

<p>Counsel for Respondent Kenneth C. Kocourek SBN 59609 5785 Brackton Ave. Riverside, CA 92506 (951) 323-8208</p>	<p>(for Court use)</p> <p>FILED JUL 24 2015 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In the Matter of Joseph Walch Bar # 56192 A member of the State Bar of California ("Respondent")</p>	<p>Case no(s). 15-PM-13017-WKM</p> <p>PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)</p>

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1) Respondent requests a hearing in this matter and intends to participate.

OR

(2) Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a) Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b) Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: July 23, 2015

Kenneth C. Kocourek
Signature



1 KENNETH C. KOCOUREK
SBN 59609
2 5785 Brockton Ave.
Riverside, CA 92506
3 (951) 323-8208
Attorney for Joseph Walch

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5
6 STATE BAR COURT
7 HEARING DEPARTMENT – LOS ANGELES
8

9 In the Matters of:) Case No. 15-PM-13017-WKM
10)
11) RESPONDENT’S OPPOSITION TO
12) MOTION TO TERMINATE
13) PROBATION; DECLARATION OF
14) RESPONDENT; AND, RESPONDENT’S
LIST OF EXHIBITS
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16)
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15 Joseph Walch, the respondent above-named, hereby opposes the State Bar’s motion to
16 terminate his disciplinary probation, after respondent’s several years of consistent compliance
17 with his meager financial resources. Moreover, the State Bar seeks to have this Court: 1)
18 recommend that respondent be suspended for five years; 2) immediately enroll him to
19 involuntary inactive status; and, 3) require him to re- prove his rehabilitation and learning in the
20 law before the five year suspension is lifted. (Bar’s Mot. p. 1, line 22 through p. 2, line 3).

22 The sole basis of the Bar’s effort to impose this draconian measure is the allegation that
23 Mr. Walch **willfully** failed to continue to make monthly financial restitution payments directly to
24 the two remaining clients that are owed refunds, when one of the clients is dead and the other
25 client cannot be located after diligent search by Respondent’s professional investigator. If this
26 were a contracts case, then the Respondent was and is faced with impossibility of performance.
27
28

1 **RESPONDENT'S RECORD OF COMPLIANCE WITH HIS PROBATIONARY TERMS**

2 **AND CONDITIONS**

3
4 In 2005, the Supreme Court approved the stipulation as to facts and discipline and
5 ordered the Respondent suspended for five years, execution stayed, on the following conditions:
6

- 7 1. Actual suspension for two years and until he proved his rehabilitation and learning in
8 the law;
- 9 2. Financial restitution to five clients in the total amount of \$26,567.56, plus 10 %
10 annual interest accruing from the early 1990's; and,
11
- 12 3. The standard reporting conditions and Ethics School.

13 Mr. Walch served his 18 month suspension, after which he was found by a State Bar
14 Court Judge to have been rehabilitated, maintained his learning in the law, and restored to the
15 active practice of law. (Exhibit 7-29, to Bar's Mot.)

16 Once he became an active member again, Mr. Walch was only able to find part-time legal
17 work, where he was paid \$25.00, an hour. From this income along with his monthly Social
18 Security retirement payments, Mr. Walch faithfully made his monthly ordered payments, first to
19 the Client Security Fund, and then directly to the clients as ordered by the Court.
20

21 By November or December 2014, three of the five clients had received full restitution
22 from Mr. Walch. His restitution order stated that Mr. Walch had to make monthly payments of at
23 least \$150.00, to the payees and not the State Bar.
24

25 **THE DILEMMA LEADING TO THESE PROCEEDINGS**

26 In December 2014, of the two remaining clients, owed restitution, one had died in 2004,
27 and the other one could not be located. A series of confusing telephone conversations between
28

1 the Probation Deputy and Mr. Walch appears to have resulted in the four alleged probation
2 violations. At that time, the restitution order required Mr. Walch to make at least monthly
3 payments of \$150.00, to the former clients. The dilemma is to whom are Mr. Walch's \$150.00,
4 monthly payments to be sent? One client is dead and the other cannot be located. Moreover, the
5 Probation Deputy has admonished Mr. Walch, "If you make payments to CSF before paying
6 Bruce M. Masters or Babe Wagner, you will be in violation of the court's order." (Exh. 9-54,
7 Bar's Mot.) Clearly, the Probation Deputy was not helping Mr. Walch in this dilemma. Not
8 knowing what to do, and not receiving any meaningful guidance from the State Bar, Mr. Walch
9 is now charged with the following violations of probation:
10

11 In the first violation, Mr. Walch sent a \$150.00, final check to client, Lupe Contreras,
12 when she was only owed \$141.16. This resulted in an over payment of \$8.84. The Probation
13 Deputy told Mr. Walch that he does not get credit for the \$8.84 over-payment. Therefore, the
14 probation violation, as respondent understands it, is that the December 1, 2014, ordered payment
15 of \$150.00, is short by \$8.84.
16

17 In the second violation, Mr. Walch sent a \$150.00, final check to client, Rene Gonzalez,
18 when she was only owed \$17.45. This resulted in an over payment of \$132.55. The Probation
19 Deputy told Mr. Walch that he does not get credit for the \$132.55 over-payment. Therefore, the
20 probation violation, as respondent understands it, is that the January 1, 2015, ordered payment of
21 \$150.00, is short by \$132.55.
22

23 The third and fourth violations resulted from Mr. Walch not knowing to whom to send
24 his monthly payments.
25

26 Eventually, Mr. Walch's prior counsel filed a motion to modify his probation to
27 terminate his restitution obligations to the remaining clients. This motion was denied by the State
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1 Bar Court. Prior counsel's motion for reconsideration was drafted, but apparently never filed
2 with the Court. (Copy attached as Respondent's Exhibit no. 6).

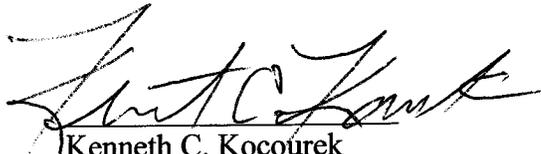
3 Over the last decade, Mr. Walch has faithfully complied with his probation requirements,
4 even to the point of having the State Bar Court make a finding that he was rehabilitated and
5 maintained his learning in the law, restoring him to active status. He has completed restitution to
6 three of the five clients. Mr. Walch hired a private investigator to locate Bruce M. Masters and
7 the heirs of Babe Wagner. The investigator could not locate either of them. The investigator's
8 declaration is attached as Respondent's Exhibit no. 2.)

