

1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF PROBATION
3 TERRIE GOLDADE, No. 155348
4 SUPERVISING ATTORNEY
5 845 South Figueroa Street
6 Los Angeles, California 90017-2515
7 Telephone: (213) 765-1000

FILED

SEP 16 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

8 PUBLIC MATTER



11 STATE BAR COURT

12 HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of:) Case No. 16-PM- 16372
14 CHARLES LEROY DUPREE IV,)
15 No. 156840,) MOTION TO REVOKE PROBATION;
16 A Member of the State Bar) MEMORANDUM OF POINTS AND
17) AUTHORITIES; DECLARATION OF
18) MICHAEL KANTERAKIS; EXHIBITS 1
19) THROUGH 3; PROBATION REVOCATION
20) RESPONSE FORM [Rule 5.310 et seq., Rules
21) of Procedure of the State Bar]

22 **TO: The State Bar Court and Charles Leroy Dupree IV, Respondent:**

23 **PLEASE TAKE NOTICE THAT** the State Bar of California, Office of Probation,
24 hereby moves pursuant to Rules of Procedure of the State Bar of California, rules 5.310, et seq.,
25 to revoke the probation imposed upon Charles Leroy Dupree IV ("Respondent") in prior
26 disciplinary case no. 14-C-02679 and to impose upon Respondent the entire period of suspension
27 of one year previously stayed by order no. S226728 of the Supreme Court filed on September 30,
28 2015. The State Bar requests that Respondent be ordered to comply with rule 9.20, California
Rules of Court, and that Respondent be placed on involuntary inactive enrollment pursuant to
Business and Professions Code section 6007(d).

This motion is based upon the factual allegations that Respondent has violated the terms
of probation imposed on Respondent by the aforementioned order as follows:

1. As a condition of probation, Respondent was ordered to comply with the State
Bar Act and the Rules of Professional Conduct and to report such compliance in writing under

1 penalty of perjury to the Office of Probation each January 10, April 10, July 10, and October 10
2 (“quarterly reports”). Respondent has not complied in that he has not filed his first 3 quarterly
3 reports, due January 10, April 10, and July 10, 2016.

4 2. As a condition of probation, Respondent was ordered to comply with all
5 conditions of probation imposed in his underlying criminal matter and so declare under penalty
6 of perjury in conjunction with his quarterly reports (“UCM reports”). Respondent has not
7 complied in that he has not filed his first 3 UCM reports, due January 10, April 10, and July 10,
8 2016.

9 This motion is also based on the attached Memorandum of Points and Authorities, the
10 attached Declaration of Michael Kanterakis, the attached exhibits, and all documents on file with
11 the court in this matter.

12 In accordance with rules 5.314(A) and 5.314(E) of the Rules of Procedure of the State
13 Bar of California, the Office of Probation requests that a hearing be held unless the Court, based
14 upon this motion and any response, determines that imposition of the discipline as requested
15 above is warranted.

16 **NOTICE – FAILURE TO RESPOND**

17 YOUR FAILURE TO FILE A RESPONSE WITHIN TWENTY (20) DAYS OF
18 SERVICE OF THIS MOTION WILL CONSTITUTE AN ADMISSION OF THE
19 FACTUAL ALLEGATIONS CONTAINED IN THIS MOTION AND MAY
20 RESULT IN THE IMPOSITION OF ACTUAL SUSPENSION PURSUANT TO
21 THE UNDERLYING DISCIPLINARY ORDER. ALSO, FAILURE TO
22 REQUEST A HEARING WILL CONSTITUTE A WAIVER OF YOUR RIGHT
23 TO A HEARING. SEE RULE 5.314(B) OF THE RULES OF PROCEDURE OF
24 THE STATE BAR.

25 **NOTICE – INACTIVE ENROLLMENT**

26 YOU ARE HEREBY NOTIFIED THAT, PURSUANT TO BUSINESS AND
27 PROFESSIONS CODE SECTION 6007(d), IF THE STATE BAR COURT
28 RECOMMENDS ACTUAL SUSPENSION ON ACCOUNT OF A PROBATION
VIOLATION OR OTHER DISCIPLINARY MATTER, 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 STATE BAR COURT.
SEE RULE 5.315, RULES OF PROCEDURE OF THE STATE BAR.

NOTICE – COST ASSESSMENT

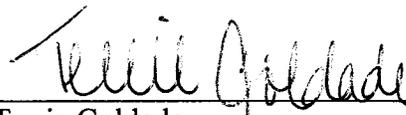
IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY

1 THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
2 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
3 SECTION 6086.10. SEE RULE 5.129, ET SEQ., RULES OF PROCEDURE OF
4 THE STATE BAR.

