

1 MOISES A. AVILES (226569)  
2 AVILES & ASSOCIATES  
3 560 N. Arrowhead Av., #2A  
4 San Bernardino, CA., 92401  
5 TEL.: (909) 383-2333  
6 E-Mail: [aviles.associates@gmail.com](mailto:aviles.associates@gmail.com)

FILED *MS*

JAN 17 2019

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

6 STATE BAR COURT  
7 HEARING DEPARTMENT- LOS ANGELES

9 In the Matter of:

10 MOISES ALCIDES AVILES  
11 No. 226569,  
12 A Member of the State Bar

Case No.: 18-O-13124

ANSWER TO NOTICE OF  
DISCIPLINARY CHARGES

14  
15  
16 COUNT 1

17 Former Rules of Professional Conduct, Rule 3-110(A)

18 [Failure to Perform with Competence]

19 Case No. 18-O-13124

20 DENY in part ADMIT

21 1. On or about August 28, 2017, Jose Antonio Arredondo Chinchillas  
22 retained Aviles & Associates/Attorney Moises Aviles to perform legal services in  
23 filing a United States Citizenship and Immigration Services Form N-336, Request  
24 for a Hearing on a Decision in Naturalization Proceedings which I performed. In  
25 determining that Form N-336 was correct way to assist Mr. Arredondo by  
26 researching Hamdi v. USCIS; Case #: 10-894VAP(DTBx) decision. I drafted the  
27 N-336 Petition with supporting evidence. After, drafting the Form N-336 and  
28 Complaint for Elder Abuse - Aviles v. Memorial Hospital of

Gardena - 1

MOISES A. AVILES (226569)  
AVILES & ASSOCIATES  
560 N. Arrowhead Av., #2A  
San Bernardino, CA., 92401  
TEL.: (909) 383-2333  
FAX: (909) 383-9550  
[maviles1231@aol.com](mailto:maviles1231@aol.com)

kwiktag® 241 071 814



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 3

Case No. 18-O-13124

Former Rules of Professional Conduct, Rule 4-100(B)(4)

[Failure to Pay Client Funds Promptly]

DENY

3. On March 1, 2018 Mr. Arredondo requested that I stop working on his case and requested a refund to him \$1,500.00 and the filing fee. I inform him by law I needed to do an accounting of all legal services provided by my office. He informed me he didn't want and accounting and he left my office

On March 16, 2018 Mr. Arredondo came to my office and my secretary gave him the accounting and the filing fee he refused to accept both and he left the office. On March 19, 2018 I immediately send a letter to Mr. Arredondo with accounting attached. The accounting attached evidence that I had worked 4.5 hours in his matter and my hourly rate in the Retainer states that my hourly rate is \$375.00. The total amount of legal services rendered was \$1,687.00.

COUNT 4

Case No. 18-O-13124

Rules of Professional Conduct, Rule 3-700(D)(2)

[Failure to Refund Unearned Fees]

DENY

4. Because that Accounting evidence that I worked 4.5 hours in Mr. Arredondo matter and amount rendered in legal services was \$1,687.00 I believe I had earned the fees by the work I had done by me

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 5

Case no. 18-O-13124

Business and Professions Code, section 6106

[Moral Turpitude – Misappropriation]

Deny in part Admit

5. On or about September 12, 2017 I received on behalf of my client, Jose Antonio Arredondo, \$700.00 for filing Form N-336 to USCIS. I kept the money cash because when the Form N-336 was going to be file I was going to ask my secretary to purchase a money order to send the filing fee. When my client came to my office on March 1, 2018 I realized that my secretary had not send the Form N-336 to USCIS and that she had the \$700.00 cash in client's file. Client terminated my services and requested refund of the attorney fees and the \$700.00 filing fee. I informed Client would give him the \$700 filing fee that day but I cannot reimbursed the attorney fees because I needed to do an accounting for legal services before determining if I owed any money to Client. Client refused to accept the \$700 filing fee cash and left my office. On March 21, 2018 I purchased a United States Postal Money Order in order to refund the advanced cost to my client. On April 30, 2018 I deposited the \$700 filing fee in my Client Trust Account to keep the money there. On April 1, 2018 I withdraw \$700 from the Trust Account for mistakenly.

