,  
2 account number ending 1478,<sup>2</sup> on behalf of his client. After subtracting his contingency fee,  
3 payment to his client, and payment to The Rawlings Company on behalf of Kaiser Foundation  
4 Health Plan, Inc., Respondent was required to maintain in the client trust account the  
5 approximate sum of \$2,700 on behalf of his client or his client's health care provider Timothy  
6 Esposito, D.C. dba Doctor's Chiropractic. Respondent failed to maintain the approximate sum  
7 of \$2,700 on behalf of his client or his client's health care provider in his client trust account. By  
8 failing to maintain the approximate sum of \$2,700 on behalf of his client or his client's health  
9 care provider in his client trust account, Respondent willfully violated Rules of Professional  
10 Conduct, rule 4-100(A).

11 COUNT THREE

12 Case No. 15-O-15746  
13 Business and Professions Code section 6106  
14 [Moral Turpitude - Misappropriation]

15 4. On or about May 10, 2011, Respondent received on behalf of his client, Brian T.  
16 Miller, a settlement check from the Interinsurance Exchange of the Automobile Club made  
17 payable to Respondent and his client in the sum of \$12,000. On or about May 10, 2011,  
18 Respondent deposited the check for \$12,000 into his client trust account at OneWest Bank,  
19 account number ending 1478,<sup>3</sup> on behalf of his client. After subtracting his contingency fee,  
20 payment to his client and payment to The Rawlings Company on behalf of Kaiser Foundation  
21 Health Plan, Inc., Respondent was required to maintain in the client trust account the  
22 approximate sum of \$2,700 on behalf of his client or his client's health care provider Timothy  
23 Esposito, D.C. dba Doctor's Chiropractic. Respondent dishonestly or grossly negligently  
24 misappropriating for his own purposes the approximate sum of \$2,700 that his client was entitled  
25 to receive. By misappropriating the approximate sum of \$2,700 that his client was entitled to  
26 receive, Respondent committed an act involving moral turpitude, dishonesty or corruption in  
27 willful violation of Business and Professions Code section 6106.

28 <sup>2</sup> The account number has been redacted to protect the account and account holder.

<sup>3</sup> The account number has been redacted to protect the account and account holder.

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COUNT FOUR

Case No. 15-O-15746  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

5. On or about May 10, 2011, Respondent received on behalf of his client, Brian T. Miller, a settlement check from the Interinsurance Exchange of the Automobile Club made payable to Respondent and his client in the sum of \$12,000. On or about May 10, 2011, Respondent deposited the check for \$12,000 into his client trust account at OneWest Bank, account number ending 1478,<sup>4</sup> on behalf of his client. Respondent thereafter failed to prepare and maintain appropriate records concerning those funds and his client trust account, including but not limited to the client ledger for the client, the written journal for the client trust account, and the monthly reconciliation for the client trust account. By failing to prepare and maintain appropriate records concerning those funds and his client trust account, Respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FIVE

Case No. 15-O-15746  
Rules of Professional Conduct, rule 4-100(A)  
[Commingling – Payment of Personal Expenses from Client Trust Account]

6. Between on or about May 9, 2011 and on or about May 11, 2016, Respondent made the following disbursement from funds held in his client his trust account at OneWest Bank, account number ending 1478 (“CTA”),<sup>5</sup> for the payment of personal expenses in willful violation of Rules of Professional Conduct, rule 4-100(A):

<b>CHECK</b>						
<b><u>NO.</u></b>	<b><u>POSTED</u></b>	<b><u>AMT.</u></b>	<b><u>NO.</u></b>	<b><u>PAYEE</u></b>	<b><u>MEMO</u></b>	
1.	5/9/11	\$1,449.25	1013	Don Taulli	May Rent	
2.	5/11/11	\$1,000	1014	Arthur Francis	Loan	
3.	6/14/11	\$2,357.85	1023	IRS - US Treasury	Tax 2009	
4.	7/6/11	\$800	1029	Jim Regan	July Rent	
5.	7/7/11	\$1,350	1027	Don Taulli	July Rent	
6.	7/7/11	\$1,575	1028	Applegate Hermosa Prop.	July Rent	
7.	9/14/11	\$454.37	1037	Miles Foreign Car Service		

<sup>4</sup> The account number has been redacted to protect the account and account holder.  
<sup>5</sup> The account number has been redacted to protect the account and account holder.

