

FILED

Sep 01 2020

Disciplinary  
Board

Docket # 024

DISCIPLINARY BOARD  
WASHINGTON STATE BAR ASSOCIATION

In re

**JASON L. WOehler,**

Lawyer (Bar No. 27658).

Proceeding No. 19#00048

ODC File No(s). 16-01522, 17-00279

Resignation Form of Jason L. Woehler (ELC  
9.3(b))

I, Jason L. Woehler, 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 November 21, 1997.

3. I was served with a Formal Complaint and Notice to Answer in this matter on January 2, 2020.

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 restitution that may be ordered by a Review Committee under  
6 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 of this  
14 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in all  
15 other states and jurisdictions in which I am admitted; and (c) provide Disciplinary Counsel with  
16 copies of this notification and any response(s). I acknowledge that this resignation could be  
17 treated as a disbarment by all other jurisdictions.

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

22 11. I agree that when applying for any employment, I will disclose the resignation in  
23 lieu of discipline in response to any question regarding disciplinary action or the status of my

1 license to practice law.

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

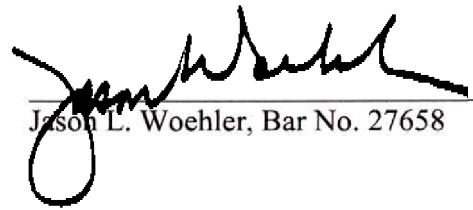
5 13. When my resignation becomes effective, I agree to be subject to all restrictions that  
6 apply to a disbarred lawyer.

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

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

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

14  
15 7/10/20 Seattle, WA  
16 Date and Place

  
Jason L. Woehler, Bar No. 27658

17 ENDORSED BY:

18 Marsha Matsumoto  
19 Marsha Matsumoto, Disciplinary Counsel  
20 Bar No. 15831  
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# EXHIBIT A

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8 DISCIPLINARY BOARD  
9 WASHINGTON STATE BAR ASSOCIATION

10 In re

11 **JASON L. WOEHLER,**

12 Lawyer (Bar No. 27658).

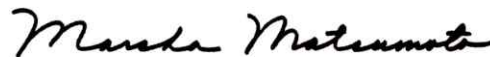
Proceeding No. 19#00048

ODC File No(s). 16-01522, 17-00279

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

15 The attached formal complaint, filed on December 17, 2019 in Proceeding No.  
16 19#00048, constitutes Disciplinary Counsel's statement of alleged misconduct under Rule  
17 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct  
18 (ELC).

19 DATED this 2<sup>nd</sup> day of July, 2020.

20 

21 Marsha Matsumoto, Bar No. 15831  
22 Managing Disciplinary Counsel

**FILED**

Dec 17 2019

Disciplinary  
Board

Docket # 003

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BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON SUPREME COURT

In re

**JASON L. WOehler,**

Lawyer (Bar No. 27658).

Proceeding No. 19#00048

FORMAL COMPLAINT

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

18 **ADMISSION TO PRACTICE**

19 1. Respondent Jason L. Woehler was admitted to the practice of law in the State of  
20 Washington on November 21, 1997.

21 **FACTS REGARDING COUNTS 1 - 7**

22 2. Respondent maintained an Interest on Lawyer's Trust Account (trust account),  
23 ending in 2106, at Bank of America for the deposit of client funds.

1 3. The trust account was held in the name of Wales & Woehler, Inc., PS. (Wales &  
2 Woehler).

3 4. At some time prior to 2010, Owen Wales retired from Wales & Woehler.

4 5. After Wales retired, Respondent was the sole lawyer responsible for the trust  
5 account. Respondent made most, if not all, of the deposits into the trust account. Respondent  
6 signed all of the checks drawn on the trust account.

7 6. Respondent's law practice focused primarily on collections and representing  
8 agencies such as Sacor Financial, Inc., EFS, and FAI.<sup>1</sup>

9 7. Respondent also represented individual clients in various civil matters.

10 8. In or around 2014, Respondent went to work for Merchants Credit Association  
11 (Merchants Credit) as in-house counsel and started to wind down his private practice, but  
12 continued to represent a few clients in collection and other matters.

13 ***Trust Account Overdraft***

14 9. On or about September 29, 2016, a check for \$3,000 was presented against  
15 insufficient funds in Respondent's trust account.

16 10. The check was honored, causing an overdraft of negative <\$638>.

17 11. On or about October 3, 2016, Bank of America issued an overdraft notice for  
18 Respondent's trust account.