9
10 Instead of assisting Mr. Walch in the resolution of this dilemma, the State Bar seeks to
11 further penalize this 74 year old attorney by de facto disbarment.

12
13 Mr. Walch respectfully seeks this Court's dismissal of this proceeding and the statutory
14 award of costs.

15 Additionally, the Respondent seeks a modification of the terms of his probation to cease
16 the restitution payments to Bruce M. Masters and Babe Wagner, or alternatively, to order Mr.
17 Walch to direct those payments to the Client Security Fund. However, it should be noted by the
18 Court that the principal amount owed to Babe Wagner is only \$200.00. The approximate amount
19 owed of \$7,000.00, is 10 % interest from 1996, on \$200.00. The accruing interest on the two
20 remaining claims should be discontinued.

21
22 Dated: July 23, 2015

23
24 
25 Kenneth C. Kocourek
26 Attorney for Respondent
27
28

1 KENNETH C. KOCOUREK
SBN 59609
2 5785 Brockton Ave.
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3 (951) 323-8208
Attorney for Joseph Walch

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6 STATE BAR COURT
7 HEARING DEPARTMENT – LOS ANGELES
8

9 In the Matters of:) Case No. 15-PM-13017-WKM
10)
11) DECLARATION OF JOSEPH WALCH IN
12) SUPPORT OF RESPONDENT'S
JOSEPH WALCH, No. 56192) OPPOSITION TO MOTION TO
13) TERMINATE PROBATION
A Member of the State Bar.)
14)

15 I, Joseph Walch, state:

- 16 1. I am an active member of the State Bar of California and am the respondent above-
17 named in this probation termination proceeding. If called to testify in this matter, I
18 could and would competently testify to the following matters, based upon my own
19 direct knowledge.
20
21 2. I am currently 74 years of age. I am employed as a part-time contract attorney by a
22 law firm. In this capacity, I am paid \$25.00, an hour.
23
24 3. In 2005, the Supreme Court ordered my suspension for five years, execution stayed,
25 on the following conditions: 1) actual suspension for eighteen months and until I
26 proved my rehabilitation and learning in the law; 2) financial restitution to five clients
27 in the total amount of \$26,567.58, plus 10 % annual interest accruing from the early
28

1 1990's; and, 3) The standard reporting conditions and Ethics School and passing the
2 Ethics exam.

- 3 4. After I served my eighteen month suspension and fulfilled the State Bar's
4 requirements, a State Bar Court Judge found that I had been rehabilitated, maintained
5 my learning in the law, and restored me to the active practice of law in 2006. (Exhibit
6 7-29, to Bar's Mot.)
- 7
- 8 5. Once I became an active member again, I was only able to find part-time legal work,
9 that paid \$25.00, an hour. From this income, along with my monthly Social Security
10 retirement payments, I faithfully made all my monthly ordered payments, first to the
11 Client Security Fund, and then directly to the clients as ordered by the Probation
12 Department. Attached as Respondent's Exhibit no. 1 is a chart showing my payment
13 history, that was prepared by my fiancé/secretary, Linda Golden.
- 14
- 15 6. For several years, I made my monthly payments directly to the Client Security Fund.
16 In or about 2010, The Probation Department told me to pay the clients directly. I had
17 to locate those five clients. I was only able to locate three of the five clients. (Exh. 9-
18 0029, Bar's Mot.)
- 19
- 20 7. In 2014 I learned that client Babe Wagner died in 2004. I could not locate client
21 Bruce M. Masters. I hired investigator Jim Vuchsas to locate Wagner's heirs and
22 Masters. Mr. Vuchsas was not successful. His declaration is attached as Respondent's
23 Exhibit no. 2.
- 24
- 25 8. In November 2014, Deputy Probation Officer, Ivy Cheung telephoned me and told
26 me that my last payment to Lupe Contreras was \$141.16, and my last payment to
27
- 28

1 Rene Gonzalez was \$17.45. I asked her to confirm that in writing, but she refused to
2 do so. Please see declaration Of Linda Golden, Respondent's Exhibit no. 3.

3 9. When I sent my check to Lupe Contreras for \$141.16, Ms. Cheung sent me a letter
4 incorrectly stating that my payment to her was short by 10 cents. Ms. Cheung
5 threatened to have my probation terminated because of that shortage. A true and
6 correct copy of that letter is attached as Respondent's Exhibit no. 4.
7

8 10. My final payments to Lupe Contreras and Rene Gonzalez were over payments,
9 because Ms. Cheung stated that if I paid less than \$150.00, per month to the payees
10 that I would be in violation of the Court's order. (Exh. 9-000-53, Bar's Mot.)
11

12 11. After my final payments to Lupe Contreras and Rene Gonzalez, there were no
13 persons or payees available for me to send my monthly \$150.00.

14 12. Ms. Cheung told me in a letter that I would be in violation of the Court's order if I
15 made payments to the Client Security Fund before paying Babe Wagner and Bruce
16 M. Masters. (Exh. 9-54, Bar's Mot.)
17

18 13. In April 2014, my former attorney filed a motion with the State Bar Court, seeking to
19 modify the terms of my probation by terminating my restitution obligations to
20 Wagner and Masters.
21

22 14. Ms. Goldade vigorously opposed my motion, which was ultimately denied by the
23 Court.

24 15. My former attorney prepared a reply to the Bar's opposition and a motion for
25 reconsideration, both of which, for some unknown reason, were never filed with the
26 Court. Copies attached as Respondent's Exhibit nos. 5 and 6. I learned of this fact
27 after he was discharged as my attorney.
28

1 16. I did not make the February and March 2015, payments, because I had no known
2 addresses for the Wagner heirs (if any) nor Bruce M. Masters. Moreover, Ms. Cheung
3 told me that if I sent the payments to the State Bar, I would be in violation of the
4 Court's order. I did not know what to do.

5 I declare under the laws of perjury of the State of California that the foregoing is true and
6 correct.
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8 Executed on July 23, 2015, at Los Angeles, California.
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11 Joseph Walch
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1 KENNETH C. KOCOUREK
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6 STATE BAR COURT
7 HEARING DEPARTMENT – LOS ANGELES
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9 In the Matters of:) Case No. 15-PM-13017-WKM
10)
11) RESPONDENT’S EXHIBIT LIST IN
12) SUPPORT OF OPPOSITION TO MOTION
13) TO TERMINATE PROBATION
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JOSEPH WALCH, No. 56192
A Member of the State Bar.

