

FILED

Apr 8, 2021

Disciplinary
Board

Docket # 016

DISCIPLINARY BOARD
WASHINGTON STATE BAR ASSOCIATION

In re

ERIC CAMERON HOORT,

Lawyer (Bar No. 29360).

Proceeding No. 20#00047

ORDER ADMITTING ODC EXHIBIT 1;
AND HEARING OFFICER'S FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
RECOMMENDATION

The undersigned Hearing Officer makes the following findings of fact, conclusion of law, and recommendation under Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC). An Order of Default was entered on February 11, 2021. At the Hearing Officer's discretion, and as authorized by ELC 10.6(b)(3), a default hearing was conducted on April 1, 2021, on written submissions. Disciplinary Counsel Benjamin J. Attanasio appeared by written submissions. Respondent did not participate and may not participate further unless the order of default is vacated.

With its written submission in this matter, the Office of Disciplinary Counsel (ODC) offered as ODC's Exhibit 1: Declaration of ODC Records Custodian, dated March 21, 2021, and Exhibit A attached thereto. ODC'S Exhibit 1 is hereby admitted in its entirety.

1 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**
2 **REGARDING CHARGED VIOLATIONS**

3 1. The Formal Complaint (Bar File No. 4) charged Respondent Eric Cameron Hoort
4 with misconduct as set forth therein. A copy of the Formal Complaint is attached to this
5 decision as Exhibit A.

6 2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in
7 the Formal Complaint is admitted and established.

8 3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations
9 charged in the Formal Complaint is admitted and established as follows:

10 **Count 1:** By contacting Christel Salazar in violation of the May 29, 2019
11 temporary order for protection, Respondent violated RPC 8.4(i) and RPC 8.4(j).

12 **Count 2:** By falsely certifying that no disciplinary investigation was pending
13 against Respondent at the time Respondent executed a request to voluntarily
14 resign Respondent's license to practice law, Respondent violated RPC 8.4(c).

15 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**
16 **REGARDING RECOMMENDED SANCTION**

17 4. The following standards of the American Bar Association's Standards for
18 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
19 applies to Respondent's violations of RPC 8.4(i) and RPC 8.4(j) as charged in Count 1:

20 **6.2 Abuse of the Legal Process**

21 Absent aggravating or mitigating circumstances, upon application
22 of the factors set out in Standard 3.0, the following sanctions are
23 generally appropriate in cases involving failure to expedite litigation or
24 bring a meritorious claim, or failure to obey any obligation under the
rules of a tribunal except for an open refusal based on an assertion that no
valid obligation exists:

6.21 Disbarment is generally appropriate when a lawyer
knowingly violates a court order or rule with the intent to obtain a benefit
for the lawyer or another, and causes serious injury or potentially serious
injury to a party or causes serious or potentially serious interference with
a legal proceeding.

1 6.22 Suspension is generally appropriate when a lawyer knows
2 that he or she is violating a court order or rule, and causes injury or
3 potential injury to a client or a party, or causes interference or potential
4 interference with a legal proceeding.

5 6.23 Reprimand is generally appropriate when a lawyer
6 negligently fails to comply with a court order or rule, and causes injury or
7 potential injury to a client or other party, or causes interference or
8 potential interference with a legal proceeding.

9 6.24 Admonition is generally appropriate when a lawyer engages
10 in an isolated instance of negligence in complying with a court order or
11 rule, and causes little or no actual or potential injury to a party, or causes
12 little or no actual or potential interference with a legal proceeding.

13 5. On May 30, 2019, Respondent acted knowingly in violating the temporary order
14 for protection, by his sending Salazar an email. This email was sent by Respondent after
15 Respondent was served with the temporary order for protection, which included a prohibition
16 from his “having any contact whatsoever” with Salazar. [Bar File No. 4, ¶¶ 4-6.]

