

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
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AUG 25 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case Nos. 16-O-10051, 16-O-11153,
RALPH RICARDO MARTINEZ-) 16-O-11659, 16-O-11970
AGAMENON,) NOTICE OF DISCIPLINARY CHARGES
No. 235107,)
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. 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. RALPH RICARDO MARTINEZ-AGAMENON ("respondent") was admitted to
4 the practice of law in the State of California on December 2, 2004, was a member at all times
5 pertinent to these charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-10051
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about July 8, 2015, Alexandra Carter-Velazquez employed respondent to
10 perform legal services, namely to represent her in a marital dissolution, which respondent
11 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of
12 Rules of Professional Conduct, rule 3-110(A), by failing to file an action or perform any other
13 legal services on her behalf.

14 COUNT TWO

15 Case No. 16-O-10051
16 Business and Professions Code, section 6068(a)
[Failure to Comply With Laws – Unauthorized Practice of Law]

17 3. On or about July 8, 2015, respondent held himself out as entitled to practice law
18 and actually practiced law, when respondent was not an active member of the State Bar, by
19 agreeing to represent Alexandra Carter-Velazquez in a marital dissolution action, by entering
20 into a fee agreement with her, and by accepting advanced payment of \$1,500, in violation of
21 Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business
22 and Professions Code, section 6068(a).

23 COUNT THREE

24 Case No. 16-O-10051
25 Business and Professions Code, section 6106
[Moral Turpitude]

26 4. On or about July 8, 2015, respondent held himself out as entitled to practice law
27 and actually practiced law when respondent knew, or was grossly negligent in not knowing, that
28 respondent was not an active member of the State Bar, by agreeing to represent Alexandra

1 Carter-Velazquez in a marital dissolution action, by entering into a fee agreement with her, and
2 by accepting advanced payment of \$1,500, and thereby committed an act or acts involving
3 moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code,
4 section 6106.

5 COUNT FOUR

6 Case No. 16-O-10051
7 Business and Professions Code, section 6068(m)
8 [Failure to Respond to Client Inquiries]

9 5. Respondent failed to respond promptly to approximately six telephonic
10 reasonable status inquiries made by respondent's client, Alexandra Carter-Velazquez, between
11 August 2015 and September 2015 that respondent received in a matter in which respondent had
12 agreed to provide legal services, in willful violation of Business and Professions Code, section
13 6068(m).

14 COUNT FIVE

15 Case No. 16-O-10051
16 Business and Professions Code, section 6068(m)
17 [Failure to Inform the Client of Significant Developments]

18 6. Respondent failed to keep Respondent's client, Alexandra Carter-Velazquez,
19 reasonably informed of significant developments in a matter in which Respondent had agreed to
20 provide legal services, in willful violation of Business and Professions Code, section 6068(m),
21 by failing to inform the client that he had closed his office location and moved his office to a
22 new address.

23 COUNT SIX

24 Case No. 16-O-10051
25 Rules of Professional Conduct, rule 3-700(D)(2)
26 [Failure to Refund Unearned Fees]

27 7. On or about July 8, 2015, respondent received advanced fees of \$1,500 from a
28 client, Alexandra Carter-Velazquez, to represent her in her dissolution of marriage. Respondent
failed to perform any legal services for Carter-Velazquez, and therefore earned none of the
advanced fees paid. Respondent failed to refund promptly, upon Carter-Velazquez's termination

1 of respondent's employment on or about April 1, 2016 any part of the \$1,500 fee paid to
2 respondent, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

3 COUNT SEVEN

4 Case No. 16-O-10051
5 Rules of Professional Conduct, rule 3-700(A)(2)
6 [Improper Withdrawal from Employment]

7 8. Respondent failed, upon termination of employment, to take reasonable steps to
8 avoid reasonably foreseeable prejudice to Respondent's client, Alexandra Carter-Velazquez, by
9 constructively terminating Respondent's employment on or about July 8, 2015, by failing to take
10 any action on the client's behalf after receiving Carter-Velazquez's fee payment, and thereafter
11 failing to inform the client that Respondent was withdrawing from employment, in willful
12 violation of Rules of Professional Conduct, rule 3-700(A)(2).

