

FILED

Feb 2, 2021

Disciplinary
Board

Docket # 008

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

TARL RAUD OLIASON,
Lawyer (Bar No. 11923).

Proceeding No. 20#00065

ODC File Nos. 20-00697, 20-00713,
20-00714

Resignation Form of Tarl Raud Oliason (ELC
9.3(b))

I, Tarl Raud Oliason, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on October 27, 1981.

3. I was served with a Formal Complaint and Notice to Answer in this matter on January 12, 2021.

4. I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

5. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in

1 Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to
2 permanently resign from membership in the Association.

3 6. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in
4 this matter.

5 7. I agree to pay any additional costs or restitution that may be ordered by a Review
6 Committee under ELC 9.3(g).

7 8. I understand that my resignation is permanent and that any future application by me
8 for reinstatement as a member of the Association is currently barred. If the Washington Supreme
9 Court changes this rule or an application is otherwise permitted in the future, it will be treated as
10 an application by one who has been disbarred for ethical misconduct. If I file an application, I
11 will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or
12 instances of alleged misconduct on which this resignation was based.

13 9. I agree to (a) notify all other states and jurisdictions in which I am admitted,
14 including the United States District Court, Western District of Washington, of this resignation in
15 lieu of discipline; (b) seek to resign permanently from the practice of law in all other states and
16 jurisdictions in which I am admitted including the United States District Court, Western District
17 of Washington; and (c) provide Disciplinary Counsel with copies of this notification and any
18 response(s). I acknowledge that this resignation could be treated as a disbarment by all other
19 jurisdictions.

20 10. I agree to (a) notify all other professional licensing agencies in any jurisdiction from
21 which I have a professional license that is predicated on my admission to practice law of this
22 resignation in lieu of discipline; (b) seek to resign permanently from any such license; and (c)
23 provide disciplinary counsel with copies of any of these notifications and any responses.

1 11. I agree that when applying for any employment, I will disclose the resignation in
2 lieu of discipline in response to any question regarding disciplinary action or the status of my
3 license to practice law.

4 12. I understand that my resignation becomes effective on Disciplinary Counsel's
5 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
6 Counsel must do so promptly following receipt of this document.

7 13. When my resignation becomes effective, I agree to be subject to all restrictions that
8 apply to a disbarred lawyer.

9 14. Upon filing of my resignation, I agree to comply with the same duties as a disbarred
10 lawyer under ELC 14.1 through ELC 14.4.

11 15. I understand that, after my resignation becomes effective, it is permanent. I will
12 never be eligible to apply and will not be considered for admission or reinstatement to the practice
13 of law nor will I be eligible for admission for any limited practice of law.

14 16. I certify under penalty of perjury under the laws of the State of Washington that the
15 foregoing is true and correct.

16
17 2-1-21
18 Date and Place

Tarl Raud Oliason
Tarl Raud Oliason, Bar No. 11923

19 ENDORSED BY:

20
21 Joanne S. Abelson
22 Joanne S. Abelson, Managing Disciplinary Counsel
23 Bar No. 24877

EXHIBIT A

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DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

TARL RAUD OLIASON,
Lawyer (Bar No. 11923).

Proceeding No. 20#00065

ODC File Nos. 20-00697, 20-00713,
20-00714

STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)

The attached formal complaint filed on January 4, 2021, in Proceeding No. 20#00065, constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

DATED this 29th day of January, 2021.



Joanne S. Abelson, Bar No. 24877
Managing Disciplinary Counsel

FILED

Jan 4, 2021

Disciplinary
Board

Docket # 004

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

TARL RAUD OLIASON,

Lawyer (Bar No. 11923).

Proceeding No. 20#00065

FORMAL COMPLAINT

Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association charges the above-named lawyer with acts of misconduct under the Washington Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Tarl Raud Oliason was admitted to the practice of law in the State of Washington on October 27, 1981.

2. On September 25, 2020, the Washington Supreme Court entered an order suspending Respondent's license to practice law on an interim basis for failure to cooperate with the investigation of the grievances referenced in the Formal Complaint.

1 12. Respondent did not have authority to take this payment.

2 13. On November 27, 2019, by agreement of the parties, the court appointed Respondent
3 as successor personal representative to complete the remaining items.

4 14. Respondent did not do any work on the estate after this appointment.