17 6. After Salazar reported the May 30, 2019 email to the Island County Sheriff’s
18 Office, Respondent on May 30, 2019 was advised by an Island County Sheriff’s deputy that the
19 order prohibited email as well as other written communications. [Bar File No. 4, ¶ 10.]

20 7. On May 30, 2019, Respondent told an Island County Sheriff’s deputy that
21 Respondent was unaware the order prohibited email communication. [Bar File No. 4, ¶ 9.] The
22 Hearing Officer finds that this statement by Respondent to the deputy is not credible.

23 8. Respondent told the deputy that Respondent would not contact or attempt to
24 contact Salazar again. [Bar File No. 4, ¶ 11.]

 9. On May 31, 2019, Respondent acted knowingly in violating the temporary order
for protection, by his sending Salazar 3 additional emails. [Bar File No. 4, ¶ 12.]

 10. On or about July 5, 2019, the Island County Prosecuting Attorney charged
Respondent with one misdemeanor count of violating a civil anti-harassment protection order

1 (RCW 10.14.170) for contacting Salazar on May 30, 2019, and three misdemeanor counts of
2 violating a domestic violence protection order (RCW 26.50.110(1)) for contacting Salazar on
3 May 31, 2019. [Bar File No. 4, ¶ 15.]

4 11. Respondent's emails on May 30, 2019, and May 31, 2019, were knowing and
5 willful violations of the temporary order for protection which caused injury to Salazar and the
6 legal system. [Bar File No. 4, ¶ 16.]

7 12. Respondent's conduct caused injury to Salazar and to the legal system. [Bar File
8 No. 4, ¶ 17.]

9 13. The record presented to the Hearing Officer is insufficient to determine whether
10 Respondent intended to obtain a benefit for himself.

11 14. Based on the foregoing, the presumptive sanction for Count 1 is suspension under
12 ABA Standard 6.22.

13 15. The following standards of the American Bar Association's Standards for
14 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
15 applies to Respondent's violations of RPC 8.4(c) as charged in Count 2:

16 ***7.0 Violations of Other Duties as a Professional***

17 Absent aggravating or mitigating circumstances, upon application of
18 the factors set out in Standard 3.0, the following sanctions are generally
19 appropriate in cases involving false or misleading communication about
20 the lawyer or the lawyer's services, improper communication of fields of
21 practice, improper solicitation of professional employment from a
22 prospective client, unreasonable or improper fees, unauthorized practice
23 of law, improper withdrawal from representation, or failure to report
24 professional misconduct.

7.1 Disbarment is generally appropriate when a lawyer knowingly
engages in conduct that is a violation of a duty owed as a professional
with the intent to obtain a benefit for the lawyer or another, and causes
serious or potentially serious injury to a client, the public, or the legal
system.

1 7.2 Suspension is generally appropriate when a lawyer knowingly
2 engages in conduct that is a violation of a duty owed as a professional
and causes injury or potential injury to a client, the public, or the legal
system.

3 7.3 Reprimand is generally appropriate when a lawyer negligently
4 engages in conduct that is a violation of a duty owed as a professional
and causes injury or potential injury to a client, the public, or the legal
5 system.

6 7.4 Admonition is generally appropriate when a lawyer engages in an
isolated instance of negligence that is a violation of a duty owed as a
7 professional, and causes little or no actual or potential injury to a client,
the public, or the legal system.

8 16. Under the WSBA Bylaws, Article III, Section H, a lawyer member of the WSBA
9 may not voluntarily resign from the practice of law if there is a disciplinary investigation or
10 proceeding pending against the member. "If there is a disciplinary investigation or proceeding
11 then pending against the member . . . resignation is permitted only under the provisions of the
12 ELC"

13 17. Under ELC 9.3, "Resignation In Lieu Of Discipline," a lawyer who is the subject
14 of a pending disciplinary investigation or proceeding may only resign pursuant to a public and
15 permanent record prepared by disciplinary counsel. *See* ELC 9.3.