5 Respectfully submitted,

6 THE STATE BAR OF CALIFORNIA
7 OFFICE OF PROBATION

8 DATED: September 15, 2016

9 By: 

10 Terrie Goldade
11 Supervising Attorney
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. RESPONDENT HAS NOT COMPLIED WITH THE TERMS OF PROBATION, AND
3 PROBATION SHOULD BE REVOKED.

4 By order filed September 30, 2015, the Supreme Court imposed discipline on Respondent
5 in case no. S226728. The Supreme Court suspended Respondent for one year but stayed the
6 execution of the suspension on the condition that Respondent comply with all terms of probation.

7 As terms of probation, Respondent was ordered as follows:

8 1. comply with the State Bar Act and the Rules of Professional Conduct and report such
9 compliance in writing under penalty of perjury to the Office of Probation each January
10 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has not complied
11 in that he has not filed his first 3 quarterly reports, due January 10, April 10, and July 10,
12 2016.

13 2. comply with all conditions of probation imposed in his underlying criminal matter and
14 so declare under penalty of perjury in conjunction with his quarterly reports ("UCM
15 reports"). Respondent has not complied in that he has not filed his first 3 UCM reports,
16 due January 10, April 10, and July 10, 2016.

17 Consequently, the State Bar Court should recommend revocation of Respondent's probation.

18 Attached hereto as Exhibit 1 is a certified copy of Respondent's registration card and
19 Respondent's membership records address history with the State Bar of California. Exhibit 1
20 will be offered as evidence based upon the certification of Membership Records and
21 Certification to show that Respondent was properly served in this proceeding.

22 A. Respondent Was Served With The Supreme Court Order.

23 It is presumed that Respondent was served with the disciplinary order of the Supreme
24 Court imposing a period of probation. The clerks of the reviewing courts have a duty to transmit
25 a copy of all decisions of those courts to the parties. (California Rules of Court, rule 8.532(a).)
26 Pursuant to Evidence Code section 664, there is a rebuttable presumption that such official duties
27 have been regularly performed. Therefore, absent any evidence to the contrary, it is presumed
28 that the Supreme Court clerk has complied with the duty to transmit to Respondent a copy of the

1 order placing Respondent on probation. (*In re Linda D.* (1970) 3 Cal.App. 3d 567; *People v.*
2 *Smith* (1965) 234 Cal.App.2d 407; *Fischer v. Lukens* (1919) 41 Cal.App. 358.)

3 B. Respondent's Violation of Probation Was Willful

4 Violation of a condition of probation must be willful to warrant discipline. (*In the Matter*
5 *of Potack* (1991 Review Dept.) 1 Cal. State Bar Ct. Rptr. 525.) A willful failure is demonstrated
6 by a general purpose or willingness to permit the omission and can be proven by direct or
7 circumstantial evidence. (*Durbin v. State Bar* (1979) 23 Cal.3d 461; *Zitny v. State Bar* (1966) 64
8 Cal.2d 787.) It does not require bad faith.

9 The burden of proof in a probation revocation proceeding is the preponderance of the
10 evidence. (Rule 5.311, Rules of Procedure.) For purposes of determining culpability, it is
11 misguided to distinguish between "substantial" and "insubstantial" or "technical" violations of
12 probation conditions. (*In the Matter of Potack*, supra.) Respondent's failure to comply with
13 probation demonstrates a lack of concern about professional responsibilities, and therefore,
14 probation should be revoked.

15 II. RESPONDENT'S VIOLATION OF PROBATION WARRANTS THE IMPOSITION
16 OF THE FULL STAYED SUSPENSION.

17 In a probation revocation proceeding, the hearing judge may recommend actual
18 suspension up to the entire period of stayed suspension. (Rule 5.312, Rules of Procedure.) In
19 this case, the Supreme Court imposed a stayed suspension of one year. Based on the violation of
20 probation, the hearing judge should now recommend that Respondent be actually suspended for
21 the full period of stayed suspension.

22 III. UPON FINDING OF VIOLATION OF PROBATION, THE COURT MAY ORDER A
23 RESPONDENT PLACED ON INACTIVE STATUS.

24 In a probation revocation proceeding, the hearing judge may order the involuntary
25 inactive enrollment of a Respondent upon a finding that each of the elements of Business and
26 Professions Code section 6007(d) have occurred. (Rule 5.315, Rules of Procedure.) Those
27 elements have occurred where the Respondent is under an order of stayed suspension with a
28 period of probation and has violated that probation and where the hearing judge recommends a

1 period of actual suspension. (Business and Professions Code, section 6007(d)(1).) See *In the*
2 *Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532. The order
3 enrolling a respondent inactive shall be effective upon service unless otherwise ordered by the
4 judge. (Rule 5.315, Rules of Procedure.)

