

PUBLIC MATTER

FILED

AUG 23 2012

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 12-O-11263
DANIEL KRISTOF LAK,) NOTICE OF DISCIPLINARY CHARGES
No. 216983,)
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE 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.**

The State Bar of California alleges:



1 JURISDICTION

2 1. Daniel Kristof Lak ("Respondent") was admitted to the practice of law in the State of
3 California on December 3, 2001, was a member at all times pertinent to these charges, and is
4 currently a member of the State Bar of California.

5 COUNT ONE

6 Case No. 12-O-11263
7 Rules of Professional Conduct, rule 4-100(A)
8 [Commingling Personal Funds in Client Trust Account]

9 2. Respondent willfully violated Rules of Professional Conduct, rule 4-100(A), by
10 depositing or commingling funds belonging to Respondent in a bank account labeled "Trust
11 Account," "Client's Funds Account" or words of similar import, as follows:

12 3. At all relevant times, Respondent maintained a Client Trust Account, number
13 *****1377,¹ at JP Morgan Chase Bank ("CTA").

14 4. Between on or about September 2, 2011 and on or about January 26, 2012,
15 Respondent misused his CTA by depositing into the CTA cash and earned fees and, thereafter,
16 issuing paper and electronic checks payable to non-clients to pay his personal and business
17 expenses. Respondent's use of his CTA during that period includes, but is not limited to the
18 following:

Date:	Check No.:	Payee:	Amount:
09/02/11	1702	Von's	\$ 279.95
09/09/11	1770	Amazing Grapes Wine Store	44.11
09/27/11	Deposit	Daniel Lak "Pmt on Acct"	2,500.00
09/30/11	0004	California Polo Club	100.00
10/03/11	0002	Burke Williams	220.00
11/03/11		Cash Deposit	126.36
11/14/11	eCheck	Verizon wireless	376.68
11/18/11		Cash Deposit	1,500.00
12/14/11	Online Payment	Capital One	500.00

28 ¹ The full account number has been excluded to protect the account from identify theft.

1 01/09/12 1890 Coto De Caza Golf and Racquet Club 217.23
2 01/26/12 3212 Gold's Gym 47.41

3 5. By depositing his own cash into the CTA, and by issuing paper and electronic checks
4 payable to non-clients from the CTA to pay his personal and business expenses, Respondent
5 deposited or commingled funds belonging to Respondent in a bank account labeled "Trust
6 Account," "Client's Funds Account" or words of similar import.

7 COUNT TWO

8 Case No. 11-O-11263

9 Business and Professions Code, section 6106

9 [Moral Turpitude – Issuing Checks from Client Trust Account against Insufficient Funds]

10 6. Respondent willfully violated Business and Professions Code, section 6106, by
11 committing an act involving moral turpitude, dishonesty or corruption, as follows:

12 7. The allegations of Count One are incorporated by reference.

13 8. On or about October 13, 2011, Respondent issued check no. 1972 from his CTA to
14 Von's in the amount of \$74.60. At the time the item was presented for payment, the balance in
15 Respondent's CTA was \$35.76. The item was returned unpaid. On or about October 24, 2011,
16 the payee again presented the item for payment and it was paid.

17 9. On or about November 5, 2011, Respondent issued check no. 1983 from his CTA to
18 Jerry Hou in the amount of \$425.00. At the time the item was presented for payment, the
19 balance in Respondent's CTA was \$50.35. The item was returned unpaid. On or about
20 November 15, 2011, the payee again presented the item for payment and it was paid on that date.

21 10. On or about December 5, 2011, Respondent made two electronic payments from his
22 CTA in the amount of \$20.00 and \$29.42. At the time the items were presented for payment, the
23 balance in Respondent's CTA was \$11.31. The items were returned unpaid.

24 11. On or about December 5, 2011, Respondent issued check no. 1928 from his CTA in
25 the amount of \$35.00. At the time the item was presented for payment, the balance in
26 Respondent's CTA was \$11.31. The item was returned unpaid.

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DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 12-O-11263

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, 1149 South Hill Street, Los Angeles, California 90015, 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.: 7160 3901 9849 2214 7238 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: DANIEL KRISTOF LAK, 18101 Von Karman Avenue, Suite 330 Irvine, CA 92612, 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: August 23, 2012

SIGNED: Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant