

**FILED**

DEC 12 2017

DISCIPLINARY  
BOARD

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

**CHRISTOPHER LEE NEAL,**

Lawyer (WSBA No.33339)


Proceeding No. 17#00020

DISCIPLINARY BOARD ORDER  
DECLINING *SUA SPONTE* REVIEW AND  
ADOPTING HEARING OFFICER'S  
DECISION

This matter came before the Disciplinary Board for consideration of *sua sponte* review pursuant to ELC 11.3(a). On November 16, 2017, the Clerk distributed the attached decision to the Board.

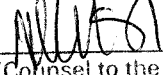
**IT IS HEREBY ORDERED THAT** the Board declines *sua sponte* review and adopts the Hearing Officer's decision<sup>1</sup>.

Dated this 11<sup>th</sup> day of December, 2017.

  
Marc L. Silverman  
Disciplinary Board Chair

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Order Declining Sua Sponte Review & Adopting Hearing Officer's Decision to be delivered to the Office of Disciplinary Counsel and to be mailed to Christopher Neal, Respondent's Counsel at 715 SW Emerald Ave #222, Renton, WA 98057 by first class mail, postage prepaid on the 11<sup>th</sup> day of Dec, 2017.

  
Clerk/Counsel to the Disciplinary Board

<sup>1</sup> The vote on this matter was 14-0. The following Board members voted: Silverman, Cornelius, Graber, Vovos, Patneau, Startzel, Byerly, Rawlings, Denton, Value, Allen, Louvier, Wang and Harrington.

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BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

**CHRISTOPHER LEE NEAL,**  
Lawyer (Bar No. 30765).

Proceeding No. 17#00020

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND HEARING OFFICER'S  
RECOMMENDATION

This disciplinary proceeding is before the undersigned Chief Hearing Officer on written submissions under Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW  
REGARDING CHARGED VIOLATIONS**

1. The First Amended Formal Complaint (Bar File No. 5) charged Christopher Lee Neal with misconduct as set forth therein. A copy of the First Amended Formal Complaint is attached to this decision.

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

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

DLW

1           **Counts 1-12: Jack Burnette Grievance**

2           4. **Count 1:** By converting client funds for his own use, Respondent violated RPC  
3 1.15A(b), RPC 8.4(b) by committing the crime of first degree theft in violation of RCW  
4 9A.56.030, and RPC 8.4(c).

5           5. **Count 2:** By falsely stating to his client Mr. Hall, that he would deposit the funds he  
6 received into a trust account, Respondent violated RPC 8.4(c).

7           6. **Count 3:** By using Mr. Burnette's Power of Attorney to effectuate the sale of CJ  
8 Properties without Burnette's knowledge or authority, Respondent violated RPC 8.4(c).

9           7. **Count 4:** By using Mr. Burnette's Power of Attorney to effectuate the sale of Auto  
10 Machine without Burnette's knowledge or authority, Respondent violated RPC 8.4(c).

11           8. **Count 5:** By falsely stating to his clients that all of the funds he received were used  
12 to pay bills, Respondent violated RPC 8.4(c).

13           9. **Count 6:** By failing to communicate with Mr. Burnette about the terms of the sale,  
14 provide him with the sale documents, and inform him that the sale had occurred, Respondent  
15 violated RPC 1.4.

16           10. **Count 7:** By failing to notify Mr. Burnette that he had received funds from the sale  
17 of CJ Properties and Auto Machine, Respondent violated RPC 1.15A(d).

18           11. **Count 8:** By failing to communicate to his clients the basis or rate of his fees and  
19 expenses, Respondent violated RPC 1.5(b).

20           12. **Count 9:** By failing to deposit and hold in a trust account the funds he received  
21 from the sale of Auto Machine and CJ Properties, Respondent violated RPC 1.15A(c)(1).

22           13. **Count 10:** By failing to provide a written accounting to his clients either after  
23 distribution of funds or when requested, Respondent violated RPC 1.15A(e).

24

1           14. **Count 11:** By failing to promptly deliver to his clients the funds they were entitled  
2 to receive, Respondent violated RPC 1.15(A)(f).

3           15. **Count 12:** By representing Mr. Burnette and Mr. Hall when the representation  
4 involved a concurrent conflict of interest, Respondent violated RPC 1.7.

5           **Counts 13-18 Michelle and Matthew Traylor Grievance**

6           16. **Count 13:** By failing to diligently handle the Traylor's tax matters, including failing  
7 to file the Traylor's 2015 federal income tax return, Respondent violated RPC 1.3.

8           17. **Count 14:** By failing to communicate with the Traylor's regarding the status of their  
9 matters, Respondent violated RPC 1.4(a)(3) and (4), and RPC 1.4(b).

10          18. **Count 15:** By intentionally misappropriating the Traylor's funds to his own use and  
11 wrongfully obtaining or exerting unauthorized control over the Traylor's funds with intent to  
12 deprive the Traylor's of such funds, thereby converting client property for his own use,  
13 Respondent violated RPC 1.15A(b), and by committing the crime of theft in the first degree, in  
14 violation of RCW 9A.56.030, Respondent violated RPC 8.4(b), RPC 8.4(c), and RPC 8.4(i).

15          19. **Count 16:** By failing to deposit and hold the Traylor's funds in a trust account,  
16 Respondent violated RPC 1.15A.

17          20. **Count 17:** By failing to notify the Traylor's that he was suspended from the practice  
18 of law, Respondent violated RPC 8.4(l) by violating ELC 14.1.

19          21. **Count 18:** By practicing law while he was suspended, Respondent violated RPC  
20 1.16(a)(1), RPC 5.5(a), RPC 5.8(a), RPC 8.4(d), RPC 8.4(l) (by violating ELC 14.2(a)), and  
21 RPC 8.4(i).