19 ***Trust Accounting***

20 12. During the period January 2015 through January 2017, Respondent personally  
21 maintained the records for his trust account.

22 13. Respondent did not maintain a complete and/or current check register for his trust

23 <sup>1</sup> Attached as Appendix A is a Key to Abbreviations in the Formal Complaint. Appendix A is filed  
under seal.

1 account.

2 14. Respondent did not maintain client ledgers for his trust account.

3 15. Respondent did not reconcile a check register to the bank statements for his trust

4 account.

5 16. Respondent did not reconcile a check register to client ledgers for his trust account.

6 17. An ODC auditor reconstructed a check register and clients ledgers for Respondent's  
7 trust account for the period January 1, 2015 through December 31, 2018 (the audit period).

8 18. As of January 1, 2015, the beginning balance in Respondent's trust account was  
9 \$6,328.91.

10 19. Respondent was unable to identify the client(s) and/or third person(s) for whom he  
11 was holding the \$6,328.91.

12 20. During the audit period, Respondent disbursed more money from his trust account  
13 than clients and/or third persons had on deposit.

14 21. Respondent disbursed \$10,917.87 more from his trust account than he had on deposit  
15 for client FAI.

16 22. Respondent disbursed \$14,809.30 more from his trust account than he had on deposit  
17 for client Sacor.

18 ***Guardianship Estate of SF***

19 23. In 1981, SF was involved in a traumatic motor vehicle accident that resulted in a  
20 permanent, severe mental disability.

21 24. In February 1982, SF's mother, BB was appointed by the court to serve as guardian  
22 for SF's person and estate.

23 25. In 2015, Respondent represented BB in selling a house owned by SF.



1 26. On or about April 16, 2015, Respondent deposited \$211,674.22 from the sale of the  
2 house into his trust account.

3 27. After the deposit, Respondent's trust account balance was \$225,621.72.

4 28. Respondent disbursed SF's funds from his trust account as follows:

5

DATE	PAYEE	AMOUNT
4/10/15	Wales & Woehler	2,500.00
4/16/15	Zurich Advantage	161,674.72
7/5/15	Wales & Woehler	2,500.00
4/26/16	United States Treasury	11,274.00
12/29/16	King County Department of Judicial Administration	31.49

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12 29. Following these disbursements, Respondent should have been holding at least  
13 \$33,694.51 in his trust account for SF.

14 30. On December 29, 2016, Respondent's trust account bank balance was \$526.25,  
15 where it remained through the end of the audit period.

16 31. Respondent's trust account was short more than \$30,000 in SF's funds.

17 32. Respondent did not provide BB with a written accounting after distributing the funds  
18 from his trust account.

19 33. Respondent provided BB with a document stating that, as of May 5, 2016, he was  
20 holding \$38,753 in trust for SF.

21 34. This statement was false, and Respondent knew it was false at the time he made it.

22 35. As of May 5, 2016, Respondent's trust account bank balance was \$3,898.97.

23 36. The document also stated that, on March 20, 2018, Respondent transferred

1 | \$39,760.58 to Wells Fargo.

2 | 37. This statement was false, and Respondent knew it was false at the time he made it.

3 | 38. Respondent did not transfer \$39,760.58 or any other amount to Wells Fargo for SF.

4 | 39. Respondent used SF's funds for his own benefit and/or the benefit of others, without  
5 | entitlement to the funds.

6 | 40. Respondent used SF's funds with the intent to deprive SF of the funds for some  
7 | period of time.

8 | Annual Guardianship Reports

9 | 41. As SF's Guardian, BB was required to file an annual report and accounting with the  
10 | court.

11 | 42. On or about August 31, 2017, Respondent filed the Guardian's Annual Report and  
12 | Accounting for the period February 19, 2016 through February 17, 2017 (2017 Report).

13 | 43. Respondent signed the 2017 Report, certifying under penalty of perjury that to the  
14 | "best of my knowledge the statements in this Guardian's Annual Report and Accounting and all  
15 | attachments hereto are true and correct."

16 | 44. The 2017 Report included the following accounting of assets, which represented that  
17 | Respondent was holding \$50,000 in his trust account for SF as of February 19, 2016:  
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1           **Balance at Beginning of Accounting Period**  
2           **2/19/2016**

3           **Blocked Liquid Assets:**

4                    **UBS Financial Services**  
5                            **Mutual Funds**                            **\$5,787.49**  
6                    **Zurich Insurance Annuity**                            **\$477,425.34**

7           **Unblocked Liquid Assets:**

8                    **Bank of America Checking Account**                            **\$19,269.76**  
9                    **Funds in Wales & Woehler Trust Account**                            **\$50,000.00**

10           **Total Assets:**    **\$552,482.58**

11           45. This accounting was false.