5 15. After this appointment, counsel for CF tried repeatedly to contact Respondent via
6 email, voice mail, and USPS mail, but did not get a response.

7 16. On January 9, 2020, Respondent sent counsel for CF an email apologizing for the
8 delay, stating that Respondent “had to take some personal time off at the end of 2019,” advising
9 that Respondent had the file at home, and promising to get counsel documents necessary to
10 make final distributions and close the estate “next week.”

11 17. Respondent did not provide counsel for CF with the documents needed to make final
12 distributions.

13 18. Respondent has not communicated with any of the involved parties since January
14 2020.

15 19. Eventually, counsel for CF filed a Motion for Instructions with the court, setting a
16 hearing for April 22, 2020.

17 20. Respondent did not appear at the hearing.

18 21. On April 23, 2020 the court issued an order to show cause for Respondent to appear
19 telephonically at a hearing scheduled for May 6, 2020.

20 22. Respondent was personally served with the order to show cause but did not appear
21 on May 6, 2020.

22 23. The court entered an order on May 8, 2020 that removed Respondent as personal
23 representative, imposed \$1,100 in sanctions payable to CF’s counsel’s firm, and appointed

1 lawyer Bruce Moen as personal representative.

2 24. The court further ordered that Respondent turn over all assets, files, documents,
3 property, and bank accounts pertaining to the estate to Moen within five business days of receipt
4 of the order (deemed three days after mailing), and that failure to comply would subject
5 Respondent to personal sanctions of \$100 per day.

6 25. Moen mailed the order to Respondent via first class mail on May 15, 2020.

7 26. Moen obtained an electronic copy of the file maintained by the Firm from Sargent,
8 but it was not complete.

9 27. Moen tried to reach Respondent but was unsuccessful.

10 28. Respondent failed to contact Moen, turn over the estate assets, transfer bank
11 accounts, or pay any of the court-ordered sanctions.

12 29. On August 28, 2020, Moen filed a petition with the court seeking an order to show
13 cause to Respondent for failing to comply with the May 8, 2020 order, along with other
14 motions.

15 30. On September 25, 2020, the court issued an order to show cause directing
16 Respondent to appear at a hearing held on October 20, 2020.

17 31. Respondent was served with the order but failed to appear at the show cause hearing.

18 32. The court found that although Respondent had not complied with the May 8, 2020
19 order, it could not find Respondent in contempt in absentia.

20 33. The court liquidated the daily sanctions and entered judgment of \$16,300 against
21 Respondent in favor of Moen.

22 34. The estate and its beneficiaries were harmed by Respondent's conduct with respect
23 to the Estate of LG.

1 35. The legal system was harmed by having to expend court resources due to
2 Respondent's failure to abide by Respondent's fiduciary duties.

3 36. Respondent acted at least knowingly.

4 **Estate of JMB**

5 37. Respondent prepared a Last Will and Testament for JMB, which was signed and
6 notarized on May 9, 2014.

7 38. The will appointed Respondent to be personal representative for the estate and
8 trustee of a testamentary trust for the benefit of JMB's surviving spouse, CC, who was to
9 receive monthly distributions.

10 39. Currently, CC is 93 years old and in poor health.

11 40. JMB died on September 4, 2014.

12 41. On September 10, 2014, Respondent filed a petition to probate JMB's will in King
13 County Superior Court.

14 42. The last document that Respondent filed with the court was on November 24, 2014,
15 when Respondent submitted an approval of a creditor's claim for \$525 against the estate for
16 payment of the Firm's legal fees.

17 43. In 2015 and 2016, payments totaling \$14,229.02 were made to the firm for legal
18 services for the trust and probate.

19 44. Respondent did not have authority to take these payments.

20 45. These fees were taken in violation of RCW 11.40.140, which provides "If the
21 personal representative has a claim against the decedent, the personal representative must
22 present the claim in the manner provided in RCW 11.40.070 and petition the court for
23 allowance or rejection. The petition must be filed under RCW 11.96A.080. This section applies

1 whether or not the personal representative is acting under nonintervention powers.”

2 46. Respondent performed some work after JMB’s death, but after August 2019 ceased
3 all communication or contact and stopped providing CC with trust disbursements.

4 47. Between May-December 2019, family members tried to obtain information from
5 Respondent about the estate and trust but were not successful.