<u>Number</u>	<u>Description</u>
1	Chart of Respondent’s Payment History
2	Declaration of Investigator Jim Vuchsas
3	Declaration of Linda Golden
4	Letter from Probation Deputy Cheung, dated
5	Respondent’s Reply to Opposition to Motion for Modification of the terms of
	Probation
6	Respondent’s Motion for Reconsideration of Order Denying Motion for
	Modification of the Terms of Probation

26 Dated: July ²³, 2015

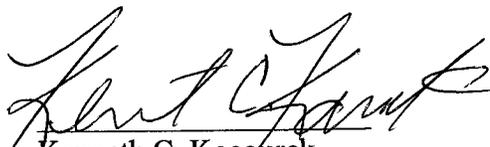
27 
28 Kenneth C. Kocourek
Attorney for Respondent

EXHIBIT 1

STATE BAR COURT
MONIES PAID TO CSF DISCIPLINARY COSTS

COMPILED AND EDITED
BY: LINDA S. GOLDEN

DATES PAID	TOTAL AMOUNT DUE	AMOUNT PAID	TOTAL AMOUNT PAID
2001	\$50.00 X 4 (Sept/Oct/Nov/Dec)	\$200.00	
2002	\$50.00 X 12	\$600.00	
2003	\$50.00 X 12	\$600.00	
2004	\$50.00 X 12	\$600.00	
2005	\$50.00 X 12	\$600.00	
2006	\$50.00 X 12	\$600.00	
2007	\$50.00 X 12	\$600.00	
2008	\$50.00 X 2 (Jan & Feb)	\$100.00	
		\$3,900.00	\$3,900.00
2008	\$50.00 X 10 (March to Dec.)	\$500.00	
2009	\$50.00 X 12	\$600.00	
2010	\$50.00 X 12	\$600.00	
2011	\$50.00 X 12	\$600.00	
2012	\$50.00 X 7 (Jan to July)	\$350.00	
2012	\$150.00 X 5 (Aug to Dec)	\$750.00	
2013	\$150.00 X 12 see attached	\$1,800.00	
2014	\$150.00 X 10 see attached	\$1,500.00	
2014	\$141.16 X 1	\$141.16	
2014	\$8.84 X 1	\$8.84	
2014	\$150.00 X 1	\$150.00	
		\$7,000.00	\$7,000.00
2015	\$150.00 X 1	\$150.00	\$150.00
9/6/2006	\$7,993.64	\$1,600.00	
9/6/2007	\$6,393.64	\$1,600.00	
9/6/2008	\$4,793.64	\$1,600.00	
9/6/2009	\$3,193.64	\$1,600.00	
9/6/2010	\$1,593.64	\$1,593.64	
		\$7,993.64	\$7,933.64
			\$18,983.64

Category Report
1/1/2013 through 12/31/2015 (in U.S. Dollars)

7/1/2015

Page 1

Date	Account	Num	Description	Memo	Category	Tag	Clr	Amount
1/30/2013	Joe's US Bk ...526		Lupe Contre...		Bar Payment		R	-150.00
2/28/2013	Joe's US Bk ...531		Rene Gonza...		Bar Payment		R	-150.00
3/30/2013	Joe's US Bk ...534		Lupe Contre...		Bar Payment		R	-150.00
4/29/2013	Joe's US Bk ...539		Rene Gonza...		Bar Payment		R	-150.00
5/28/2013	Joe's US Bk ...545		Lupe Contre...		Bar Payment		R	-150.00
6/28/2013	Joe's US Bk ...550		Rene Gonza...		Bar Payment		R	-150.00
7/29/2013	Joe's US Bk ...558		Lupe Contre...		Bar Payment		R	-150.00
8/29/2013	Joe's US Bk ...561		Rene Gonza...		Bar Payment		R	-150.00
9/28/2013	Joe's US Bk ...564		Lupe Contre...		Bar Payment		R	-150.00
10/28/2013	Joe's US Bk ...567		Rene Gonza...		Bar Payment		R	-150.00
11/28/2013	Joe's US Bk ...569		Lupe Contre...		Bar Payment		R	-150.00
12/28/2013	Joe's US Bk ...577		Rene Gonza...		Bar Payment		R	-150.00
1/1/2013 - 12/31/2013								-1,800.00
1/30/2014	Joe's US Bk ...579		Lupe Contre...		Bar Payment		R	-150.00
2/28/2014	Joe's US Bk ...584		Rene Gonza...		Bar Payment		R	-150.00
3/28/2014	Joe's US Bk ...587		Lupe Contre...		Bar Payment		R	-150.00
4/28/2014	Joe's US Bk ...590		Rene Gonza...		Bar Payment		R	-150.00
5/30/2014	Joe's US Bk ...592		Lupe Contre...		Bar Payment		R	-150.00
6/28/2014	Joe's US Bk ...593		Rene Gonza...		Bar Payment		R	-150.00
7/28/2014	Joe's US Bk ...594		Lupe Contre...		Bar Payment		R	-150.00
8/28/2014	Joe's US Bk ...595		Rene Gonza...		Bar Payment		R	-150.00
9/30/2014	Joe's US Bk ...596		Lupe Contre...		Bar Payment		R	-150.00
10/28/2014	Joe's US Bk ...597		Rene Gonza...		Bar Payment		R	-150.00
11/28/2014	Joe's US Bk ...599		Lupe Contre...		Bar Payment		R	-141.16
12/4/2014	Joe's US Bk ...600		Lupe Contr...		Bar Payment		R	-8.84
12/29/2014	Joe's US Bk ...604		Rene Gonza...		Bar Payment		R	-150.00
1/1/2014 - 12/31/2014								-1,800.00
1/30/2015	Joe's US Bk ...605		Lupe Contre...		Bar Payment		R	-150.00
1/1/2015 - 12/31/2015								-150.00
OVERALL TOTAL								-3,750.00
TOTAL INFLOWS								0.00
TOTAL OUTFLO...								-3,750.00
NET TOTAL								-3,750.00

EXHIBIT 2

DECLARATION OF JIM VUCHSAS

I, Jim Vuchsas, hereby declare as follows:

1. I am an investigator and the principal at SECO Investigative Services, retained by Respondent Joseph Walch in the present action. I have personal first-hand knowledge of the facts declared herein and, if called as a witness, I could and would competently testify hereto.

