

FILED

JUL 22 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT

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HEARING DEPARTMENT - LOS ANGELES

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In the Matter of:) Case Nos. 15-O-10476, 15-O-10190,
) 15-O-10023

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THEODORE SHIN LEE,)
 No. 191848,) NOTICE OF DISCIPLINARY CHARGES

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A Member of the State Bar)

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NOTICE - FAILURE TO RESPOND!

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**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:**

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(1) YOUR DEFAULT WILL BE ENTERED;

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**(2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
 WILL NOT BE PERMITTED TO PRACTICE LAW;**

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**(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;**

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**(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.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Theodore Shin Lee ("respondent") was admitted to the practice of law in the State of
4 California on December 5, 1997, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-10476
8 Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

9 2. On or about June 26, 2014, respondent received on behalf of his client, Daniel
10 Camacho, a settlement check from Infinity Insurance Company made payable to respondent and
11 Mr. Camacho in the sum of \$15,000. On or about June 26, 2014, respondent also received on
12 behalf of his client, Jose Muniz, a settlement check from Infinity Insurance Company made
13 payable to respondent and Mr. Muniz in the sum of \$15,000. On or about July 3, 2014,
14 respondent deposited the settlement checks into respondent's client trust account at Wilshire
15 Bank, account no. xxxx6939¹("respondent's CTA") on behalf of Messrs. Camacho and Muniz.
16 Of the \$30,000, Messrs. Camacho and Muniz and their medical lienholder were entitled to
17 \$20,000. Respondent failed to maintain a balance of \$20,000 on behalf of Messrs. Camacho and
18 Muniz and the medical lienholder in respondent's CTA, in willful violation of Rules of
19 Professional Conduct, rule 4-100(A).

20 COUNT TWO

21 Case No. 15-O-10476
22 Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

23 3. On or about June 26, 2014, respondent received on behalf of his client, Daniel
24 Camacho, a settlement check from Infinity Insurance Company made payable to respondent and
25 Mr. Camacho in the sum of \$15,000. On or about June 26, 2014, respondent also received on
26 behalf of his client, Jose Muniz, a settlement check from Infinity Insurance Company made
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28 ¹ The full account number is omitted for privacy reasons.

1 payable to respondent and Mr. Muniz in the sum of \$15,000. On or about July 3, 2014,
2 respondent deposited the settlement checks into respondent's client trust account at Wilshire
3 Bank, account no. xxxx6939²("respondent's CTA") on behalf of Messrs. Camacho and Muniz.
4 Of the \$30,000, Messrs. Camacho and Muniz and their medical lienholder were entitled to
5 \$20,000. On or about August 11, 2014, before respondent had disbursed any funds to, or on
6 behalf of, Messrs. Camacho and Muniz, the balance in respondent's CTA was \$205.55(-).
7 Respondent dishonestly or grossly negligently misappropriated for respondent's own purposes
8 \$20,000 that Messrs. Camacho and Muniz and their medical lienholder were entitled to receive,
9 and thereby committed an act involving moral turpitude, dishonesty or corruption in willful
10 violation of Business and Professions Code, section 6106.

11 COUNT THREE

12 Case No. 15-O-10476
13 Rules of Professional Conduct, rule 4-100(B)(4)
14 [Failure to Pay Client Funds Promptly]

15 4. On or about June 26, 2014, respondent received on behalf of his client, Daniel
16 Camacho, a settlement check from Infinity Insurance Company made payable to respondent and
17 Mr. Camacho in the sum of \$15,000. On or about June 26, 2014, respondent also received on
18 behalf of his client, Jose Muniz, a settlement check from Infinity Insurance Company made
19 payable to respondent and Mr. Muniz in the sum of \$15,000. On or about July 3, 2014,
20 respondent deposited the settlement checks into respondent's client trust account at Wilshire
21 Bank, account no. xxxx6939³("respondent's CTA") on behalf of Messrs. Camacho and Muniz.
22 Of the \$30,000, Messrs. Camacho and Muniz and their medical lienholder were entitled to
23 \$20,000. Between on or about October 14, 2014, and on or about October 24, 2014, Messrs.
24 Camacho and Muniz requested that respondent pay their medical provider pursuant to the lien
25 that the medical provider maintained on their respective settlements. To date, respondent has
26 failed to pay promptly, or at any time, as requested by Messrs. Camacho and Muniz, any portion

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28 ² The full account number is omitted for privacy reasons.