6 48. In May 2019, Respondent emailed JMB’s daughter stating that Respondent was
7 preparing a summary and report to be completed by the end of the month, but Respondent never
8 provided it.

9 49. In August 2019, Respondent sent JMB’s daughter an email apologizing and stating
10 that Respondent was out of the county and would be gone most of September. Respondent said
11 that “every penny accounted [was] for in terms of the payments to [CC], payments for the house
12 (for which [CC] has the life estate) and the estate,” and promised to send an accounting when
13 Respondent returned.

14 50. Respondent did not send the accounting.

15 51. In October 2019, other family members wrote Respondent seeking information but
16 Respondent did not respond.

17 52. On December 18, 2019, lawyer Quentin Wildsmith, acting on behalf of CC, wrote
18 Respondent, noting Respondent’s failure to respond to requests for information from CC and
19 other family members and seeking information about the estate, an inventory, and Respondent’s
20 resignation.

21 53. Respondent did not respond.

22 54. After another letter from Wildsmith on January 9, 2020, Respondent wrote back
23 apologizing for the lack of communication. Respondent stated that Respondent had been

1 dealing with personal issues, agreed to resign, and promised to provide information.

2 55. Respondent made additional promises to Wildsmith over the next few weeks but did
3 not follow through.

4 56. Wildsmith received no further communications from Respondent.

5 57. On March 27, 2020, Wildsmith filed a TEDRA Petition with King County Superior
6 Court to have Respondent removed as personal representative and trustee based on
7 Respondent's lack of diligence in closing the estate, lack of communication, and failure to
8 distribute trust property, and sought an accounting.

9 58. A telephonic hearing was set for April 15, 2020.

10 59. Respondent was served with notice of the hearing but did not appear.

11 60. On April 15, 2020, the court entered an order granting the TEDRA Petition, finding
12 that Respondent had breached Respondent's duties as personal representative and trustee.

13 61. The court removed (but did not discharge) Respondent from those roles, appointed
14 JMB's son and daughter as co-personal representatives, and awarded a judgment against
15 Respondent in favor of CC for attorney fees and costs.

16 62. The court ordered Respondent to provide a written accounting, with supporting
17 documentation, for Respondent's activities as trustee and personal representative within 15 days
18 of the date of the signed order.

19 63. The court further ruled that Respondent was not entitled to fees after May 19, 2019,
20 ordered that any fees already paid be disgorged, and that reimbursement for any costs be
21 approved by the successor trustees/personal representatives.

22 64. Finally, the court found that Respondent violated RCW 11.40.140 when Respondent
23 paid the Firm \$525, and was ordered to disgorge that sum within 15 days.

1 65. Respondent has not complied with any orders issued by the court and has not
2 returned any legal fees to the estate.

3 66. The estate and trust, and the estate and trust beneficiaries, were harmed by
4 Respondent's conduct with respect to the Estate of JMB.

5 67. The legal system was harmed by having to expend court resources due to
6 Respondent's failure to abide by Respondent's fiduciary duties.

7 68. Respondent acted at least knowingly.

8 **COUNT 1**

9 69. By ceasing to carry through on Respondent's responsibilities to the LG and/or JMB
10 estates, and/or by abandoning the practice of law without providing for the clients' and/or the
11 beneficiaries' needs, Respondent violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d).

12 **COUNT 2**

13 70. By failing to comply with the April 23, 2020, May 8, 2020, and/or September 25,
14 2020 orders in the LG matter, and/or the April 15, 2020 court order in the JMB matter,
15 Respondent violated RPC 3.4(c), RPC 8.4(d), and/or RPC 8.4(j).

16 **COUNT 3**

17 71. By collecting fees for legal services in the LG matter after the death of the personal
18 representative, and/or by collecting fees for legal services to the JMB estate without complying
19 with the requirements of RCW 11.40.140, Respondent violated RPC 1.5(a) and/or RPC 3.4(c).

20 **FACTS REGARDING COUNTS 4-5 (Pittington Grievance)**

21 72. Respondent prepared the Last Will and Testament of AS, which AS signed on
22 February 10, 2016. The heirs were AS's ex-wife Joni Pittington, and AS's siblings.

23 73. In the will, AS appointed Respondent to act as personal representative.