16 18. Respondent acted knowingly in falsely certifying that no disciplinary investigation
17 was pending at the time Respondent executed the request form to voluntarily resign. [Bar File
18 No. 4, ¶ 31.].

19 19. Respondent's conduct caused potential injury to the legal system. [Bar File No. 4,
20 ¶ 32.]

21 20. Respondent's conduct was a violation of a duty owed as a professional.
22 Respondent's knowingly false certification was intended to evade a public record of discipline,
23 and thus was conduct intended to obtain a benefit for himself.
24

1 21. The Hearing Officer finds that Respondent's conduct in falsely certifying that no
2 disciplinary investigation was pending at the time Respondent executed a request to voluntarily
3 resign, caused potentially serious injury to the public and the legal system.

4 22. Based on the foregoing, the presumptive sanction is disbarment under ABA
5 Standard 7.1.

6 23. AGGRAVATING FACTORS: The hearing officer finds that the
7 following aggravating factors from Section 9.22 of the ABA Standards apply in this case:

8 (a) Prior disciplinary offenses: Respondent received a reprimand in 2005 for
9 violations of RPC 1.1, 1.3, and 3.2. This prior disciplinary proceeding
10 included a finding that Respondent submitted a written statement to the
11 Association that was false, and that Respondent offered testimony in this
12 prior proceeding that was "inconsistent, not credible and intended to
13 mislead." ODC Exhibit 1, p. 0015, ¶ 43.

14 (b) Dishonest or selfish motive: Respondent had a dishonest motive with
15 respect to Count 1. Respondent had dishonest and selfish motives with
16 respect to Count 2.

17 (d) Multiple offenses: Respondent knowingly and willfully violated the
18 protective order on multiple occasions.

19 (i) Substantial experience in the practice of law: Respondent was admitted
20 in 1999.

21 24. It is an additional aggravating factor that Respondent failed to file an answer to the
22 Formal Complaint as required by ELC 10.5(a).

23 25. No mitigating factors set forth in Standard 9.32 of the ABA Standards apply to this
24 case.

25 26. Respondent's submission of a voluntary resignation prior to completion of
26 disciplinary proceedings, is neither aggravating nor mitigation pursuant to ABA Standard 9.4.

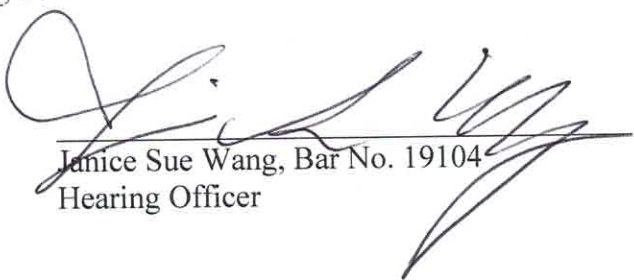
27 RECOMMENDATION

28 27. As stated in In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854,

1 846 P.2d 1330 (1993), the “ultimate sanction imposed should at least be consistent with the
2 sanction for the most serious instance of misconduct among a number of violations . . .”.

3 28. Based on the ABA Standards and the applicable aggravating factors, the Hearing
4 Officer recommends that Respondent Eric Cameron Hoort be disbarred.

5 DATED this 24 day of Apr, 2021.

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7 Janice Sue Wang, Bar No. 19104
8 Hearing Officer

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CERTIFICATE OF SERVICE

By order of Washington Supreme Court Order No. 25700-B-609, I certify that I caused a copy of the Order Admitting ODC Exhibit 1: and Hearing Officer's Findings of Fact, Conclusions of Law and Recommendation to be emailed to the Office of Disciplinary Counsel and to Respondent Eric Cameron Hoort, at erichoortlaw@gmail.com, on the 8th day of April, 2021..

A handwritten signature in black ink, consisting of several loops and a final flourish.