13 COUNT EIGHT

14 Case No. 16-O-10051
15 Rules of Professional Conduct, rule 4-100(B)(3)
16 [Failure to Render Accounts of Client Funds]

17 9. On or about July 8, 2015, respondent received from respondent's client,
18 Alexandra Carter-Velazquez, the sum of \$1,500 as advanced fees for legal services to be
19 performed. Respondent thereafter failed to render an appropriate accounting to Carter-
20 Velazquez regarding those funds upon the termination of respondent's employment in or about
21 April 2016, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

22 COUNT NINE

23 Case No. 16-O-10051
24 Business and Professions Code, section 6068(i)
25 [Failure to Cooperate in State Bar Investigation]

26 10. Respondent failed to cooperate and participate in a disciplinary investigation
27 pending against respondent by failing to provide a substantive response to the State Bar's letters
28 of March 29, 2016, May 16, 2016, and June 6, 2016, which respondent received, that requested
respondent's response to the allegations of misconduct being investigated in case no. 16-O-
10051, in willful violation of Business and Professions Code, section 6068(i).

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COUNT TEN

Case No. 16-O-11153
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

11. On or about July 29, 2015, Elizabeth Magnill employed respondent to perform legal services, namely to file a civil lawsuit on her behalf alleging fraud by the seller of real estate she had purchased, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to file an action on her behalf.

COUNT ELEVEN

Case No. 16-O-11153
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

12. Respondent failed to respond promptly to numerous telephonic and email status inquiries made by respondent's client, Elizabeth Magnill, between August 2015 and December 2015 that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT TWELVE

Case No. 16-O-11153
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

13. Respondent failed to keep Respondent's client, Elizabeth Magnill, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client that he had closed his office location and moved his office to a new address.

COUNT THIRTEEN

Case No. 16-O-11153
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

14. Between about July 29, 2015 and January 1, 2016, respondent received from respondent's client, Elizabeth Magnill, the sum of \$4,900 as advanced fees for legal services to

1 be performed. Respondent thereafter failed to render an appropriate accounting to the client
2 regarding those funds upon the termination of respondent's employment in or about March 2016,
3 in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

4 COUNT FOURTEEN

5 Case No. 16-O-11153
6 Rules of Professional Conduct, rule 3-700(A)(2)
7 [Improper Withdrawal from Employment]

8 15. Respondent failed, upon termination of employment, to take reasonable steps to
9 avoid reasonably foreseeable prejudice to Respondent's client, Elizabeth Magnill, by
10 constructively terminating Respondent's employment on or about November 2, 2015, by failing
11 to take any action on the client's behalf after drafting a complaint on Magnill's behalf, and
12 thereafter failing to inform the client that Respondent was withdrawing from employment, in
13 willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

14 COUNT FIFTEEN

15 Case No. 16-O-11153
16 Business and Professions Code, section 6068(i)
17 [Failure to Cooperate in State Bar Investigation]

18 16. Respondent failed to cooperate and participate in a disciplinary investigation
19 pending against respondent by failing to provide a substantive response to the State Bar's letters
20 of April 1, 2016 and June 6, 2016, which respondent received, that requested respondent's
21 response to the allegations of misconduct being investigated in case no. 16-O-11153, in willful
22 violation of Business and Professions Code, section 6068(i).

23 COUNT SIXTEEN

24 Case No. 16-O-11659
25 Rules of Professional Conduct, rule 3-110(A)
26 [Failure to Perform with Competence]

27 17. On or about August 23, 2015, Martha Martinez employed respondent to perform
28 legal services, namely to defend her in a civil matter, which respondent intentionally, recklessly,
or repeatedly failed to perform with competence, in willful violation of Rules of Professional
Conduct, rule 3-110(A), by failing to perform any services on her behalf.

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COUNT SEVENTEEN

Case No. 16-O-11659
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

18. On or about August 23, 2015, respondent received advanced fees of \$1,500 from a client, Martha Martinez, to defend her in a civil matter. Respondent failed to perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment in or about April 2016, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT EIGHTEEN

Case No. 16-O-11659
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

19. Respondent failed to respond promptly to approximately twenty telephonic reasonable status inquiries made by respondent's client, Martha Martinez, between August 2015 and April 2016 that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT NINETEEN

Case No. 16-O-11659
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

20. Respondent failed to keep Respondent's client, Martha Martinez, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client that he had closed his office location and moved his office to a new address.