1 74. AS died on October 4, 2018.

2 75. On October 18, 2018, Respondent filed a petition for to admit the will to probate in
3 King County Superior Court. The court signed the order and appointed Respondent as personal
4 representative.

5 76. Respondent initially communicated with the heirs and completed certain tasks as
6 personal representative on behalf of the estate.

7 77. An estate asset was a painting by Maxfield Parrish, which AS's will directed be sold
8 with at least part of the proceeds to go to Pittington.

9 78. In February 2019, the painting was appraised at a replacement cost of \$650,000.
10 Respondent then had it insured and transferred to Sotheby's in New York for auction.

11 79. Questions arose regarding the authenticity of the painting, which jeopardized the
12 planned auction.

13 80. Respondent communicated with the heirs about the painting until approximately
14 November 1, 2019.

15 81. After approximately November 1, 2019, each of the heirs attempted to call, email, or
16 meet with Respondent, without success.

17 82. These attempts to obtain information were further hampered when Respondent's
18 firm moved its office without notice to them.

19 83. On January 9, 2020, Respondent sent the heirs an email apologizing for poor service,
20 which Respondent attributed to personal problems. Respondent promised to provide additional
21 information about the estate and reported that Sotheby's still had the painting.

22 84. After this email, AS's sister sent Respondent a text message on Respondent's
23 personal cell phone inquiring about Respondent's wellbeing.

1 85. Respondent replied by asking AS's sister not to discuss the email or the situation
2 with anyone, including Respondent's family members, and did not provide further information
3 about the estate.

4 86. Respondent has not communicated further with the heirs and has not provided them
5 an accounting, summary, asset inventory, or information about whether estate taxes were
6 prepared or completed.

7 87. The heirs do not know the current status of the Maxfield Parrish painting as the
8 contract with Sotheby's was with Respondent and they have been unable to get full information
9 from the auction house.

10 88. On February 14, 2020, after Respondent ceased performing, Respondent wrote and
11 signed a check for \$5,000 on the AS estate account payable to the Firm for legal fees.

12 89. Respondent did not have authority to take this payment.

13 90. This payment violated RCW 11.40.140.

14 91. In March 2020, Pittington sent a certified letter to Respondent's new office address
15 seeking information but did not receive a response.

16 92. In May 2020, Pittington hired a lawyer to enter a request for special notice in the
17 Estate of AS.

18 93. Pittington cannot afford to hire counsel to bring a TEDRA action or take other
19 action.

20 94. The estate and its beneficiaries were harmed by Respondent's conduct with respect
21 to the Estate of AS.

22 95. Respondent acted at least knowingly.
23

1 **COUNT 4**

2 96. By ceasing to carry through on Respondent’s responsibilities to the AS estate, and/or
3 by abandoning the practice of law without providing for the beneficiaries’ needs, Respondent
4 violated RPC 1.3, RPC 3.2, and/or RPC 8.4(d).

5 **COUNT 5**

6 97. By collecting payment for legal services to the estate after abandoning practice
7 and/or without complying with the requirements of RCW 11.40.140, Respondent violated RPC
8 1.5(a) and/or RPC 3.4(c).

9 **FACTS REGARDING COUNT 6 (Schaer Grievance)**

10 98. In 2015, Respondent drafted a Health Care Directive for James Schaer, which
11 Schaer signed on May 28, 2015.

12 99. The original document was kept on file with the Firm.

13 100. Respondent also drafted a Durable Power of Attorney for Schaer with respect to
14 Schaer’s estate and person, which Schaer also signed on May 28, 2015.

15 101. In the Durable Power of Attorney, Respondent was designated as the attorney-in-
16 fact to make decisions for Schaer. Respondent’s law firm was named as the successor attorney-
17 in-fact.

18 102. Respondent drafted two wills for Schaer, the first signed on May 28, 2015 and a
19 superseding will signed on May 1, 2019. Respondent was named as personal representative in
20 each, with the Firm designated as successor personal representative. The original of the May 1,
21 2019 will was on kept on file with the Firm.

22 103. In May 2020, due to concerns about the COVID-19 pandemic, Schaer attempted to
23 contact Respondent to discuss amending these documents.