2. I am a former LAPD officer involved as an investigator and as the principal at SECO Investigative Services since 1989. I am familiar with all aspects of finding and tracking individuals and I am familiar with the commercially available internet search engines and websites that offer to perform and/or assist with these very same services. I utilize these search engines/programs to generate and/or confirm leads in the process of confirming identifications and finding and tracking individuals. This was the reason that I was retained by Mr. Walch to locate Bruce M. Masters and Babe Wagner's daughter Leah Ann Long.

3. Based on the aforementioned request and the additional information provided by the State Bar (Name and City Location), I conducted a thorough background search in an attempt to locate Bruce M. Masters and Babe Wagner's daughter Leah Ann Long.

Based upon the SECO investigation and workup, which included property record searches, telephone and address record searches, criminal background searches, civil litigation searches (including marital, divorce and death records), I am unable to find or locate Mr. Bruce M. Masters. Similarly, although I have been able to confirm the death

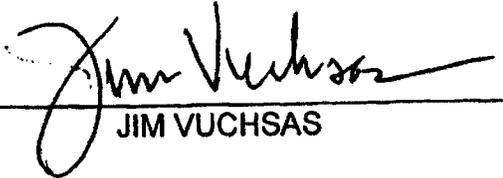
1 of Ms. Babe A. Wagner, I am unable to find or locate Babe Wagner's daughter Leah
2 Ann Long. (Copies of the updated Investigation Reports and search histories are
3 attached as Exhibit "D").
4

5
6 4. I have reviewed the State Bar's search results as set forth in Exhibits 8 and 9 to the
7 State Bar's Opposition to Motion to Modify Terms of Probation. I do not believe that the
8 State Bar search provides any further or additional information regarding the location of
9 Bruce M. Masters and the estate of Babe Wagner. In particular, the State Bar
10 information does not provide an address, phone number or any means of locating Bruce
11 M. Masters and the estate of Babe Wagner, other than by providing a city listing for
12 reference. Nonetheless, I have personally conducted the subsequent searches for each
13 individual, matching up the information provided by the State Bar (Name and City
14 Location) with the information obtained through several different data base searches
15 which including the following subject matters: 1) Active Addresses; 2) Bankruptcies,
16 Liens and Judgments; 3) Civil and UCC Filings; 4) Telephone Records; 5) E-Mail
17 Addresses; 6) People at Work; 7) Driver's Licenses; 8) Properties Owned; 9) Motor
18 Vehicles Registered; 10) Criminal Records; 11) Professional Licenses; and 12)
19 Fictitious Business Names.
20
21

22
23 5. As I have been unable to come up with any matching information, I stand by my
24 previous finding that Bruce M. Masters and the Babe Wagner's daughter Leah Ann
25 Long have not been located. Additionally, I do not believe that either of these people
26 can be found or located utilizing reasonable efforts and available technology.
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I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct. Executed this 28th day of April, 2015, in Beverly Hills,
California.



JIM VUCHSAS

EXHIBIT 3

DECLARATION OF LINDA S. GOLDEN

I, Linda S. Golden, hereby declare as follows:

1. On November 26, 2014 Mr. Walch received a telephone call from Ivy Cheung of the Probation Department. After handing Mr. Walch the phone I stood next to him and heard both sides of the conversation which was to inform him that for the December 2014 payment only \$141.16 was to be paid to Ms. Contreras which was the balance owing to her and no further payments were due. She further stated that in January 2015, a payment of \$17.45 to Mr. Gonzalez, which was the final balance owing was to be paid.

2. Mr. Walch seemed surprised at the above information and repeated it three (3) times by repeating it back to Ms. Cheung; He then asked her to confirm it in writing three (3) times and she flatly refused three (3) times.

3. Mr. Walch then asked Ms. Cheung what he should do about the court ordered \$150.00 payments and Ms. Cheung stated that since there were no balances owing, there were no further payments owing, Mr. Walch asked this question, again three (3) times.

4. Ms. Cheung also stated that Mr. Walch continue his attempts to locate Masters and Wagner and to that end file a motion with the State Bar if they could not be found after he completed his due diligence.

5. In December 2014 Mr. Walch received a subsequent telephone call from Ivy Cheung of the Probation Department. After handing Mr. Walch the phone I stood next to him and heard both sides of the conversation which was Ms. Cheung denying that she told Mr. Walch to pay Contreras \$141.16 and Gonzalez \$17.45 which is definitely contrary to the truth. Ms. Cheung went on to say that Mr. Walch pay an additional \$8.84 to Contreras to complete his \$150.00 court ordered payment of \$150.00, which I believe he did.

6. Ms. Cheung then adamantly informed Mr. Walch that he MUST make the court ordered \$150.00 payments to ANYONE as long as these payments were made on a monthly basis and Mr. Walch repeated this information back to Ms. Cheung a number of times before the conversation ended.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 20th day of January, 2015, in Los Angeles, California.



Linda S. Golden

EXHIBIT 4



THE STATE BAR
OF CALIFORNIA

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

Ivy Cheung: (213) 765-1407

http://www.calbar.ca.gov

OFFICE OF PROBATION
ADDRESS VERIFIED

December 15, 2014

DEC 15 2014

FINANCIAL

Joseph Walch
1160 No. Ogden Dr. 111
Los Angeles, CA 90046

BY: IC

In re: S097699; 98-O-02896

In the Matter of Joseph Walch

Dear Joseph Walch:

On December 5, 2014, I received a declaration from Lupe Contreras dated December 1, 2014 stating *SILLY* that she received \$141.06. This is ten cents short of the remainder of the restitution interest owed to her—\$141.16. A copy of this declaration is enclosed for your reference. If Lupe Contreras' declaration was due to her hand written mistake, **please provide the Office of Probation with a copy of a negotiated check (front and back) for the \$141.16 amount as proof of payment immediately.** *PETTY* **Alternatively, please have her provide a new and accurate declaration.** *SEE MY ANSWER*

Further, on December 10, 2014, I received a declaration from Lupe Contreras dated December 6, 2014 stating that she received \$8.84. The \$8.84, assuming Lupe Contreras did in fact receive \$141.16 on December 1, 2014, constitutes an overpayment to Lupe Contreras and you will not receive credit for it towards your court ordered obligation to pay at least \$150 monthly.