12           46. As of February 19, 2016, Respondent's trust account bank balance was \$20,115.80.

13           47. The 2017 Report included the following accounting of assets, which represented that  
14 Respondent was holding \$50,000 in his trust account for SF as of February 17, 2017:

15           **Balance on Hand**  
16           **2/17/2017**

17           **Blocked Liquid Assets:**

18                    **UBS Financial Services**  
19                            **Mutual Funds**                            **\$5,787.49**  
20                    **Zurich Insurance Annuity**                            **\$486,906.38**

21           **Unblocked Liquid Assets:**

22                    **Bank of America Checking Account**                            **\$20,007.08**  
23                    **Funds in Wales & Woehler Trust Account**                            **\$50,000.00**

**Total Assets:**    **\$562,700.95**

              48. This accounting was false.

              49. As of February 17, 2017, Respondent's trust account bank balance was \$546.25.

              50. Respondent knew the 2017 Report contained false information when he filed it with  
the court.

              51. Respondent presented the court with an Order Approving Guardian's Annual Report  
and Accounting, which the court entered on August 31, 2017.

1 52. On or about November 26, 2018, Respondent filed the Guardian's Annual Report  
2 and Accounting for the period February 17, 2017 through February 20, 2018 (2018 Report).

3 53. Respondent signed the 2018 Report, certifying under penalty of perjury that to the  
4 "best of my knowledge the statements in this Guardian's Annual Report and Accounting and all  
5 attachments hereto are true and correct."

6 54. The 2018 Report included the following accounting of assets, which represented that  
7 Respondent was holding \$50,000 in his trust account for SF as of February 20, 2018:

8 **Balance on hand**  
9 **2/20/2018**

10 **Blocked Liquid Assets:**

11 **UBS Financial Services**  
12 **Mutual Funds** \$5,787.49  
13 **Zurich Insurance Annuity** \$516,327.76

14 **Unblocked Liquid Assets:**

15 **Bank of America Checking Account** \$30,880.63  
16 **Funds in Wales & Woehler Trust Account** \$50,000.00

17 **Total Assets:** \$602,995.88

18 55. This accounting was false.

19 56. As of February 20, 2018, Respondent's trust account bank balance was \$546.25.

20 57. Respondent knew the 2018 Report contained false information when he filed it with  
21 the court.

22 58. Respondent presented the court with an Order Approving Guardian's Annual Report  
23 and Accounting, which the court entered on November 26, 2018.

**COUNT 1**

59. By using and/or converting SF's funds, Respondent violated RPC 1.15A(b) and/or  
RPC 8.4(b) [RCW 9A.56.020 *et seq.*] and/or RPC 8.4(c) and/or RPC 8.4(i).

1 **COUNT 2**

2 60. By failing to maintain SF's funds in a trust account, Respondent violated RPC  
3 1.15A(c).

4 **COUNT 3**

5 61. By filing one or more false Reports and Accountings, signed under penalty of  
6 perjury, with the court and/or by presenting orders to the court approving the Reports and  
7 Accountings when he knew they contained false information, Respondent violated RPC 3.3(a)  
8 and/or RPC 8.4(b) [RCW 9A.72.040] and/or RPC 8.4(c) and/or RPC 8.4(d).

9 **COUNT 4**

10 62. By failing to provide BB with a written accounting after distributing funds from his  
11 trust account and/or by providing BB with a false accounting and/or by failing to keep BB  
12 informed regarding the status of SF's funds, Respondent violated RPC 1.15A(e) and/or RPC  
13 1.4(a) and/or RPC 1.4(b) and/or RPC 8.4(c).

14 **COUNT 5**

15 63. By failing to maintain a complete and/or current check register and/or client ledgers,  
16 Respondent violated RPC 1.15A(h)(2) and/or RPC 1.15B(a).

17 **COUNT 6**

18 64. By failing to reconcile a check register to bank statements and/or by failing to  
19 reconcile a check register to client ledgers for his trust account, Respondent violated RPC  
20 1.15A(h)(6) and/or RPC 1.15B(a)(8).