1	8.	10/4/11	\$800	1040	Jim Regan	Oct. Rent
	9.	11/1/11	\$1,575	1043	Applegate Hermosa Prop.	Nov. Rent
2	10.	11/3/11	\$800	1044	Jim Regan	Nov. Rent
	11.	12/1/11	\$1,000	1047	Arthur Francis, Jr.	Loan
3	12.	12/5/11	\$1,575	1050	Applegate Hermosa Prop.	Hermosa Rent-Dec.
	13.	12/8/11	\$1,249.62	1051	Don Taulli	Dec. Rent
4	14.	12/7/11	\$249.66	1052	Mercury Insurance	
	15.	12/2/12	\$800	1053	Jim Regan	Dec. Rent
5	16.	12/8/11	\$1,000	1055	Arthur Francis, Jr.	Loan
	17.	1/4/12	\$1,575	1058	Applegate Hermosa Prop.	Jan. Rent
6	18.	1/3/12	\$1,350	1059	Don Taulli	Jan. Rent
	19.	1/3/12	\$800	????	Jim Regan	Jan. Rent
7	20.	12/4/12	\$1,575	1164	Applegate Hermosa Prop.	Dec. Rent
	21.	12/6/12	\$1,375	1165	Don Taulli	Dec. Rent
8	22.	1/11/13	\$800	1168	Jim Regan	Jan. Rent
	23.	2/4/13	\$1,575	1171	Applegate Hermosa Prop.	Feb. Rent
9	24.	4/11/13	\$1,500	1173	Arthur Frances, Jr.	
10	25.	4/15/13	\$450	1174	Jasiene Warzecth	Payroll
	26.	5/6/13	\$1,600	1177	Applegate Hermosa Prop.	May Rent
11	27.	5/7/13	\$800	1178	Jim Regan	May Rent
	28.	6/4/13	\$1,600	1182	Applegate Hermosa Prop.	June Rent
12	29.	7/3/13	\$1,600	1185	Applegate Hermosa Prop.	July Rent
	30.	8/6/13	\$1,600	1191	Applegate Hermosa Prop.	Aug. Rent
13	31.	9/5/13	\$1,600	1192	Applegate Hermosa Prop.	Sep. Rent
	32.	4/18/16	\$1,500	1197	Arthur Francis	
14	33.	4/22/16	\$800	1199	Jim Regan	April Rent
	34.	5/18/16	\$790.97	1200	IRS - US Treasury	--- -- 2822
15	35.	5/11/16	\$800	1201	Jim Regan	May Rent
16	36.	5/11/16	\$1,000	1203	Art Frances	

**NOTICE - INACTIVE ENROLLMENT!**

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR 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 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**

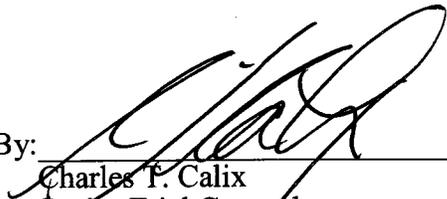
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**INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: July 25, 2016

By:   
\_\_\_\_\_  
Charles F. Calix  
Senior 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-15746

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))

- 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.: 9414 7266 9904 2010 0727 75 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
DONALD LEE PRICHARD	Donald L. Prichard 2522 Artesia Blvd #100 Redondo Beach, CA 90278	Electronic Address	Marisol Ocampo Century Law Group LLP 5200 W Century Blvd #345 Los Angeles, CA 90045



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: July 25, 2016

SIGNED:

Genelle De Luca-Suarez  
Declarant