Therefore, you are not in compliance for the month of December 2014 because you failed to make a monthly restitution payment of at least \$150 to your payee(s). You are reminded that all amounts are due on or before September 1, 2016.

Sincerely,

Ivy Cheung
Probation Deputy

/ic

Enclosure

November 28, 2014

DECLARATION

I, LUPE CONTRERAS, HAVE RECEIVED A CHECK FOR ONE HUNDRED FORTY ONE DOLLARS AND SIXTEEN CENTS FROM JOSEPH WALCH PURSUANT TO ORDER AND INSTRUCTION FROM THE CALIFORNIA STATE BAR.

MY ADDRESS: 12619 4TH STREET, YUCAIPA, CA 92399

PHONE: 909-797-7079

DATE RECEIVED: Dec. 1 2014

AMOUNT RECEIVED: \$ 141.16

SIGNED UNDER PENALTY OF PURJURY Lupe Contreras
LUPE CONTRERAS

INSTRUCTIONS: MS. CONTRERAS:

IMMEDIATELY UPON RECEIVING THE ENCLOSED CHECK, PLEASE SIGN THIS DECLARATION, AND PLEASE WRITE ON THE DOTTED LINES THE DATE YOU RECEIVED THE ENCLOSED CHECK, AND THE AMOUNT RECEIVED.

PLEASE MAIL THE SIGNED DECLARATION BACK TO THE STATE BAR OF CALIFORNIA, USING THE ENCLOSED ADDRESSED STAMPED ENVELOPE.

I HAVE BEEN INFORMED BY THE STATE BAR THAT THIS WILL BE THE LAST PAYMENT MADE TO YOU. THE STATE BAR GAVE ME THE FINAL AMOUNT TO PAY YOU WHICH IS ONE HUNDRED FORTY ONE DOLLARS AND SIXTEEN CENTS (\$141.16).

THANK YOU,

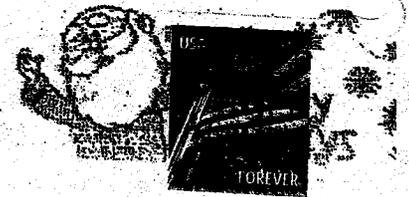
Joseph Walch
JOSEPH WALCH

00070

Lupe Contreras
12619 4th Street
Yucaipa, Ca 92399

SN BERNARDINO CA 924

03 DEC 2014 PM 2 L



RECEIVED

DEC 05 2014

OFFICE OF PROBATION
LOS ANGELES

State Bar of California
Office of Probation
845 South Figueroa Street
Los Angeles, Ca 90017-2515



9001732515



00071

**JOSEPH WALCH, ATTORNEY
1160 N. OGDEN DR. 111
LOS ANGELES, CA 90046
323-654-4002**

DECEMBER 21, 2014

Dear Ms. Cheung:

Re: Your December 15, 2014 letter

As requested enclosed is a copy of my negotiated check (front and back) for the \$141.16 amount as proof of payment.

To summarize, I made two payments to Ms. Contreras for the month of December 2014. One payment of \$141.16 was made November 28, 2014 and on December 3, 2014 a another payment of \$8.84 was made to Ms. Contreras. Since the two payments add up to \$150.00, I am in compliance for the month of December 2014.

Sincerely,



Joseph Walch,
Attorney At Law

Enclosure: copy of check, front and back

00073

EXHIBIT 5

1 4. In response to the phone conversation as characterized by the Probation Dept.
2 (Page 2 - Line 27) - I deny the phone conversation as characterized by the Probation
3 Dept. Every month I am required to send a Declaration page to my payees which they
4 sign and mail back to the Bar. The Declaration pages always read the same. After the
5 phone conversation of November 26, 2014, I changed the Declaration page of
6 November 14, 1950 re: Lupe Contreras by adding this paragraph: 'I have been informed
7 by the State Bar that this will be the last payment made to you...' In addition I changed
8 the amount of money she would receive from her normal \$150.00 per month to \$141.16
9 per month. Then, after Ms. Cheung's call on Dec 4, 2014, I sent a check of \$8.84 to add
10 up to Court ordered \$150.00 per month and in the last paragraph to the Declaration, I
11 refer to ... a misunderstanding between the State Bar and myself...' I have a witness to
12 the phone conversations.
13
14
15

16 5. In response to the State Bar's assertion that I did not accurately confirm the Cheung
17 phone conversation. (Page 3 - Line 7) - I accurately confirmed the Cheung phone call,
18 i.e., that I could make the Contreras payment as my December 2014 restitution
19 payment and the Gonzalez payment as my January 2015 restitution payment. (See my
20 P. 2 line 27 November 28, 2014 exhibit).
21
22

23 6. In response to the State Bar's assertion that on December 5, 2014, the Office of
24 Probation mailed me a letter that I was Ordered to pay \$150.00 per month. (Page 3 -
25 Line 10) - When I made the payment of \$8.84 to Contreras in December 2014, that
26 amount added to the payment of \$141.16 I had made when I was told to by Cheung
27 equaled my Court Ordered Restitution amount of \$150. monthly. I thereafter made a
28

1 restitution payment of \$150. to Gonzalez for the month of January. The Office of
2 Probation letter of Dec 5, 2014 stated on page 2, referring to Cheung's phone
3 conversation to me of November 26, 2014, that \$141.16 was owed to Contreras and
4 \$17.45 was owed to Gonzalez, and that I should complete payment. And later on page
5 2, she states that if the Office of Probation does not receive at least \$150.00 by January
6 10, I would be in non-compliance. Thus, I made the payments to Contreras and
7 Gonzalez. At this point I could not make a payment to Wagner because she was
8 deceased, and I could not make a payment to Masters as I could not find him. It was too
9 early to make a Motion as I was working with and waiting for results as to Masters and
10 an Estate of Wagner from Seco Professional investigation Services.
11

12
13 7. In response to the State Bar's assertions re: Babe Wagner. (Page 4 - Lines 1-17) -
14 With respect to Babe Wagner, I always understood the State Bar to be talking about
15 finding an Estate, so that is what I looked for and instructed Seco Investigators to look
16 for. (see Opposition Page 4: "Have you found a PROBATE....."). Also, in Ms. Cheung's
17 letter of Dec 5, 2014, she says "...you should look for a Probate Estate to pay..." (see
18 Page 5 - Line 8). The Office of Probation suggested that I should say in a letter to
19 possible payees that I should say certain things in the letter. I did not take the
20 suggestions because I was successful using my own methods in finding three of the five
21 payees on the list the Probation Dept gave to me in a letter of 2010. Up to that time, I
22 had been paying the client security fund.
23
24

25
26 8. 2010 was approximately 15 or 16 years after the incidents took place. All of a sudden
27 the Probation Dept. decided that I should stop paying the CSF and I should look for
28

1 individual payees. And then I am blamed for not finding 2 of them, having found that one
2 of the two is dead. In fact, Babe Wagner was dead six years before I was ever asked to
3 find her.