³ The full account number is omitted for privacy reasons.

1 of the \$20,000 in Respondent's possession to the lienholder, in willful violation of Rules of
2 Professional Conduct, rule 4-100(B)(4).

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4 COUNT FOUR

5 Case No. 15-O-10476
6 Business and Professions Code, section 6068(k)
7 [Failure to Comply with Conditions of Probation]

8 5. Respondent failed to comply with conditions attached to respondent's disciplinary
9 probation in State Bar Case no. 12-O-13746, et. al, by failing to comply with the Rules of
10 Professional Conduct and the State Bar Act between on or about July 5, 2014, and on or about
11 July 5, 2017, including failing to maintain client funds in trust on behalf of Daniel Camacho and
12 Jose Muniz, his clients, in violation of Rules of Professional Conduct, rule 4-100(A),
13 misappropriating \$20,000 of Messrs. Camacho and Muniz's funds in violation of Business and
14 Professions Code, section 6106, and failing to pay Messrs. Camacho and Muniz's medical
15 lienholder, in violation of Rules of Professional Conduct, rule 4-100(B), and thereby willfully
16 violated Business and Professions Code, section 6068(k).

17 COUNT FIVE

18 Case No. 15-O-10476
19 Business and Professions Code, section 6106
20 [Moral Turpitude - Misrepresentation]

21 6. On or about August 11, 2014, respondent filed a declaration with the State Bar Court,
22 pursuant to California Rules of Court, rule 9.20, in which he stated under penalty of perjury that
23 he had notified all clients, by certified mail, return receipt requested, in matters pending on the
24 date the order to comply with rule 9.20 was filed, of respondent's disqualification to act as an
25 attorney after the effective date of his suspension, when respondent knew or was grossly
26 negligent in not knowing the statements were false; specifically, respondent did not notify Daniel
27 Camacho and Jose Muniz, his clients, of his suspension from the practice of law, and thereby
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1 committed an act involving moral turpitude, dishonesty or corruption in willful violation of
2 Business and Professions Code, section 6106.

3 COUNT SIX

4 Case No. 15-O-10476
5 Business and Professions Code, section 6106
6 [Moral Turpitude - Misrepresentation]

7 7. On or about October 8, 2014, respondent stated, under penalty of perjury, in a
8 quarterly report that he filed with the Probation Department of the State Bar of California, that
9 he was not in violation of the State Bar Act or the Rules of Professional Conduct when
10 respondent knew or was grossly negligent in not knowing the statements to the Probation
11 Department of the State Bar were false, and thereby committed an act involving moral turpitude,
12 dishonesty, or corruption in willful violation of Business and Professions Code, section 6106,
13 specifically because respondent failed to maintain client funds in trust on behalf of Daniel
14 Camacho and Jose Muniz, his clients, in violation of Rules of Professional Conduct, rule 4-
15 100(A), misappropriated \$20,000 of Messrs. Camacho and Muniz's funds in violation of
16 Business and Professions Code, section 6106, and misrepresented in a declaration that he filed
17 with the State Bar Court pursuant to California Rules of Court, rule 9.20, that he had notified all
18 clients, by certified mail, return receipt requested, in matters pending on the date the order to
19 comply with rule 9.20 was filed, of respondent's disqualification to act as an attorney after the
20 effective date of his suspension, when respondent knew or was grossly negligent in not knowing
21 the statements were false in violation of Business and Professions Code, section 6106.