21 **COUNT 7**

22 65. By disbursing funds in excess of the amounts clients and/or third persons had on  
23 deposit in his trust account and/or by using one client's funds on behalf of another, Respondent

1 | violated RPC 1.15A(h)(8).

2 | **FACTS REGARDING COUNTS 8 – 12**

3 | *Client Sacor*

4 | 66. Sacor Financial, Inc. (Sacor), bought consumer and business debt accounts and was a  
5 | third party servicer for other accounts.

6 | 67. Jonathan Rice was the vice-president of Sacor.

7 | 68. In January 2011, Sacor entered into an agreement with Respondent for legal  
8 | representation on debt collection cases.

9 | 69. Under the agreement, Respondent was to remit all funds received on behalf of Sacor  
10 | without deduction, and separately bill Sacor for fees and costs.

11 | 70. Around 2015, Respondent stopped billing Sacor and stopped keeping track of his  
12 | fees.

13 | 71. Respondent held back funds that he collected for Sacor and did not remit them.

14 | 72. On at least one occasion, Respondent deposited funds that he collected for Sacor into  
15 | his general account, which was not a trust account.

16 | 73. Respondent did not promptly notify Sacor of his receipt of these funds.

17 | 74. On or about December 8, 2016, Rice sent Respondent a letter terminating their  
18 | attorney-client relationship.

19 | 75. Rice's letter requested a status report on all files sent to Respondent and an  
20 | accounting of every payment that Respondent received and did not remit to Sacor.

21 | 76. On or about January 3, 2017, Respondent sent Rice an email acknowledging receipt  
22 | of Rice's letter and stating that he was working on getting the information requested.

23 | 77. On or about January 4, 2017, Rice sent Respondent an email reiterating his request  
for a status report and accounting, and requesting a check for all funds that Respondent had not

1 remitted.

2 78. Respondent did not respond.

3 79. On or about January 16, 2017, Rice sent Respondent a letter demanding a status  
4 report on all files and an accounting of every payment that Respondent received and did not  
5 remit.

6 80. In early February 2017, Respondent sent files to Sacor, but did not deliver a status  
7 report, an accounting, or any funds.

8 81. On or about May 24, 2017, Respondent sent Rice a letter enclosing additional files, a  
9 check in the amount of \$2,356.68 for debtor R, and a list of nine debtors from whom  
10 Respondent had received more than \$16,000, but not remitted the funds to Sacor.

11 82. The check for \$2,356.68 was written on Respondent's general account, not his trust  
12 account, because Respondent did not maintain the funds in a trust account.

13 83. As of May 24, 2017, Respondent should have been holding at least \$16,000 in his  
14 trust account for Sacor.

15 84. As of May 24, 2017, Respondent's trust account bank balance was \$546.25.

16 85. Respondent's May 24, 2017 letter stated that he would provide Sacor with an  
17 accounting of outstanding fees and costs.

18 86. Respondent did not provide Sacor with an accounting or deliver the unremitted funds  
19 to Sacor.

20 87. Respondent used Sacor's funds for his own benefit and/or the benefit of others,  
21 without entitlement to the funds.

22 88. Respondent used Sacor's funds with the intent to deprive Sacor of the funds for  
23 some period of time.

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**COUNT 8**

89. By using and/or converting Sacor's funds, Respondent violated RPC 1.15A(b) and/or RPC 8.4(b) [RCW 9A.56.020 *et seq.*] and/or RPC 8.4(c) and/or RPC 8.4(i).

**COUNT 9**

90. By failing to deposit and/or maintain Sacor's funds in a trust account, Respondent violated RPC 1.15A(c) and/or RPC 1.15A(g).

**COUNT 10**

91. By failing to promptly notify Sacor when he received funds, Respondent violated RPC 1.15A(d).

**COUNT 11**

92. By failing to provide Sacor with a written accounting after distributing funds from his trust account and/or by failing to provide Sacor with a written accounting upon request and/or by failing to keep Sacor informed regarding the status of its funds, Respondent violated RPC 1.15A(e) and/or RPC 1.4(a) and/or RPC 1.4(b).

**COUNT 12**

93. By failing to promptly pay and/or deliver funds that Sacor was entitled to receive, Respondent violated RPC 1.15A(f) and/or RPC 1.16(d).

THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,



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restitution, and assessment of the costs and expenses of these proceedings.\

Dated this 17<sup>th</sup> day of December, 2019.

Marsha Matsumoto  
Marsha Matsumoto, Bar No. 15831  
Managing Disciplinary Counsel