

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
 2 OFFICE OF CHIEF TRIAL COUNSEL  
 3 GREGORY P. DRESSER, No. 136532  
 4 INTERIM CHIEF TRIAL COUNSEL  
 5 MELANIE J. LAWRENCE, No. 230102  
 6 ACTING DEPUTY CHIEF TRIAL COUNSEL  
 7 RENE L. LUCARIC, No. 180005  
 8 ASSISTANT CHIEF TRIAL COUNSEL  
 9 ANTHONY J. GARCIA, No. 171419  
 10 SUPERVISING SENIOR TRIAL COUNSEL  
 11 KIM KASRELIOVICH, No. 261766  
 12 SENIOR TRIAL COUNSEL  
 13 845 South Figueroa Street  
 14 Los Angeles, California 90017-2515  
 15 Telephone: (213) 765-1378  
 16

**FILED**  
**OCT 05 2016**  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

## STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case No. 16-O-11116  
 14 EVAN G. ANDERSON , ) NOTICE OF DISCIPLINARY CHARGES  
 15 No. 249319, )  
 16 A Member of the State Bar. )

### NOTICE - FAILURE TO RESPOND!

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

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**  
 21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
 22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
 23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
 24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
 25 **AND THE DEFAULT IS SET ASIDE, AND;**  
 26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
 27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
 28 **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.**

26 ///  
 27 ///



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Evan G Anderson ("Respondent") was admitted to the practice of law in the State of  
4 California on June 5, 2007, was a member at all times pertinent to these charges, and is currently  
5 a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-11116  
8 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

9 2. On or about February 21, 2014, Albert Bootesaz, the owner of Helmet Venture, Inc.  
10 employed Respondent to perform legal services, namely to file a federal civil complaint against  
11 Defendant Jafrum International for trademark infringement, false designation of origin, dilution  
12 and unfair competition. Respondent intentionally, recklessly, or repeatedly failed to diligently  
13 prosecute this client's matter which resulted in the court dismissing the action on July 6, 2015,  
14 for failure to prosecute. Respondent thereby acted in willful violation of Rules of Professional  
15 Conduct, rule 3-110(A).

16 COUNT TWO

17 Case No. 16-O-11116  
18 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

19 3. Respondent failed to keep Respondent's client, Albert Bootesaz, reasonably informed  
20 of significant developments in a matter in which Respondent had agreed to provide legal  
21 services. Respondent failed to inform Bootesaz that the federal law suit, *Helmet Venture, Inc.*  
22 *and Tegal, Inc. vs. Jafrum International, Inc.*, U.S. District Court case no. 2:14-cv-01307, was  
23 dismissed on July 6, 2015, for failure to prosecute. Respondent thereby willfully violated  
24 Business and Professions Code, section 6068(m).

25 ///

26 ///

27 ///

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT THREE

Case No. 16-O-11116  
Rules of Professional Conduct, rule 3-700(A)(2)  
[Improper Withdrawal from Employment]

4. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Respondent's client, Albert Bootesaz, by constructively terminating Respondent's employment on or about November 17, 2014. Respondent failed to take any action on the client's behalf after Respondent appeared at an Order to Show Cause and Scheduling Conference on November 17, 2014 in *Helmet Venture, Inc. and Tegol, Inc. vs. Jafrum International, Inc.*, U.S. District Court case no. 2:14-cv-01307, and thereafter failed to inform the client that Respondent was withdrawing from employment. Respondent thereby willfully violated Rules of Professional Conduct, rule 3-700(A)(2).

COUNT FOUR

Case No. 16-O-11116  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

5. 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 March 15, 2016 and April 4, 2016, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 16-O-11116, in willful violation of Business and Professions Code, section 6068(i).

COUNT FIVE

Case No. 16-O-11116  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

6. Between in or about August 2015 and in or about December 2015, Respondent concealed from his client, Albert Bootesaz, that his client's case had been dismissed on July 6, 2015, for failure to prosecute. Between in or about August 2015 and in or about December 2015, Respondent and Bootesaz exchanged approximately 10 emails in which Bootesaz inquired about the status of the case and Respondent failed to inform Bootesaz that the case had been dismissed.

1 Respondent knew or was grossly negligent in omitting the material fact that Bootesaz's case had  
2 been dismissed when Bootesaz repeatedly requested an update. Respondent thereby committed  
3 an act involving moral turpitude, dishonesty or corruption in willful violation of Business and  
4 Professions Code, section 6106.

5 COUNT SIX

6 Case No. 16-O-11116  
7 Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

8 7. Respondent failed to release promptly, after termination of Respondent's employment  
9 on or about November 17, 2014, to Respondent's client, Albert Bootesaz, all of the client's  
10 papers and property following the client's request for the client's file on or about August 21,  
11 2015, and on or about November 16, 2015, in willful violation of Rules of Professional Conduct,  
12 rule 3-700(D)(1).

13 NOTICE - INACTIVE ENROLLMENT!

14 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
15 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
16 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
17 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
18 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
19 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
20 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
21 RECOMMENDED BY THE COURT.**

22 NOTICE - COST ASSESSMENT!

23 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
24 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS  
25 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
26 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
27 PROFESSIONS CODE SECTION 6086.10.**

28 Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: 10/5/14

By: Kim Kasreliovich

Kim Kasreliovich  
Senior 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-11116

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, California 90017, 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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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.: 9414 7266 9904 2010 0666 68 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: Evan G. Anderson, Brand Ventures Intellectual Property Law 7616 Dunfield Ave Los Angeles, CA 90045, 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").

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: October 5, 2016

SIGNED:

Handwritten signature of Charles C. Bagai over a horizontal line, with the name Charles C. Bagai and title Declarant printed below.