22 COUNT SEVEN

23 Case No. 15-O-10476
24 Business and Professions Code, section 6106
25 [Moral Turpitude - Misrepresentation]

26 8. On or about January 14, 2015, respondent stated, under penalty of perjury, in a
27 quarterly report that he filed with the Probation Department of the State Bar of California, that
28 he was not in violation of the State Bar Act or the Rules of Professional Conduct when
respondent knew or was grossly negligent in not knowing the statements to the Probation

1 Department of the State Bar were false, and thereby committed an act involving moral turpitude,
2 dishonesty, or corruption in willful violation of Business and Professions Code, section 6106,
3 specifically because respondent failed to pay the medical lienholder of Daniel Camacho and Jose
4 Muniz, his clients, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

5 COUNT EIGHT

6 Case No. 15-O-10476
7 Business and Professions Code, section 6103
8 [Failure to Obey a Court Order]

9 9. Respondent disobeyed or violated an order of the court requiring respondent to do or
10 forbear an act connected with or in the course of respondent's profession which respondent ought
11 in good faith to do or forbear by failing to provide the written notice required by California Rules
12 of Court, rule 9.20(a)(1), to all of his clients, specifically Daniel Camacho and Jose Muniz, on
13 the date the order to comply with rule 9.20 was filed, as required by Supreme Court Order no.
14 S217310, in willful violation of Business and Professions Code, section 6103.

15 COUNT NINE

16 Case No. 15-O-10476
17 Business and Professions Code, section 6068(i)
18 [Failure to Cooperate in State Bar Investigation]

19 10. 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
21 February 26, 2015, March 20, 2015, and May 11, 2015, which respondent received, that
22 requested respondent's response to the allegations of misconduct being investigated in case no.
23 15-O-10476, in willful violation of Business and Professions Code, section 6068(i).

24 COUNT TEN

25 Case No. 15-O-10190
26 Rules of Professional Conduct, rule 4-100(A)
27 [Failure to Maintain Client Funds in Trust Account]

28 11. On or about July 28, 2014, respondent received on behalf of his client, Erasmo
Juarez, a settlement check from 21st Century Insurance Company made payable to respondent
and Mr. Juarez in the sum of \$15,000. On or about July 31, 2014, respondent deposited the

1 settlement check into respondent's client trust account at Wilshire Bank, account no.
2 xxxx6939⁴("respondent's CTA") on behalf of Mr. Juarez. Of the \$15,000, Mr. Juarez was
3 entitled to \$10,000. Respondent failed to maintain a balance of \$10,000 on behalf of
4 Mr. Juarez in respondent's CTA, in willful violation of Rules of Professional Conduct, rule 4-
5 100(A).

6 COUNT ELEVEN

7 Case No. 15-O-10190
8 Business and Professions Code, section 6106
9 [Moral Turpitude - Misappropriation]

10 12. On or about July 28, 2014, respondent received on behalf of his client, Erasmo
11 Juarez, a settlement check from 21st Century Insurance made payable to respondent and
12 Mr. Juarez in the sum of \$15,000. On or about July 31, 2014, respondent deposited the
13 settlement check into respondent's client trust account at Wilshire Bank, account no.
14 xxxx6939⁵("respondent's CTA") on behalf of Mr. Juarez. Of the \$15,000, Mr. Juarez was
15 entitled to \$10,000. On or about August 11, 2014, before respondent had disbursed any funds to,
16 or on behalf of, Mr. Juarez, the balance in respondent's CTA was \$205.55(-). Respondent
17 dishonestly or grossly negligently misappropriated for respondent's own purposes \$10,000 that
18 Mr. Juarez was entitled to receive, and thereby committed an act involving moral turpitude,
19 dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

20 COUNT TWELVE

21 Case No. 15-O-10190
22 Business and Professions Code, section 6068(k)
23 [Failure to Comply with Conditions of Probation]

24 13. Respondent failed to comply with conditions attached to respondent's disciplinary
25 probation in State Bar Case no. 12-O-13746, et. al, by failing to comply with the Rules of
26 Professional Conduct and the State Bar Act between on or about July 5, 2014, and on or about
27 July 5, 2017, including failing to maintain client funds in trust on behalf of Erasmo Juarez, his
28 client, in violation of Rules of Professional Conduct, rule 4-100(A), and misappropriating

⁴ The full account number is omitted for privacy reasons.

⁵ The full account number is omitted for privacy reasons.