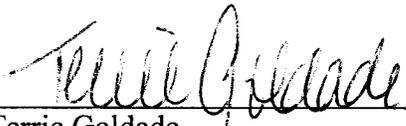
5 CONCLUSION

6 The Supreme Court has stayed Respondent's suspension and placed him on probation,
7 and Respondent has violated that probation. The State Bar requests that the hearing judge
8 recommend revocation of Respondent's probation and the imposition of one year of actual
9 suspension. Furthermore, the hearing judge should order Respondent placed on involuntary
10 inactive enrollment until the suspension is effective and order Respondent to comply with Rule
11 9.20, California Rules of Court.

12 Respectfully submitted,

13 THE STATE BAR OF CALIFORNIA
14 OFFICE OF PROBATION

15
16 DATED: September 15, 2016

17 By: 

18 Terrie Goldade
19 Supervising Attorney
20
21
22
23
24
25
26
27
28

1 received by any Office of Probation employee concerning a Respondent and place such
2 memoranda in the file.

3 7. A review of the probation file on Respondent reflects that a disciplinary order
4 imposing probation is contained therein. A certified copy of said order, filed on September 30,
5 2015, is attached hereto and incorporated by reference as Exhibit 2. A certified copy of the
6 stipulation filed March 30, 2015 is also included within Exhibit 2 for the Court's convenience.
7 Pursuant to said order, the terms and conditions of probation imposed on Respondent include the
8 following:

9 a. comply with the State Bar Act and the Rules of Professional Conduct and
10 report such compliance in writing under penalty of perjury to the Office of Probation
11 each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has
12 not complied in that he has not filed his first 3 quarterly reports, due January 10, April 10,
13 and July 10, 2016.

14 b. comply with all conditions of probation imposed in his underlying criminal
15 matter and so declare under penalty of perjury in conjunction with his quarterly reports
16 ("UCM reports"). Respondent has not complied in that he has not filed his first 3 UCM
17 reports, due January 10, April 10, and July 10, 2016.

18 8. As Custodian of Records, I have reviewed the entire contents of the probation file
19 on Respondent which reflects that the relevant portions of the disciplinary orders imposing
20 probation and a letter confirming the terms and conditions of probation, including suspension,
21 were provided to the Respondent on October 16, 2015.

22 9. The following documents, attached hereto and incorporated by reference
23 collectively as Exhibit 3, are contained in the Office of Probation file maintained on respondent:

24 a. Reminder letter mailed to Respondent on October 16, 2015 outlining the terms
25 and conditions of his probation.

26 b. November 24, 2015 e-mail to Respondent attaching copy of Required
27 Probation Meeting Record for meeting on November 24, 2015.

28 c. Letter mailed to Respondent January 15, 2016.

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

d. Letter mailed to Respondent August 15, 2016.

10. A complete review of the Respondent's file reflects that none of the letters referred to above were returned to the State Bar of California, Office of Probation by the United States Postal Service as undeliverable, or for any other reason.

11. On Friday, November 20, 2015, Respondent left me a voice mail message regarding his required meeting.

12. On November 23, 2015, I telephoned Respondent and we scheduled the required meeting for the next day, November 24, 2015 at 2 p.m. I told Respondent to call me with the October 16, 2015 letter in hand.

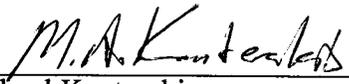
13. On November 24, 2015, Respondent telephoned me and we conducted the required meeting. He verified that he had received the October 16, 2015 letter. He told me that his underlying criminal probation matter was terminated in 2014, and I informed him to provide me with a certified copy of the court's docket sheet in his matter so that such termination could be confirmed. To date, Respondent has never provided any documentation whether his underlying criminal matter has been terminated.

14. Although not due until October 30, 2016, Respondent has not provided proof that he has completed Ethics School

15. Although not due until October 30, 2016, Respondent has not provided proof that he has passed the MPRE.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15th day of September, 2016 at Los Angeles, California.


Michael Kanterakis
Declarant

DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NUMBER(s): NEW PM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

MOTION TO REVOKE PROBATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF MICHAEL KANTERAKIS EXHIBITS 1 THROUGH 3; PROBATION REVOCATION RESPONSE FORM { Rule 5.310 et seq., Rules of Procedure of the State Bar}

in a sealed envelope placed for collection and mailing as Certified mail #7160 3901 9845 4871 9543 and regular mail mailed at Los Angeles, on the date shown below, addressed to:

Charles L. Dupree IV
638 Craig Ave
Sonoma, CA 95476

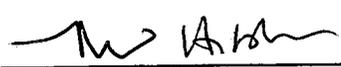
Courtesy copy by regular mail to:
Charles L. Dupree IV
638 Craig Ave
Sonoma, CA 95476

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

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: September 15, 2016

SIGNED: 
Mia Hibler
Declarant

Counsel for Respondent	(for Court use)
In the Matter of Bar # A member of the State Bar of California ("Respondent")	Case no(s). PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1) Respondent requests a hearing in this matter and intends to participate.