4
5
6 9. I have not missed a payment with respect to anything relating to the restitution
7 payees. I have been making payments since 2001 and I have already paid \$17,734.80.
8 The focus should be on my paying for approximately 15 years and the 3 people I found
9 that have been completely paid off, when Probation had previously complained that it
10 would take 6 years to pay those people off.

11
12
13 10. In response to the State Bar's assertion that I was "Ordered to pay a minimum of
14 \$150 ... per month." (Page 10 - Line 23) - I paid monies to Contreras and Gonzalez
15 because I felt according to the Order, I needed to pay someone or I would be in
16 violation of the Order. The Order states I must pay a minimum of at least \$150.00 per
17 month. In the telephone call of Nov 26, 2014 with Ms. Cheung, she told me that very
18 same thing several times. In fact, the Opposition quotes a Dec. 5, 2014 Probation Dept.
19 letter to me stating "...he was ordered to pay a minimum of \$150 per month..."
20

21
22 11. I have made all of my restitution payments to date, on a salary of \$25.00 per hour
23 (from 2006 to the present) and from 2001 to 2006 I was able to make payments to CSF
24 utilizing my social security benefits, which were my only source of income at that time. I
25 only stopped making these payments in response to the February 23, 2015 letter from
26 Probation indicating that I should stop making payments to the prior payees and to start
27 paying Contreras and Gonzales. I was still searching for Masters and an Estate for
28

1 Wagner and had paid everyone else. I had no restitution payee left to pay. I therefore
2 hired private investigators at SECO to find Masters and an Estate for Wagner. As set
3 forth in the accompanying Declaration of Jim Vuchsas, he has been unable to locate
4 either Masters and an Estate for Wagner. I also searched the Orange County Court
5 Records for an heir for Babe Wagner, which did not turn up any results. (A copy of the
6 search pages are attached as Exhibit "XX").
7

8
9 12. In response to the State Bar's assertion that I "had not paid a minimum of \$150.00
10 per month." (Page 11 - Line 7) - In good faith I paid a total of \$150.00 via payments
11 made Nov. 28 and Dec. 3, 2014. The concept of over payment would not have come up
12 had I not completely paid off all payees that were found and not deceased. I in effect am
13 being penalized for paying off 3 of the 5 payees. By continuing to pay, I was just trying
14 to do the right thing and not to violate the Court Order (i.e., pay 150.00 per month).
15

16
17 13. In response to the State Bar's assertion that I "could have obtained Death
18 Certificate earlier." (Page 13 - Line 4) - I informed Bar as soon as I found out Wagner
19 was deceased from a website search and used that as my Exhibit #6 in my Motion filed
20 July 22, 2014. The exhibit shows envelopes for Masters and Wagner returned by the
21 Post Office. In addition, the USA People Search website shows Wagner as deceased.
22 (see also my prior Declaration filed August 5, 2014 re: my good faith efforts to find
23 payees - Page 7 - Number 9 and the letters and envelopes sent to Bruce M. Masters
24 returned as "non-deliverable" and "unable to forward".
25
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1 14. I am still unable to locate Masters and an Estate for Wagner. The information
2 provided by Probation does not match up with any address history or search records we
3 (both SECO and I) have located to date. Similarly, the designation of Babe Wagner's
4 daughter (and a proposed city location without an address) does not indicate any right
5 or entitlement to the Estate of Babe Wagner's restitution payments. Therefore, I request
6 an Order Modifying my Probation requirement to terminate future or ongoing restitution
7 payment requirements to Bruce M. Masters and the Estate of Babe Wagner as all
8 reasonable efforts have failed to locate them.
9

10
11 I declare under penalty of perjury under the laws of the State of California that
12 the foregoing is true and correct. Executed this 8th day of April, 2015, in Los Angeles,
13 California.
14

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16 _____
17 JOSEPH WALCH
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DECLARATION OF JIM VUCHSAS

I, Jim Vuchsas, hereby declare as follows:

1. I am an investigator and the principal at SECO Investigative Services, retained by Respondent Joseph Walch in the present action. I have personal first-hand knowledge of the facts declared herein and, if called as a witness, I could and would competently testify hereto.

2. I am a former LAPD officer involved as an investigator and as the principal at SECO Investigative Services since 1989. I am familiar with all aspects of finding and tracking individuals and I am familiar with the commercially available internet search engines and websites that offer to perform and/or assist with these very same services. I utilize these search engines/programs to generate and/or confirm leads in the process of confirming identifications and finding and tracking individuals. This was the reason that I was retained by Mr. Walch to locate Bruce M. Masters and the Estate of Babe Wagner.

3. Based on the aforementioned request and the initial information provided by Mr. Walch, I conducted a thorough background search in an attempt to locate Bruce M. Masters and the estate of Babe Wagner. Based upon the SECO investigation and workup, which included property record searches, telephone and address record searches, criminal background searches, civil litigation searches (including marital, divorce and death records), I am unable to find or locate Mr. Bruce M. Masters. Similarly, although I have been able to confirm the death of Ms. Babe A. Wagner, I am

1 unable to find or locate an estate for Babe A. Wagner. (Copies of the Investigation
2 Reports and search histories are attached as Exhibit "A").

3
4 4. I have reviewed the State Bar's search results as set forth in Exhibits 8 and 9 to the
5 State Bar's Opposition to Motion to Modify Terms of Probation. I do not believe that the
6 State Bar search provides any further or additional information regarding the location of
7 Bruce M. Masters and the estate of Babe Wagner. In particular, the State Bar
8 information does not provide an address, phone number or any means of locating Bruce
9 M. Masters and the estate of Babe Wagner, other than by providing a city listing for
10 reference. I therefore stand by my previous finding that Bruce M. Masters and the
11 Estate of Babe Wagner have not been located.
12
13
14

15 I declare under penalty of perjury under the laws of the State of California that
16 the foregoing is true and correct. Executed this 8th day of April, 2015, in Beverly Hills,
17 California.