1 \$10,000 of Mr. Juarez's funds in violation of Business and Professions Code, section 6106, and
2 thereby willfully violated Business and Professions Code, section 6068(k).

3 COUNT THIRTEEN

4 Case No. 15-O-10190
5 Business and Professions Code, section 6106
6 [Moral Turpitude - Misrepresentation]

7 14. On or about August 11, 2014, respondent filed a declaration with the State Bar Court,
8 pursuant to California Rules of Court, rule 9.20, in which he stated under penalty of perjury that
9 he had notified all clients, by certified mail, return receipt requested, in matters pending on the
10 date the order to comply with rule 9.20 was filed, of respondent's disqualification to act as an
11 attorney after the effective date of his suspension, when respondent knew or was grossly
12 negligent in not knowing the statements were false; specifically, respondent did not notify
13 Erasmo Juarez, his client, of his suspension from the practice of law, and thereby committed an
14 act involving moral turpitude, dishonesty or corruption in willful violation of Business and
15 Professions Code, section 6106.

16 COUNT FOURTEEN

17 Case No. 15-O-10190
18 Business and Professions Code, section 6106
19 [Moral Turpitude - Misrepresentation]

20 15. On or about October 8, 2014, respondent stated, under penalty of perjury, in a
21 quarterly report that he filed with the Probation Department of the State Bar of California, that he
22 was not in violation of the State Bar Act or the Rules of Professional Conduct when respondent
23 knew or was grossly negligent in not knowing the statements to the Probation Department of the
24 State Bar were false, and thereby committed an act involving moral turpitude, dishonesty, or
25 corruption in willful violation of Business and Professions Code, section 6106, specifically
26 because respondent failed to maintain client funds in trust on behalf of Erasmo Juarez, his client,
27 in violation of Rules of Professional Conduct, rule 4-100(A), misappropriated \$10,000 of
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1 Mr. Juarez's funds in violation of Business and Professions Code, section 6106, and
2 misrepresented in a declaration that he filed with the State Bar Court pursuant to California
3 Rules of Court, rule 9.20, that he had notified all clients, by certified mail, return receipt
4 requested, in matters pending on the date the order to comply with rule 9.20 was filed, of
5 respondent's disqualification to act as an attorney after the effective date of his suspension, when
6 respondent knew or was grossly negligent in not knowing the statements were false in violation
7 of Business and Professions Code, section 6106.

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9 COUNT FIFTEEN

10 Case No. 15-O-10190
11 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

12 16. Respondent disobeyed or violated an order of the court requiring respondent to do or
13 forbear an act connected with or in the course of respondent's profession which respondent ought
14 in good faith to do or forbear by failing to provide the written notice required by California Rules
15 of Court, rule 9.20(a)(1), to all of his clients, specifically Erasmo Juarez, on the date the order to
16 comply with rule 9.20 was filed, as required by Supreme Court Order no. S217310, in willful
17 violation of Business and Professions Code, section 6103.

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19 COUNT SIXTEEN

20 Case No. 15-O-10190
21 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

22 17. Respondent failed to cooperate and participate in a disciplinary investigation pending
23 against Respondent by failing to provide a substantive response to the State Bar's letters of
24 January 27, 2015, February 16, 2015, and March 20, 2015, which respondent received, that
25 requested respondent's response to the allegations of misconduct being investigated in case no.
26 15-O-10190, in willful violation of Business and Professions Code, section 6068(i).

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COUNT SEVENTEEN

Case No. 15-O-10023
Business and Professions Code, section 6106
[Moral Turpitude – Settling Claim Without Authority of Client]

18. On or about April 7, 2014, respondent settled the personal injury claim of his client, Brenda Davila, which arose out of the automobile accident which incurred on or about April 28, 2013, without Ms. Davila’s knowledge, authorization, or consent, and thereby committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106.

