



FILED

MAR 23 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-10927-YDR
)	
LAWRENCE E. SARGENT,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 134604.)	ENROLLMENT
_____)	

Respondent Lawrence E. Sargent (Respondent) was charged with a single count 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 June 14, 1988, and has been a member since then.

Procedural Requirements Have Been Satisfied

On August 9, 2016, OCTC 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 September 6, 2016, the United States Postal Service returned the NDC to OCTC. The mailing was stamped "Return to Sender" and "unclaimed."

Thereafter, OCTC took additional steps to notify Respondent about these proceedings. On August 11, 2016, OCTC sent a letter and courtesy copy of the NDC to Respondent by regular, first class mail to Respondent's membership records address. On the same date, OCTC emailed the August 11 letter to Respondent at his nonpublic email address maintained by the State Bar. In addition, on August 23, 2016, OCTC called Respondent at his membership records telephone number and left a message. On August 24, 2016, an individual who worked in the same office as Respondent contacted OCTC and advised that he had not seen Respondent in several months, he did not have Respondent's current contact information, and that he believed Respondent was in the hospital but had no information about which one.³

³ Before filing the NDC, on May 3, 2016, OCTC obtained the phone number of Respondent's ex-wife. On the same date, OCTC called Respondent's ex-wife, who indicated that she had not spoken to Respondent in several months. On July 26, 2016, OCTC called

Respondent failed to file a response to the NDC. On September 7, 2016, OCTC properly filed and served a motion for entry of Respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by OCTC 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 October 5, 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 January 9, 2017, 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) there has been no contact with Respondent since his default was entered; (2) there are no other investigative matters pending against Respondent; (3) Respondent has two records of prior discipline; 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 or move to set aside or vacate the default. The case was submitted for decision on February 17, 2017.

Respondent's ex-wife a second time. She indicated that she learned Respondent was in the hospital but was unaware of which hospital and did not have his contact information.

Prior Record of Discipline

Respondent has two prior records of discipline. Pursuant to a stipulation and order of the Hearing Department filed on March 22, 2004, Respondent received a private reproof with conditions. Respondent was culpable of a single ethical violation of forming a business partnership with an attorney who resigned from the State Bar with charges pending, in violation of rule 1-311(B) of the Rules of Professional Conduct.

In his second prior, pursuant to an order of the Supreme Court filed on February 17, 2006, Respondent was suspended for one year, stayed, and placed on probation for two years subject to conditions. Respondent stipulated to failing to comply with the terms and conditions of his previously ordered private reproof, in violation of rule 1-110 of the Rules of Professional Conduct.

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-10927 (The Investigation Matter)

Count One - Respondent willfully violated section 6068, subdivision (i), (failure to cooperate) by failing to provide a substantive response to two 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 adequate 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 Lawrence E. Sargent, State Bar number 134604, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

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 Lawrence E. Sargent, State Bar number 134604, 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 22, 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 23, 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:

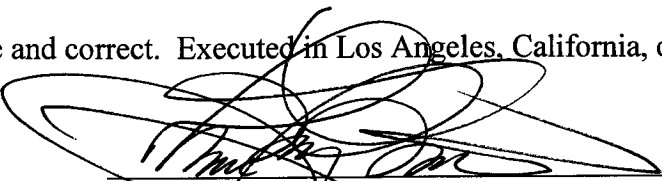
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**LAWRENCE E. SARGENT
LAW OFC LAWRENCE SARGENT
701 S ATLANTIC BLVD STE 309
MONTEREY PARK, CA 91754**

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

DREW MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 23, 2017.



Johnnie Lee Smith
Case Administrator
State Bar Court