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19
20 _____
JIM VUCHSAS
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1
2 **PROOF OF SERVICE**

3 I Kevin Gerry, declare under penalty of perjury under the laws of the State of California
4 that the following is true and correct:
5

6 I am over the age of 18 and not a party to this case.

7 My business address is: 711 N. Soledad Street
8 Santa Barbara, CA 93103

9 On the date stated below, the foregoing documents described as:

10 **RESPONDENT'S REPLY TO OPPOSITION TO MOTION**
11 **FOR MODIFICATION OF THE TERMS OF PROBATION**

12 Were served on the interested parties in said action, by:

13 (**MAIL SERVICE**) placing the original or true copies thereof enclosed in a sealed
14 addressed envelope to:

15 (**OVERNIGHT MAIL**) placing the original or true copies thereof enclosed in sealed
16 addressed overnight mail envelope to:

17 (**PERSONAL SERVICE**) delivering said documents to:

18 (**FACSIMILE**) causing delivery via facsimile to:

19 (**E-MAIL**) causing delivery via electronic mail to:

20 The following addressees:

21 Terri Goldade
22 The Office of Probation
23 The State Bar of California
24 845 S. Figueroa Street
25 Los Angeles, California 90017

26 This document was executed in Santa Barbara, California on:

04/07/15

Date

27
28 _____
Declarant

EXHIBIT 6

Copy

1 THE LAW OFFICES OF KEVIN GERRY
A Professional Corporation
2 Kevin Gerry, State Bar #129690
433 N. Camden Drive, 4th Floor
3 Beverly Hills, California 90210
Telephone: (310) 275-1620
4 kevingerry@earthlink.net

5 Attorneys for Respondent Joseph Walch

NOT ACCEPTED
FOR FILING
RETURNED BY BAR
UNSATISFACTORY
PROOF OF SERVICE
ACCORDING TO
KEVIN GERRY

6
7
8
9
10 THE STATE BAR COURT
11 HEARING DEPARTMENT - LOS ANGELES
12
13

14 In the Matter of:

) Case No: 96-0-02896, et al.

15
16 JOSEPH WALCH

)
) RESPONDENT JOSEPH WALCH'S
) MOTION FOR RECONSIDERATION OF
) ORDER DENYING MOTION FOR
) MODIFICATION OF THE TERMS OF
) PROBATION; DECLARATIONS OF
) INVESTIGATOR JIM VUCHSAS AND
) RESPONDENT JOSEPH WALCH

17 (State Bar No. 56192)

18 A Member of the State Bar
19

4/28/15

20
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27 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
28

1 INTRODUCTION

2

3 Respondent Joseph Walch (hereinafter "Respondent") brings the following

4 Motion for Reconsideration of this Court's Order of April 9, 2015 Denying the

5 Respondent's Motion for Modification of the Terms of his Probation, to terminate the

6 restitution payment requirements to Bruce M. Masters and Babe Wagner. (A copy of

7 the Court's April 9, 2015 Order is attached hereto as Exhibit "A").

8

9

10 As set forth in the Respondent's Declaration attached hereto, the Respondent

11 is unable to complete the Probation - Financial Conditions of restitution payments to

12 Bruce M. Masters and Babe Wagner. In response to the State Bar's Opposition and

13 the Court's April 9, 2015 Order, Respondent directed the private investigation service

14 to confirm the State Bar's information and location of Bruce Masters in Vista, California

15 and to confirm Babe Wagner's daughter Leah Ann Long 's location in Hemet,

16 California.

17

18

19 As set forth in the Declaration of Investigator Jim Vuchsas, after a diligent effort

20 and good faith search inquiry, he is unable to locate Bruce Masters in Vista, California

21 and is unable to locate Babe Wagner's daughter Leah Ann Long in Hemet, California.

22 Therefore, Respondent requests an Order Modifying his Probation requirement to

23 terminate the restitution payment requirements to Bruce M. Masters and Babe Wagner,

24 and to allow for said payments to be made to the State Bar's Client Security Fund

25 (hereinafter "CSF").

26

27

28

1 Based upon the information provided by the State Bar (Name and City Location)
2 and the information obtained through the several data base and subject matter
3 searches identified above, the Respondent is unable, after all reasonable and good faith
4 efforts, to locate Bruce Masters or Babe Wagner's daughter, Leah Ann Long.
5

6
7 CONCLUSION
8

9 Respondent Joseph Walch respectfully submits that in balancing the interests
10 of the public, and considering what purpose the Respondent's Probation serves, all
11 fairness dictates that the Respondent's Probation Condition should be modified to
12 reflect the termination of his restitution payment requirements to Bruce M. Masters
13 and Babe Wagner, as he has engaged in a reasonable and good faith search and
14 effort to locate the individual restitution payees without success.
15

16
17 DATED: April 29, 2015

THE LAW OFFICES OF KEVIN GERRY

18
19
20 _____
21 Kevin Gerry
22 Attorney for Respondent Joseph Walch
23
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1 payments since 2001 and I have already paid \$17,734.80 in total. (A copy of my
2 Restitution Payment history is attached hereto as Exhibit "B").

3
4 4. In response to the State Bar's assertion that I have been given a last extension and I
5 am still filing Motions. (Page 2 - Lines 1-3) - Several letters from the Probation Dept.
6 have invited me to make a Motion re: Modification of Probation Terms (see letters of
7 Dec. 5, 2014, June 18, 2014, March 2, 2012 - A copy of the December 5, 2014 Letter is
8 attached hereto as Exhibit "C"). I pointed out that at those times a Motion would be
9 premature as I was still searching for Bruce Masters and an Estate for Babe Wagner, as
10 requested by the Probation Dept., and I felt I needed to exhaust the possibilities. I finally
11 hired Professionals to continue the search, who are still not able to locate Masters, an
12 Estate for Wagner or her daughter identified as Leah Ann Long. (Copies of the updated
13 Investigation Reports are attached as Exhibit "D")
14
15