COUNT EIGHTEEN

Case No. 15-O-10023
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

19. On or about April 10, 2014, respondent received on behalf of his client, Brenda Davila, a settlement check from Mercury Insurance Company made payable to respondent and Ms. Davila in the sum of \$85,000. On or about April 16, 2014, respondent deposited the settlement check into respondent’s client trust account at Wilshire Bank, account no. xxxx6939⁶ (“respondent’s CTA”) on behalf of Ms. Davila. Of the \$85,000, Ms. Davila was entitled to \$85,000. Respondent failed to maintain a balance of \$85,000 on behalf of Ms. Davila in respondent’s CTA, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT NINETEEN

Case No. 15-O-10023
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

20. On or about April 10, 2014, respondent received on behalf of his client, Brenda Davila, a settlement check from Mercury Insurance Company made payable to respondent and

⁶ The full account number is omitted for privacy reasons.

1 Ms. Davila in the sum of \$85,000. On or about April 16, 2014, respondent deposited the
 2 settlement check into respondent's client trust account at Wilshire Bank, account no.
 3 xxxx6939⁷("respondent's CTA") on behalf of Ms. Davila. Of the \$85,000, Ms. Davila was
 4 entitled to the entire sum, or \$85,000. Before respondent had disbursed any funds to, or on
 5 behalf of, Ms. Davila, and between on or about April 22, 2014, and on or about August 11, 2014,
 6 when the balance in respondent's CTA was \$205.55(-), respondent dishonestly or grossly
 7 negligently misappropriated for respondent's own purposes \$85,000 that Ms. Davila was entitled
 8 to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in
 9 willful violation of Business and Professions Code, section 6106.

10 COUNT TWENTY

11 Case No. 15-O-10023
 12 Rules of Professional Conduct, rule 4-100(A)
 [Commingling Personal Funds in Client Trust Account]

13 21. Between on or about July 24, 2014, and on or about February 27, 2015, respondent
 14 deposited or commingled funds belonging to respondent into respondent's client trust account at
 15 Wilshire Bank, account no. xxxx6939⁸("respondent's CTA"), as follows in wilful violation
 16 of Rules of Professional Conduct, rule 4-100(A):

<u>DATE OF DEPOSIT</u>	<u>AMT. DEPOSITED</u>	<u>FORM OF DEPOSIT</u>
07/24/14	\$5,000	Cash Deposit
07/28/14	\$2,000	Cash Deposit
07/29/14	\$580	Cash Deposit
07/30/14	\$4,000	Check
08/06/14	\$3,000	Cash Deposit
08/07/14	\$2,500	Cash Deposit
08/07/14	\$1,100	Check
08/08/14	\$2,500	Check
08/12/14	\$800	Cash Deposit
08/13/14	\$1,000	Cash Deposit
08/14/14	\$4,000	Cash Deposit
08/19/14	\$300	Cash Deposit
08/20/14	\$2,250	Cash Deposit
08/25/14	\$6,500	Cash Deposit

27 ⁷ The full account number is omitted for privacy reasons.

28 ⁸ The full account number is omitted for privacy reasons.