1 Count 6

2 Case No. 18-O-13124

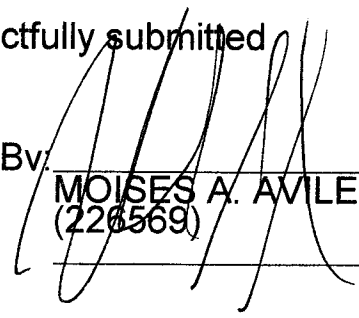
3 Business and Professions Code, section 6106

4 [Moral Turpitude- Misrepresentation to the State Bar and Proffering False  
5 Documents]  
6 DENY  
7

8 6. On March 19, 2018 I sent a letter to my client enclosing the accounting. I  
9 mistakenly assumed my secretary had sent my client the \$700 and I  
10 mistakenly wrote in that letter that I was sending the \$700 Postal Money  
11 Order to my Client  
12

13 Dated: January 15, 2018  
14

15 Respectfully submitted

16  
17 By:   
18 MOISES A. AVILES  
19 (226569)  
20

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 Complaint for Elder Abuse - Aviles v. Memorial Hospital of  
28 Gardena - 5

MOISES A. AVILES (226569)  
AVILES & ASSOCIATES  
560 N. Arrowhead Av., #2A  
San Bernardino, CA., 92401  
TEL.: (909) 383-2333  
FAX: (909) 383-9550  
[maviles1231@aol.com](mailto:maviles1231@aol.com)

1 meeting with Mr. Arredondo to execute the N-336 Form Mr. Arredondo executed  
2 the Form N-336. After execution of the N-336 Form I gave me to my secretary  
3 Denise Mata to prepare to mail it to USCIS. I presumed that my secretary Denise  
4 Mata have mailed the Form N-336. On March 1, 2018 Mr. Arredondo came to my  
5 office and asked if I had filed the Form N-336. I asked my secretary Denise Mata  
6 if she had mailed the Form N-336 to USCIS after checking the file I realized she  
7 had not sent the Form N-336 to USCIS. I immediately told Mr. Arredondo that N-  
8 336 Form was done and ready to be mail right away. Mr. Arredondo stated he did  
9 not want me to proceed with the mailing of the Form N-336 to USCIS.

10  
11 COUNT 2

12 Case No. 18-O-13124

13 [Failure to Inform Client of Significant Developments]

14 DENY

- 15  
16 2. Mr. Arredondo and I had no communication from the date he executed  
17 the Form-336. I did not communicate with him because I had presumed  
18 my secretary had mailed the Form N-336. I was waiting for USCIS to  
19 respond to the Form -336. When I realized on March 1, 2018 I told Mr.  
20 Arredondo I could send it right away but he refused. I did communicate  
21 telephonically with Mr. Arredondo month of March 2018  
22  
23  
24  
25  
26  
27

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO }

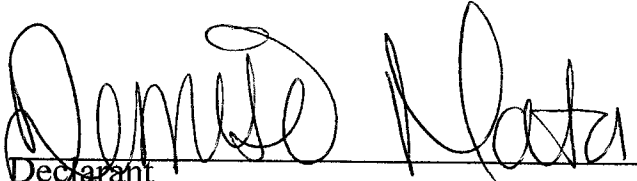
On January 15, 2019, I served the foregoing document described as ANSWER TO NOTICE OF DISCIPLINARY CHARGES on the parties herein in this action by placing a true and complete copy thereof enclosed in a sealed envelope, first class postage fully prepaid, addressed as follows:

The State Bar Court of California  
845 S. Figueroa Street  
Los Angeles, CA. 90017

///

The State Bar of California  
Office of Chief Trial Counsel  
Attn: Scott D. Karpf, Deputy Trial Counsel  
845 S. Figueroa Street  
Los Angeles, CA. 90017

Executed on January 15, 2019, at San Bernardino, California, I declare under Penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
Declarant