16
17 5. In response to the State Bar's assertions re: Babe Wagner. (Page 4 - Lines 1-17) -
18 With respect to Babe Wagner, I always understood the State Bar to be talking about
19 finding an Estate of Babe Wagner, so that is what I looked for and instructed Seco
20 Investigators to look for. (see Opposition Page 4: "Have you found a Probate....."). Also,
21 in Ms. Cheung's letter of Dec 5, 2014, she says "... you should look for a Probate Estate
22 to pay..." (see Page 5 - Line 8). I also searched the Orange County Court Records for
23 an "heir" for Babe Wagner, which did not turn up any results. (A copy of the "heir"
24 search pages are attached as Exhibit "E").
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1 6. In response to the State Bar's assertion that I "could have obtained Death Certificate
2 earlier." (Page 13 - Line 4) - I informed the State Bar as soon as I found out Babe
3 Wagner was deceased. (Copies of the envelopes for Masters and Wagner returned by
4 the Post Office as "non-deliverable" and "unable to forward" are attached hereto as
5 Exhibit "F").
6

7
8 7. I am still unable to locate Masters and Wagner's daughter Leah Ann Long. The
9 information provided by Probation does not match up with any address history or search
10 records we (both SECO and I) have located to date. Similarly, the designation of Babe
11 Wagner's daughter Leah Ann Long (and a proposed city location without an address)
12 does not match up with any address history or search records we (both SECO and I)
13 have located to date. Therefore, I request an Order Modifying my Probation
14 requirement to terminate future or ongoing restitution payment requirements to Bruce M.
15 Masters and the Estate of Babe Wagner - Wagner's daughter Leah Ann Long as all
16 reasonable efforts have failed to locate them.
17

18
19 8. I have made all of my restitution payments to date, on a salary of \$25.00 per hour
20 (from 2006 to the present) and from 2001 to 2006 I was able to make payments to CSF
21 utilizing my social security benefits, which were my only source of income at that time. I
22 only stopped making these payments in response to the February 23, 2015 letter from
23 Probation indicating that I should stop making payments to the prior payees and to start
24 paying Masters and Wagner. I was still searching for Masters and an Estate for Wagner
25 and had paid everyone else. I had no restitution payee left to pay. I therefore hired
26 private investigators at SECO to find Masters and Wagner's daughter . As set forth in
27
28

C

1 the accompanying Declaration of Jim Vuchsas, he has been unable to locate either
2 Masters and an Estate for Wagner and/or Wagner's daughter Leah Ann Long.
3

4 I declare under penalty of perjury under the laws of the State of California that
5 the foregoing is true and correct. Executed this 28th day of April, 2015, in Los Angeles,
6 California.
7

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10 JOSEPH WALCH
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1 of Ms. Babe A. Wagner, I am unable to find or locate Babe Wagner's daughter Leah
2 Ann Long. (Copies of the updated Investigation Reports and search histories are
3 attached as Exhibit "D").
4

5
6 4. I have reviewed the State Bar's search results as set forth in Exhibits 8 and 9 to the
7 State Bar's Opposition to Motion to Modify Terms of Probation. I do not believe that the
8 State Bar search provides any further or additional information regarding the location of
9 Bruce M. Masters and the estate of Babe Wagner. In particular, the State Bar
10 information does not provide an address, phone number or any means of locating Bruce
11 M. Masters and the estate of Babe Wagner, other than by providing a city listing for
12 reference. Nonetheless, I have personally conducted the subsequent searches for each
13 individual, matching up the information provided by the State Bar (Name and City
14 Location) with the information obtained through several different data base searches
15 which including the following subject matters: 1) Active Addresses; 2) Bankruptcies,
16 Liens and Judgments; 3) Civil and UCC Filings; 4) Telephone Records; 5) E-Mail
17 Addresses; 6) People at Work; 7) Driver's Licenses; 8) Properties Owned; 9) Motor
18 Vehicles Registered; 10) Criminal Records; 11) Professional Licenses; and 12)
19 Fictitious Business Names.
20
21

22
23 5. As I have been unable to come up with any matching information, I stand by my
24 previous finding that Bruce M. Masters and the Babe Wagner's daughter Leah Ann
25 Long have not been located. Additionally, I do not believe that either of these people
26 can be found or located utilizing reasonable efforts and available technology.
27
28

1 I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct. Executed this 28th day of April, 2015, in Beverly Hills,
3 California.

4
5
6 _____
JIM VUCHSAS
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1 **PROOF OF SERVICE**

2
3 I Kevin Gerry, declare under penalty of perjury under the laws of the State of California
4 that the following is true and correct:

5 I am over the age of 18 and not a party to this case.

6 My business address is: 711 N. Soledad Street
7 Santa Barbara, CA 93103

8 On the date stated below, the foregoing documents described as:

9 **RESPONDENT JOSEPH WALCH'S MOTION FOR RECONSIDERATION OF ORDER**
10 **DENYING MOTION FOR MODIFICATION OF THE TERMS OF PROBATION;**
11 **DECLARATIONS OF JIM VUCHSAS AND RESPONDENT JOSEPH WALCH**

12 Were served on the interested parties in said action, by:

13 **(MAIL SERVICE)** placing the original or true copies thereof enclosed in a sealed
14 addressed envelope to:

15 **(OVERNIGHT MAIL)** placing the original or true copies thereof enclosed in sealed
16 addressed overnight mail envelope to:

17 **(PERSONAL SERVICE)** delivering said documents to:

18 **(FACSIMILE)** causing delivery via facsimile to:

19 **(E-MAIL)** causing delivery via electronic mail to:

20 The following addressees:

21 Terri Goldade
22 The Office of Probation
23 The State Bar of California
24 845 S. Figueroa Street
25 Los Angeles, California 90017

26 This document was executed in Santa Barbara, California on:

27 04/28/15

28 Date

Declarant

PROOF OF SERVICE

I am over the age of 18 years and not a party to the within proceeding. On July 24, 2015, I caused a copy of the RESPONDENT'S OPPOSITION TO MOTION TO TERMINATE PROBATION; RESPONDENT'S DECLARATION; AND, RESPONDENT'S EXHIBIT LIST Case No. 15-PM-13017

to be placed in an envelope AND PERSONALLY DELIVERED TO:

TERRIE GOLDADE, ESQ.
OFFICE OF PROBATION
OFFICE OF TRIAL COUNSEL
STATE BAR OF CALIFORNIA
845 South Figueroa Street
Los Angeles, CA 90017-2515

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on July 24, 2015, at Riverside, California.



Kenneth C. Kocourek

Declarant