1	08/27/14	\$3,000	Check
	09/04/14	\$600	Cash Deposit
2	09/05/14	\$2,650	Cash Deposit
	09/08/14	\$2,400	Cash Deposit
3	09/08/14	\$60	Check
	09/09/14	\$1,400	Cash Deposit
4	09/10/14	\$1,700	Cash Deposit
	09/15/14	\$1,800	Check
5	09/18/14	\$6,000	Cash Deposit
6	09/19/14	\$6,000	Cash Deposit
	09/23/14	\$7,400	Cash Deposit
7	09/24/14	\$2,750	Cash Deposit
	09/29/14	\$1,300	Cash Deposit
8	09/29/14	\$1,500	Cash Deposit
	09/30/14	\$3,500	Cash Deposit
9	10/03/14	\$4,000	Cash Deposit
10	10/03/14	\$5,500	Check
11	10/07/14	\$100	Cash Deposit
	10/09/14	\$2,300	Cash Deposit
12	10/09/14	\$4,400	Cash Deposit
	10/10/14	\$6,300	Cash Deposit
13	10/10/14	\$3,300	Check
14	10/14/14	\$3,000	Cash Deposit
15	10/15/14	\$4,100	Cash Deposit
	10/17/14	\$500	Cash Deposit
16	10/20/14	\$300	Cash Deposit
	10/21/14	\$500	Cash Deposit
17	10/26/14	\$1,200	Check
	10/27/14	\$1,600	Cash Deposit
18	10/27/14	\$5,000	Cash Deposit
	10/28/14	\$400	Cash Deposit
19	10/29/14	\$7,800	Cash Deposit
	10/30/14	\$5,900	Cash Deposit
20	10/31/14	\$1,200	Cash Deposit
21	11/04/14	\$3,100	Cash Deposit
	11/05/14	\$8,300	Cash Deposit
22	11/06/14	\$5,500	Cash Deposit
	11/07/14	\$5,600	Cash Deposit
23	11/20/14	\$8,200	Cash Deposit
	11/20/14	\$3,800	Check
24	11/24/14	\$5,000	Cash Deposit
25	12/09/14	\$4,000	Check
	12/19/14	\$1,450	Cash Deposit
26	12/30/14	\$8,500	Cash Deposit
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12/31/14	\$5,400	Cash Deposit
12/31/14	\$400	Check
12/31/14	\$1,200	Check
01/02/15	\$2,500	Cash Deposit
01/02/15	\$400	Cash Deposit
01/05/15	\$4,000	Cash Deposit
01/06/15	\$7,800	Cash Deposit
01/07/15	\$5,000	Check
01/08/15	\$3,000	Cash Deposit
01/08/15	\$2,000	Check
01/09/15	\$5,600	Cash Deposit
01/12/15	\$9,500	Cash Deposit
01/13/15	\$9,000	Cash Deposit
01/14/15	\$4,200	Cash Deposit
01/22/15	\$2,400	Cash Deposit
01/23/15	\$4,000	Cash Deposit
01/26/15	\$7,500	Cash Deposit
01/27/15	\$3,900	Cash Deposit
01/28/15	\$3,700	Cash Deposit
01/29/15	\$2,500	Cash Deposit
02/01/15	\$4,000	Check
02/02/15	\$6,100	Cash Deposit
02/02/15	\$11,300	Check
02/03/15	\$8,150	Cash Deposit
02/04/15	\$6,000	Check
02/11/15	\$2,700	Cash Deposit
02/13/15	\$6,000	Cash Deposit
02/17/15	\$6,000	Cash Deposit
02/18/15	\$1,300	Cash Deposit
02/19/15	\$7,300	Cash Deposit
02/20/15	\$8,400	Cash Deposit
02/23/15	\$4,000	Cash Deposit
02/25/15	\$100	Cash Deposit
02/25/15	\$4,300	Cash Deposit
02/26/15	\$5,400	Cash Deposit
02/27/15	\$8,500	Cash Deposit

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COUNT TWENTY-ONE

Case No. 15-O-10023
Business and Professions Code, section 6068(k)
[Failure to Comply with Conditions of Probation]

22. Respondent failed to comply with conditions attached to respondent's disciplinary probation in State Bar Case no. 12-O-13746, et. al, by failing to comply with the Rules of Professional Conduct and the State Bar Act between on or about July 5, 2014, and on or about July 5, 2017, including failing to maintain client funds in trust on behalf of Brenda Villa, his client, in violation of Rules of Professional Conduct, rule 4-100(A), misappropriating \$85,000 of Ms. Villa's funds in violation of Business and Professions Code, section 6106, and commingling personal fund in a client trust account in violation of Rules of Professional Conduct, rule 4-100(A), and thereby willfully violated Business and Professions Code, section 6068(k).

COUNT TWENTY-TWO

Case No. 15-O-10023
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

23. On or about August 11, 2014, respondent filed a declaration with the State Bar Court, pursuant to California Rules of Court, rule 9.20, in which he stated under penalty of perjury that he had notified all clients, by certified mail, return receipt requested, in matters pending on the date the order to comply with rule 9.20 was filed, of respondent's disqualification to act as an attorney after the effective date of his suspension, and that he had delivered to all clients any papers or other property to which the clients were entitled, when respondent knew or was grossly negligent in not knowing the statements were false; specifically, respondent neither notified Brenda Davila, his client, of his suspension from the practice of law nor provided Ms. Davila with her client file, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT TWENTY-THREE

