



FILED

MAR 08 2017

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

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 16-O-10126
)	
THEERA LAOTEPPITAKS,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 269201.)	ENROLLMENT
_____)	

Respondent Theera Laoteppitaks (Respondent) was charged with five counts of misconduct. He failed to participate in these proceedings either in person or through counsel, and his default was entered. Thereafter, the Office of Chief Trial Counsel (OCTC) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC) and the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting that the court recommend the attorney's disbarment.²

¹ Unless otherwise indicated, all references to rules are to this source. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Jurisdiction

Respondent was admitted to practice law in this state on March 15, 2010, and has been a member since then.

Procedural Requirements Have Been Satisfied

On May 9, 2016, the State Bar filed and properly served the NDC on Respondent by certified mail, return receipt requested, at Respondent's membership records address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) On May 23, 2016, OCTC received the return receipt card signed by Rachel J. Barker.

Respondent received actual notice of these proceedings. On May 27, 2016, the Senior Trial Counsel (STC) assigned to this matter received a voicemail from Respondent requesting a return phone call and providing a private cell phone number. On May 31, 2016, the STC spoke with Respondent and informed him about the charges pending against him, the date of the upcoming status conference, and the consequences of failing to file a response. Thereafter, on the same date, the STC emailed Respondent a courtesy copy of the NDC at the email address Respondent provided.

On June 13, 2016, Respondent met with the STC. Respondent indicated he was interested in entering into a stipulation, and the parties agreed to a settlement in principle. Respondent provided the STC with a second private cell phone number to contact him. On July 1, 2016, the STC emailed Respondent the previously discussed stipulation. On July 6, 2016, the

STC called and left messages for Respondent on the previously provided cell phone numbers regarding the stipulation and her intent to file a motion for default. On the same date, the STC emailed Respondent a letter regarding the stipulation to the email address Respondent provided. She also sent a courtesy copy to Respondent's membership records address. Respondent did not respond to the STC's communications.

Respondent failed to file a timely response to the NDC. On July 13, 2016, OCTC filed and properly served a motion for entry of Respondent's default on Respondent at his membership records address. The motion complied with all of the requirements for a default, including a supporting declaration of reasonable diligence by the OCTC deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that if he did not timely move to set aside his default, the court would recommend his disbarment. Respondent did not file a response to the motion, and his default was entered on August 2, 2016. The order entering the default was served on Respondent at his membership records address by certified mail, return receipt requested. The court also ordered Respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order. He has remained inactively enrolled since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].)

On November 28, 2016, OCTC properly filed and served the petition for disbarment on Respondent at his official membership records address. As required by rule 5.85(A), OCTC reported in the petition that: (1) Respondent telephoned the STC on September 13, 2016, and left a voicemail requesting a return phone call, the STC returned his phone call at the number provided, and the STC has had no additional contact with Respondent; (2) there are two other

matters pending against Respondent; (3) Respondent does not have a prior disciplinary record; and (4) the Client Security Fund has not paid any claims as a result of Respondent's misconduct. Respondent did not respond to the petition for disbarment. The case was submitted for decision on January 11, 2017.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of Respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that Respondent is culpable as charged, except as otherwise noted, and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 16-O-10126 (The Lanz Matter)

Count One - Respondent willfully violated section 6106 (moral turpitude – misappropriation) by dishonestly or grossly negligently misappropriating for Respondent's own purposes, \$10,000 owed to Respondent's client.

Count Two - Respondent willfully violated rule 4-100(A) of the Rules of Professional Conduct (failure to maintain client funds in trust account) by failing to maintain \$10,000 in client settlement proceeds in his CTA.

Count Three - Respondent willfully violated rule 4-100(B)(4) of the Rules of Professional Conduct (failure to promptly pay client funds) by failing to promptly pay his client, as his client requested, any portion of the \$10,000 in settlement proceeds that Respondent held on his client's behalf.

Count Four - Respondent willfully violated section 6106 (moral turpitude – misrepresentations) by knowingly or grossly negligently making misrepresentations to his client.

Respondent stated that he had not yet received his client's settlement funds, which was a false statement.

Count Five - Respondent willfully violated section 6068, subdivision (i), (failure to cooperate) by failing to provide a substantive response to three OCTC letters that Respondent received, which requested a response to the allegations of misconduct being investigated.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of his default;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that Respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite actual notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATION

Disbarment

The court recommends that Theera Laoteppitaks, State Bar number 269201, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

Restitution

The court also recommends that Respondent be ordered to make restitution to Edward Lanz in the amount of \$10,000 plus 10 percent interest per year from September 9, 2015. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

California Rules of Court, Rule 9.20

The court also recommends that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

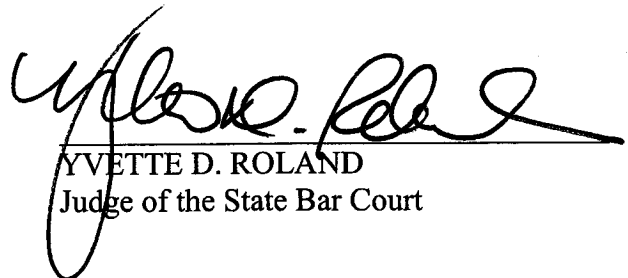
Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Theera Laoteppitaks, State Bar number 269201, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: March 8, 2017



YVETTE D. ROLAND
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 8, 2017, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

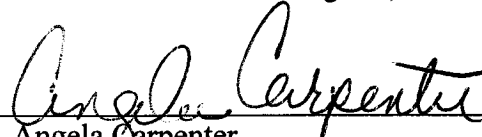
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

THEERA LAOTEPPITAKS
LAW OFFICE OF TEE LAOTEPPITAKS, ESQ.
11512 EL CAMINO REAL STE 350
SAN DIEGO, CA 92130

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Kimberly G. Kasreliovich, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 8, 2017.


Angela Carpenter
Case Administrator
State Bar Court