

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED
OCT 18 2016
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

8
9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11
12 In the Matter of:) Case No. 16-O-12525
13 CODY JAY BROWNSTEIN,)
No. 269551,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar)

16 **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**
THE STATE BAR COURT TRIAL:

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
21 (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;
22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**
27 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**
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1 The State Bar of California alleges:

2 JURISDICTION

3 1. CODY JAY BROWNSTEIN ("respondent") was admitted to the practice of law in
4 the State of California on May 21, 2010, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-12525
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about August 19, 2015 Yakub Mulayev employed Respondent to perform legal
10 services, namely to handle a landlord/tenant matter and settle Mulayev's grievances with his
11 landlord, which Respondent intentionally, recklessly, or repeatedly failed to perform with
12 competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to
13 perform any services for which he was retained.

14 COUNT TWO

15 Case No. 16-O-12525
16 Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

17 3. Respondent failed to respond promptly to multiple telephone messages, emails and
18 text messages regarding reasonable status inquiries made by Respondent's client, Yakub
19 Mulayev between on or about August 19, 2015 and March 17, 2016 that Respondent received in
20 a matter in which Respondent had agreed to provide legal services, in willful violation of
21 Business and Professions Code, section 6068(m).

22 COUNT THREE

23 Case No. 16-O-12525
24 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

25 4. On or about August 19, 2015 Respondent received advanced fees of \$600 from a
26 client, Yakub Mulayev to perform legal services, namely to handle a landlord/tenant matter and
27 settle Mulayev's grievances with his landlord. Respondent failed to perform any legal services
28 for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund

1 promptly, upon Respondent's termination of employment on or about March 17, 2016 any part
2 of the \$600 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-
3 700(D)(2).

4 COUNT FOUR

5 Case No. 16-O-12525
6 Rules of Professional Conduct, rule 4-100(B)(3)
7 [Failure to Render Accounts of Client Funds]

8 5. On or about August 19, 2015, Respondent received from Respondent's client, Yakub
9 Mulayev advanced fees of \$600 to represent the client in a landlord/tenant matter and settle
10 Mulayev's grievances with his landlord. Respondent thereafter failed to render an appropriate
11 accounting to the client regarding those funds following the client's written request for such
12 accounting on or about March 17, 2016, and following the termination of respondent's services
13 by Mulayev on that same date, in willful violation of the Rules of Professional Conduct, rule 4-
14 100(B)(3).

15 COUNT FIVE

16 Case No. 16-O-12525
17 Business and Professions Code, section 6068(i)
18 [Failure to Cooperate in State Bar Investigation]

19 6. Respondent failed to cooperate and participate in a disciplinary investigation pending
20 against Respondent by failing to provide a substantive response to the State Bar's letters of May
21 3, 2016, June 9, 2016, April 12, 2016, and September 2, 2016, which Respondent received, that
22 requested Respondent's response to the allegations of misconduct being investigated in case no.
23 16-O-12525, in willful violation of Business and Professions Code, section 6068(i).

24 NOTICE - INACTIVE ENROLLMENT!

25 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
26 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
27 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
28 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.**

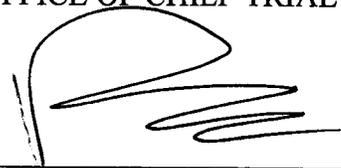
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NOTICE - COST ASSESSMENT!

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: 10-18 2016

By: _____
R. KEVIN BUCHER
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-12525

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 0758 44 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: Cody J. Brownstein, Law Offices of Cody J. Brownstein, 8726 S Sepulveda Blvd., Ste. D # 289, 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). 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: October 18, 2016

SIGNED: Kimberly Bardales
Kimberly Bardales
Declarant