Case No. 15-O-10023
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

24. On or about October 8, 2014, respondent stated, under penalty of perjury, in quarterly report that he filed with the Probation Department of the State Bar of California, that he was not in violation of the State Bar Act or the Rules of Professional Conduct when respondent knew or was grossly negligent in not knowing the statements to the Probation Department of the State Bar were false, and thereby committed an act involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code, section 6106, specifically because respondent failed to maintain funds in trust on behalf of Brenda Villa, his client, in violation of Rules of Professional Conduct, rule 4-100(A), misappropriated \$85,000 of Ms. Villa's funds in violation of Business and Professions Code, section 6106, commingled personal fund in a client trust account in violation of Rules of Professional Conduct, rule 4-100(A), and stated under penalty of perjury that he had notified all clients, by certified mail, return receipt requested, in matters pending on the date the order to comply with rule 9.20 was filed, of respondent's disqualification to act as an attorney after the effective date of his suspension, and that he had delivered to all clients any papers or other property to which the clients were entitled, when respondent knew or was grossly negligent in not knowing the statements were false in violation of Business and Professions Code, section 6106.

COUNT TWENTY-FOUR

Case No. 15-O-10023
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

25. On or about January 14, 2015, and on or about April 13, 2015, respondent stated, under penalty of perjury, in two quarterly reports that he filed with the Probation Department of the State Bar of California that he was not in violation of the State Bar Act or the Rules of Professional Conduct when respondent knew or was grossly negligent in not knowing the statements to the Probation Department of the State Bar were false, and thereby committed an act

1 involving moral turpitude, dishonesty, or corruption in willful violation of Business and
2 Professions Code, section 6106, specifically because respondent commingled personal fund in a
3 client trust account in violation of Rules of Professional Conduct, rule 4-100(A).

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5 COUNT TWENTY-FIVE

6 Case No. 15-O-10023
7 Business and Professions Code, section 6103
8 [Failure to Obey a Court Order]

9 26. Respondent disobeyed or violated an order of the court requiring respondent to do or
10 forbear an act connected with or in the course of respondent's profession which respondent ought
11 in good faith to do or forbear by failing to provide the written notice required by California Rules
12 of Court, rule 9.20(a)(1), to all of his clients, specifically Brenda Davila, on the date the order to
13 comply with rule 9.20 was filed; and failed to deliver to all clients any papers or other property
14 to which the clients were entitled, specifically respondent failed to provide Ms. Davila's client
15 file to her, as required by Supreme Court Order no. S217310, in willful violation of Business
16 and Professions Code, section 6103.

17 COUNT TWENTY-SIX

18 Case No. 15-O-10023
19 Business and Professions Code, section 6068(i)
20 [Failure to Cooperate in State Bar Investigation]

21 27. Respondent failed to cooperate and participate in a disciplinary investigation pending
22 against Respondent by failing to provide a substantive response to the State Bar's letters of
23 January 27, 2015, February 26, 2015, and March 20, 2015, which respondent received, that
24 requested respondent's response to the allegations of misconduct being investigated in case no.
25 15-O-10023, in willful violation of Business and Professions Code, section 6068(i).

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NOTICE - INACTIVE ENROLLMENT!

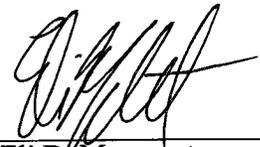
YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR.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

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 THE CHIEF TRIAL COUNSEL



DATED: July 22, 2015

By: _____
Eli D. Morgenstern
Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 15-O-10476, et al

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))

- 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.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6) to:

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(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 0722 18 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)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy via US Mail to:
Theodore Shin Lee	3435 Wilshire Boulevard, Suite 2615 Los Angeles, California 90010		3342 Longridge Ter Sherman Oaks, CA 91423
		CC via electronic address:	4201 Gayle Drive Tarzana, CA 91356
		lee@lee-law.net	4251 Fulton Ave., Apt. 102 Sherman Oaks, CA 91423

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

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: July 22, 2015

SIGNED: _____

Ana Botosaru-Nercessian
Declarant