

FILED

OCT 04 2016

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

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7 **Attorney for: Respondent In Pro Per**

8 **STATE BAR COURT**
9 **HEARING DEPARTMENT – SAN FRANCISCO**

11 In the Matter of)	CASE NOS.: 16-O-10013, 16-O-10240,
12 GARY EDWARD MOLL)	16-O-10776
13 No.: 94172)	ANSWER TO DISCIPLINARY
14 A Member of the State Bar.)	CHARGES
)	Judge: Honorable Pat McElroy
)	Date: October 24, 2016
)	Dept.: 6th Floor

17 Comes now respondent, Gary Edward Moll after over 30 years of practice without
18 complaints and disciplinary charges and in answer, response and denial of the charges of the
19 State Bar of California does set forth as follows:
20

- 21 1. In response to paragraph 1, respondent does not deny the allegation.

22 **RESPONSE TO COUNT ONE**

- 23 2. Respondent denies both generally and specifically each and every allegation set forth in
24 count one of the notice of disciplinary charges. Respondent specifically denies that the alleged
25 conduct, even if true, was willful.
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1 7. Respondent denies both generally and specifically each and every allegation set forth in
2 count six of the notice of disciplinary charges. Respondent further specifically denies that the
3 alleged conduct was intentional, willful or reckless or in any way in violation of business and
4 professions code, section 6103.
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6 **RESPONSE TO COUNT SEVEN**

7 8. Respondent denies both generally and specifically each and every allegation set forth in
8 count seven of the notice of disciplinary charges. Respondent further specifically denies that the
9 alleged conduct was intentional, willful or reckless or in any way in violation of rules of
10 professional conduct. Rule 3-700(d) (2) or any other rule or statute.
11

12 **RESPONSE TO COUNT EIGHT**

13 9. Respondent admits the deposits and account numbers as alleged. The foregoing
14 notwithstanding, respondent denies, both generally and specifically each and every allegation set
15 forth in count eight of the notice of disciplinary charges. Respondent further specifically denies
16 that the alleged conduct was intentional, willful or reckless or in any way in violation of rules of
17 professional conduct. Rule 4-100(a) or any other rule.
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19 **RESPONSE TO COUNT NINE**

20 10. Respondent admits the checks and withdrawals as alleged. The foregoing
21 notwithstanding, respondent denies, both generally and specifically each and every allegation set
22 forth in count nine of the notice of disciplinary charges. Respondent further specifically denies
23 that the alleged conduct was intentional, willful or reckless or in any way in violation of rules of
24 professional conduct. Rule 4-100(a) or any other rule.
25

26 **RESPONSE TO COUNT TEN**

1 11. Respondent denies both generally and specifically each and every allegation set forth in
2 count ten of the notice of disciplinary charges. Respondent further specifically denies that the
3 alleged conduct was intentional, willful or reckless or in any way in violation of business and
4 professions code. Section 6106, or any other statute.
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7 **AFFIRMATIVE AND REMEDIAL DEFENSE ONE**

8 12. Respondent's actions and behavior were dictated by, contributed to, impelled or
9 influenced by respondents disease(s) and ongoing personal psychological issues, including but
10 not limited to substance abuse, addictions, depression, hyper stress, bi-polar condition, cancer of
11 the kidney, liver diseases, cirrhosis, or other ailments beyond the control of respondent which
12 may or may not have been contributed to further by prescribed or un-prescribed medications all
13 according to proof at trial.
14

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16 **AFFIRMATIVE AND REMEDIAL DEFENSE TWO**

17 13. Respondent's actions, if any, were necessitated by client demands and were engaged in to
18 protect client interests at all costs to respondent, particularly made necessary by an adverse
19 economy in a low income region of respondent's community.
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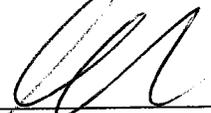
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10 **AFFIRMATIVE AND REMEDIAL DEFENSE THREE**

11 14. Respondent's services were being utilized by clients, including but not limited to the
12 rosales brothers (3) and each of them. This was in the furtherance of what was apparently an
13 ongoing scheme, of which respondent was not aware, to defraud creditors and the united states
14 bankruptcy court by hiding assets, changing recipient of benefits and income from assets, filing
15 bankruptcies in bad faith intending to dismiss them all along. Moreover, complaining clients,
16 and each of them, willfully, negligently or deceptively failed to fully disclose assets and
17 liabilities to respondent therefore contributing directly to their own issues and complaints giving
18 rise to the charges as alleged.
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23 Dated: September 29, 2016

Respectfully Submitted,

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25 _____
26 Gary W. Moll
27 Respondent Pro Se
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