1 104. Schaer sent emails to Respondent's personal and office accounts, with no response,
2 and called Respondent's office but was transferred to voice mail, where he left a message
3 without response. Schaer learned from the outgoing voice mail that the law firm had moved
4 locations.

5 105. Schaer also called Respondent's cell phone number, but was unable to leave a
6 message because Respondent's voicemail was full.

7 106. Schaer never heard back from Respondent.

8 107. Schaer ultimately hired another lawyer to issue new documents.

9 108. Schaer was injured by Respondent's conduct.

10 109. Respondent acted at least negligently.

11 **COUNT 6**

12 110. By abandoning the practice of law without notice to Schaer and/or by failing to
13 notify Schaer that Respondent's firm had moved office locations, Respondent violated RPC
14 8.4(d).

15 **FACTS REGARDING COUNT 7 (Failure to Cooperate)**

16 **ODC Grievance**

17 111. On June 16, 2020, ODC received information from a confidential source regarding
18 Respondent's removal as personal representative in the Estate of LG. ODC opened a grievance
19 in the name of ODC, ODC File No. 20-00697.

20 112. On July 1, 2020, ODC sent Respondent a letter seeking a response to the grievance
21 within 30 days.

22 113. ODC also learned that Respondent had been removed as personal representative
23 and trustee in the Estate of JMB, and included that matter in ODC File No. 20-00697.

1 114. On July 2, 2020, disciplinary counsel sent Respondent a letter seeking a response
2 to the expanded grievance within 30 days.

3 115. Respondent did not respond.

4 116. On August 5, 2020, disciplinary counsel sent Respondent a letter seeking a
5 response to the grievance by August 18, 2020 (10-day letter), stating that failure to respond
6 could result in a petition for interim suspension, among other things.

7 117. Respondent did not respond to the 10-day letter.

8 **Pittington Grievance**

9 118. On June 21, 2020, ODC received Pittington's grievance alleging that Respondent
10 failed to communicate with the heirs and mishandled the Estate of AS.

11 119. On June 25, 2020, ODC sent Respondent a letter seeking a response to the
12 grievance within 30 days.

13 120. Respondent did not respond.

14 121. On July 29, 2020, disciplinary counsel sent Respondent a letter seeking a
15 response to the grievance by August 11, 2020 (10-day letter), stating that failure to respond
16 could result in a petition for interim suspension, among other things.

17 122. Respondent did not respond to the 10-day letter.

18 **Schaer Grievance**

19 123. On June 24, 2020 ODC received Schaer's grievance regarding Respondent's lack
20 of communication.

21 124. On June 25, 2020, ODC sent Respondent a letter seeking a response to the
22 grievance within 30 days.

23 125. Respondent did not respond.

1 126. On July 29, 2020, ODC sent Respondent a letter seeking a response to the
2 grievance by August 11, 2020 (10-day letter), stating that failure to respond could result in a
3 petition for interim suspension, among other things.

4 127. Respondent did not respond to the 10-day letter.

5 **Petition for Interim Suspension**

6 128. On August 19, 2020, ODC filed a petition with the Washington Supreme Court
7 seeking Respondent's interim suspension under ELC 7.2(a)(3) for failure to cooperate with the
8 investigation of the ODC, Pittington, and Schaer grievances.

9 129. On August 20, 2020, the Court issued an order to show cause directing Respondent
10 to appear at a hearing to be held on September 24, 2020, to file any response to the petition by
11 September 10, 2020, and to file any notice of appearance at the hearing by September 17, 2020.

12 130. Respondent did not respond to the order to show cause.

13 131. On September 25, 2020, the Court issued an interim suspension order.

14 132. The discipline system was harmed by Respondent's failure to cooperate.

15 133. Respondent acted at least knowingly.

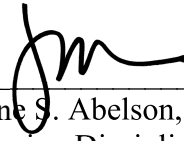
16 **COUNT 7**

17 134. By failing to respond to ODC's requests for information with respect to the ODC,
18 Pittington, and/or Schaer grievances, Respondent violated RPC 8.4(l) (by violating ELC 5.3(f)),
19 RPC 8.1(b), and/or RPC 8.4(d).

20 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
21 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
22 restitution, and assessment of the costs and expenses of these proceedings.

23 //

1 Dated this 4th day of January, 2021.



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3 Joanne S. Abelson, Bar No. 24877
4 Managing Disciplinary Counsel

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