OR

(2) Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a) Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b) Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: _____

Signature



THE STATE BAR
OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

August 18, 2016

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the registration card on file in the Membership Records Department of the State Bar of California for CHARLES LEROY DUPREE, IV, #156840.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kathan Lambert".

Kathan Lambert
Custodian of Membership Records

00001

THE STATE BAR OF CALIFORNIA
REGISTRATION CARD

INFORMATION PROVIDED ON THIS CARD BECOMES PUBLIC RECORD

MEMBER'S FULL NAME
LAST

DUPREE IV

FIRST

CHARLES

MIDDLE

LEROY

(PLEASE PRINT OR TYPE)

OFFICE ADDRESS, OR, IF NONE, OTHER ADDRESS FOR STATE BAR PURPOSES:

FIRM
NAME

MAISON HIRAI #703

ADDRESS

HIRAI 6-37-6 EDOGAWA-KU

CITY

TOKYO 132

STATE

ZIP

FOREIGN
COUNTRY

JAPAN

TELEPHONE

(03)3 613-9217

PLACE OF BIRTH

BIRTH DATE

MONTH

11

DAY

26

YEAR

65

SAN ANTONIA TEXAS

State Bar Use Only

156840

NUMBER

12 27 91

DATE ADMITTED

MAIL
RESTRICTION

FEE \$

W.C. \$20.

S.C. \$

TOTAL \$

State Bar Use Only	
SCHOOL CODE	
1	839
SCHOOL CODE	

UNDERGRADUATE
DEGREE FROM:

UNIVERSITY OF MICHIGAN.

CITY

ANN ARBOR

STATE

MI

LAW DEGREE
FROM:

UNIVERSITY OF CALIFORNIA,

LOS ANGELES

CITY

LOS ANGELES

STATE

CA

ADDITIONAL EDUCATION:

DATES AND PLACES OF
PRIOR ADMISSION TO PRACTICE

10/86

DATE

DEC 27, 1991

SIGNED

Charles Leroy Dupree

00002



THE STATE BAR
OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

August 18, 2016

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the address history on file in the Membership Records Department of the State Bar of California for CHARLES LEROY DUPREE, IV, #156840 from December 27, 1991 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

Kathan Lambert
Custodian of Membership Records

00003

Member #: 156840

Date of Admission: 12/27/1991 Status: Not Eligibl Effective: 7/01/2011

Name: Charles L. Dupree IV

Address:

Eff: 3/12/2013

638 Craig Ave
Sonoma CA 95476

Eff: 2/14/2011

655 S Flower St #254
Los Angeles CA 90017

ECommerce Law Group, PC
72nd FL
633 W 5th St #7210
Los Angeles CA 90071

Eff:10/10/2007

E-Times Corp

Eff:11/13/2003

601 S Figueroa St 50FL
Los Angeles CA 90017

Pacific Rim Law Ofcs

Eff:11/11/2003

1925 Century Park E #500
Los Angeles CA 90067

Eff: 4/26/2000

Pacific Rim Law Ofcs
1925 Century Park E #500
Los Angeles CA 90067

Eff:10/12/1999

Pacific Rim Law Ofcs
1925 Century Park E
Los Angeles CA 90067

Member #: 156840

Date of Admission: 12/27/1991 Status: Not Eligibl Effective: 7/01/2011

Name: Charles L. Dupree IV

Address:

Eff: 8/07/1997

421 S Orange Grove Ave
Los Angeles CA 90036

Eff: 3/05/1997

Tachikawa Yasui et al LLP
11601 Wilshire Blvd #2410
Los Angeles CA 90025

Eff: 11/21/1996

2045 Burton St #53
San Diego CA 92111

Eff: 4/15/1996

Motoyoyogi-cho, 20-1 #303
Shibuya-ku Tky 107
JAPAN

Eff: 4/18/1994

Manor Nogizaka #201
12-30 Akasaka, 8-Chome
Minato-Ku Tokyo107
JAPAN

Eff: 11/02/1992

Takaido Hi-Home #316
Takaido-Higashi 3-8-5
Suginami-Ku Tky168
Japan

Eff: 12/27/1991

Maison Hirai #703
Hirai 6-37-6 Edogawa-Ku
Tokyo 132 Japan
Japan