Clerk to the Disciplinary Board

FILED

Dec 17, 2020

Disciplinary
Board

Docket # 004

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6 **DISCIPLINARY BOARD**
7 **WASHINGTON STATE BAR ASSOCIATION**

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9 In re

10 **ERIC CAMERON HOORT,**

11 Lawyer (Bar No. 29360).

Proceeding No. 20#00047

12 FORMAL COMPLAINT

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

17 **ADMISSION TO PRACTICE**

18 1. Respondent Eric Cameron Hoort was admitted to the practice of law in the State of
19 Washington on November 2, 1999.

20 2. Respondent voluntarily resigned from the practice of law in the State of
21 Washington effective March 31, 2020.

22 **FACTS REGARDING COUNT 1**

23 3. On May 29, 2019, Christel Salazar filed a petition for a domestic violence

1 protective order against Respondent in Salazar-Hoort v. Hoort, Island County Superior Court
2 case no. 19-2-00323-15.

3 4. On the same date, the court entered a temporary order for protection prohibiting
4 Respondent from, among other things, “having any contact whatsoever” with Salazar.

5 5. On May 30, 2019, Respondent was served with the temporary order for protection.

6 6. Also on May 30, 2019, after being served with the temporary order for protection,
7 Respondent sent Salazar an email regarding the order.

8 7. Also on May 30, 2019, Salazar reported Respondent’s email to the Island County
9 Sheriff’s Office.

10 8. Also on May 30, 2019, an Island County Sheriff’s deputy contacted Respondent,
11 who acknowledged being served with the order.

12 9. Respondent told the deputy that Respondent was unaware the order prohibited email
13 communication.

14 10. The deputy explained to Respondent that the order prohibited email as well as other
15 written communication.

16 11. Respondent told the deputy that Respondent would not contact or attempt to contact
17 Salazar again.

18 12. On May 31, 2019, Respondent sent Salazar three additional emails.

19 13. Also on May 31, 2019, Salazar reported the additional emails to the Island County
20 Sheriff’s Office.

21 14. The Island County Sheriff’s Office referred the matter to the Island County
22 Prosecuting Attorney for a charging decision.

23 15. On or about July 5, 2019, the Island County Prosecuting Attorney charged

1 Respondent with one misdemeanor count of violating a civil anti-harassment protection order
2 (RCW 10.14.170) for contacting Salazar on May 30, 2019 and three misdemeanor counts of
3 violating a domestic violence protection order (RCW 26.50.110(1)) for contacting Salazar on
4 May 31, 2019.

5 16. Respondent acted knowingly and willfully in contacting Salazar in violation of the
6 protection order.

7 17. Respondent's conduct caused injury to Salazar and to the legal system.

8 **COUNT 1**

9 18. By contacting Salazar in violation of the May 29, 2019 temporary order for
10 protection, Respondent violated RPC 8.4(i) (act which reflects disregard for the rule of law)
11 and/or RPC 8.4(j).

12 **FACTS REGARDING COUNT 2**

13 19. On or about August 26, 2019, Salazar filed with the Office of Disciplinary Counsel
14 a grievance against Respondent concerning the conduct described in paragraphs 3-17 above.

15 20. ODC opened an investigation of the grievance under ODC file no. 19-01197.

16 21. On or about September 11, 2019, ODC sent Salazar and Respondent a letter
17 acknowledging receipt of the grievance and requesting Respondent's response within 30 days.

18 22. Respondent did not respond within 30 days.

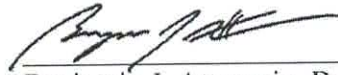
19 23. On or about October 17, 2019, ODC sent Respondent a letter requiring
20 Respondent's response to the grievance by October 30, 2019.

21 24. On or about October 31, 2019, Respondent submitted a response to ODC.

22 25. On or about March 26, 2020, Respondent received an email from ODC that
23 indicated it was related to ODC file no. 19-01197.

1 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
2 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
3 restitution, and assessment of the costs and expenses of these proceedings.
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5 Dated this 17th day of December, 2020.

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8 Benjamin J. Attanasio, Bar No. 43032
9 Disciplinary Counsel
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