COUNT TWENTY

Case No. 16-O-11659
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

21. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Martha Martinez, by constructively terminating Respondent's employment on or about August 23, 2015, by failing to

1 take any action on the client's behalf after receiving Martinez's fee payment, and thereafter
2 failing to inform the client that Respondent was withdrawing from employment, in willful
3 violation of Rules of Professional Conduct, rule 3-700(A)(2).

4 COUNT TWENTY-ONE

5 Case No. 16-O-11659
6 Rules of Professional Conduct, rule 4-100(B)(3)
7 [Failure to Render Accounts of Client Funds]

8 22. On or about August 23, 2015, respondent received from respondent's client,
9 Martha Martinez, the sum of \$1,500 as advanced fees for legal services to be performed.
10 Respondent thereafter failed to render an appropriate accounting to the client regarding those
11 funds upon the termination of respondent's employment in or about April 2016, in willful
12 violation of the Rules of Professional Conduct, rule 4-100(B)(3).

13 COUNT TWENTY-TWO

14 Case No. 16-O-11659
15 Business and Professions Code, section 6068(i)
16 [Failure to Cooperate in State Bar Investigation]

17 23. Respondent failed to cooperate and participate in a disciplinary investigation
18 pending against respondent by failing to provide a substantive response to the State Bar's letters
19 of April 6, 2016 and June 6, 2016, which respondent received, that requested respondent's
20 response to the allegations of misconduct being investigated in case no. 16-O-11659, in willful
21 violation of Business and Professions Code, section 6068(i).

22 COUNT TWENTY-THREE

23 Case No. 16-O-11970
24 Rules of Professional Conduct, rule 3-110(A)
25 [Failure to Perform with Competence]

26 24. On or about May 11, 2015, Mario Zaragoza employed respondent to perform
27 legal services, namely to file a Chapter 7 bankruptcy case, which respondent intentionally,
28 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
Professional Conduct, rule 3-110(A), by failing to perform any services on his behalf.

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COUNT TWENTY-FOUR

Case No. 16-O-11970
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

25. Respondent failed to respond promptly to approximately twenty telephonic reasonable status inquiries made by respondent's client, Mario Zaragoza, in or about September 2015 through November 2015 that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT TWENTY-FIVE

Case No. 16-O-11970
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

26. On or about May 11, 2015, respondent received advanced fees of \$1,500 from a client, Mario Zaragoza, to file a Chapter 7 bankruptcy. Respondent failed to perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon Zaragoza's termination of respondent's employment in or about January 2016, any portion of the \$1,500 paid to respondent by Zaragoza, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT TWENTY-SIX

Case No. 16-O-11970
Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

27. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Mario Zaragoza, by constructively terminating Respondent's employment on or about May 11, 2015, by failing to take any action on the client's behalf after receiving Zaragoza's fee payment, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

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COUNT TWENTY-SEVEN

Case No. 16-O-11970
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

28. On or about May 11, 2015, respondent received from respondent's client, Mario Zaragoza, the sum of \$1,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon Zaragoza's termination of respondent's employment in or about January 2016, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT TWENTY-EIGHT

Case No. 16-O-11970
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

29. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of April 20, 2016 and June 6, 2016, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 16-O-11970, in willful violation of Business and Professions Code, section 6068(i).

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.

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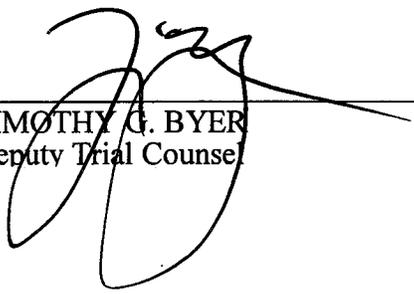
NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS 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: August 25, 2016

By: 
TIMOTHY G. BYER
Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 16-O-10051, 16-O-11153, 16-O-11659 and 16-O-11970

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, CA 90017-2515, 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.: 9414726699042010064770 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: Ralph R. Martinez-Agamenon, REPUBLIC LAW FIRM, 9513 Central Ave Ste A, Montclair, CA 91763-2413, 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"). 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: August 25, 2016

SIGNED: JULIA FINNILA Declarant