22                           **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**  
23                           **REGARDING RECOMMENDED SANCTION**

24           22. The following ABA Standards presumptively apply in this case:

1 23. ABA Standard 4.1 applies to Respondent's violations of RPC 1.15A in Counts 1, 7,  
2 9, 10, 11, 15, and 16.

3 **4.1 Failure to Preserve the Client's Property**

4 4.11 Disbarment is generally appropriate when a lawyer knowingly converts  
client property and causes injury or potential injury to a client.

5 4.12 Suspension is generally appropriate when a lawyer knows or should  
6 know that he is dealing improperly with client property and causes injury or  
potential injury to a client.

7 4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing  
with client property and causes injury or potential injury to a client.

8 4.14 Admonition is generally appropriate when a lawyer is negligent in  
dealing with client property and causes little or no actual or potential injury to a  
9 client.

10 24. Respondent acted intentionally in converting \$142,600.14 belonging to Burnette and  
11 Hall for his own use. There was serious injury to Burnette and Hall as they have been deprived  
12 of a substantial sum of money.

13 25. The presumptive sanction for Respondent's violations of RPC 1.15A(b) is  
14 disbarment.

15 26. Respondent acted intentionally in converting \$262,815 belonging to the Traylor for  
16 his own use. Respondent's conduct caused serious injury to the Traylor as they have been  
17 deprived of a substantial amount of money.

18 27. The presumptive sanction for Respondent's violations of RPC 1.15A(b) is  
19 disbarment.

20 28. Respondent acted knowingly in failing to deposit the Burnette and Hall funds he  
21 received from the sale of their business into a trust account. There was serious injury to his  
22 clients.

23 29. The presumptive sanction for violating RPC 1.15A(c) is suspension.

24 30. Respondent acted knowingly in failing to deposit the funds the Traylor paid him

1 into a trust account. There was serious injury to the Traylor.

2 31. The presumptive sanction for violating RPC 1.15A(c) is suspension.

3 32. Respondent acted knowingly in failing to notify Hall and Burnette of the receipt of  
4 the funds from the sale of their business, thereby violating RPC 1.15A(d). There was serious  
5 injury to Hall and Burnette. Had Respondent notified them of the receipt of their funds, they  
6 might have been able to take action to recover the money.

7 33. The presumptive sanction for Respondent's violations of RPC 1.15A(d) is  
8 suspension.

9 34. Respondent acted knowingly in failing to provide a written accounting to Hall and  
10 Burnette because it would show that Burnette and Hall were entitled to receive funds from the  
11 sale of their business. There was serious injury to Burnette and Hall as they were prevented  
12 from taking action to recover their funds.

13 35. The presumptive sanction for Respondent's violations of RPC 1.15A(e) is  
14 suspension.

15 36. Respondent acted knowingly in failing to promptly pay Hall and Burnette the funds  
16 he received from the sale of their business and which they were entitled to receive. There was  
17 serious injury to Burnette and Hall as they were deprived of their money.

18 37. The presumptive sanction for Respondent's violation of RPC 1.15A(f) is suspension.

19 38. ABA Standard 4.4 applies to Respondent's violations of RPC 1.3 and RPC 1.4 in  
20 Counts 6, 13, and 14.

21 **4.4 Lack of Diligence**

22 **4.41 Disbarment is generally appropriate when:**

23 **(a) a lawyer abandons the practice and causes serious or potentially  
serious injury to a client; or**

24 **(b) a lawyer knowingly fails to perform services for a client and causes  
serious or potentially serious injury to a client; or**

1 (c) a lawyer engages in a pattern of neglect with respect to client matters  
and causes serious or potentially serious injury to a client.

2 4.42 Suspension is generally appropriate when:

3 (a) a lawyer knowingly fails to perform services for a client and causes  
injury or potential injury to a client, or

4 (b) a lawyer engages in a pattern of neglect and causes injury or potential  
injury to a client.

5 4.43 Reprimand is generally appropriate when a lawyer is negligent and does  
not act with reasonable diligence in representing a client, and causes injury or  
potential injury to a client.

6 4.44 Admonition is generally appropriate when a lawyer is negligent and does  
not act with reasonable diligence in representing a client, and causes little or no  
7 actual or potential injury to a client.

8 39. Respondent acted knowingly in failing to prepare and file the Traylor's tax returns  
9 and failing to communicate with them about their matter.

10 40. The Traylor's were seriously injured as they have been deprived of \$262,815, and  
11 additional penalties and interest continued to accrue on the taxes they owed, which they would  
12 have to pay.

13 41. The presumptive sanction for Respondent's violation of RPC 1.4 is disbarment.

14 42. Respondent acted knowingly in failing to communicate with Burnette about the  
15 terms of the sale, provide him with the sale documents, and inform him that the sale had  
16 occurred. Respondent didn't communicate with Burnette in order to keep Burnette in the dark  
17 and prevent him from objecting to the terms of the sale or otherwise interfering with the sale.

18 43. Burnette was seriously injured because he lost the opportunity to participate in the  
19 sales.

20 44. The presumptive sanction for Respondent's violation of RPC 1.4 is disbarment.

21 45. ABA Standard 4.3 applies to Respondent's violation of RPC 1.7 in Count 12.

22 **4.3 Failure to Avoid Conflicts of Interest**

23 **4.31 Disbarment is generally appropriate when a lawyer, without the  
informed consent of client(s):**

24 **(a) engages in representation of a client knowing that the lawyer's**

1 interests are adverse to the client's with the intent to benefit the lawyer or  
2 another, and causes serious or potentially serious injury to the client; or  
3 (b) simultaneously represents clients that the lawyer knows have adverse  
4 interests with the intent to benefit the lawyer or another, and causes serious  
5 or potentially serious injury to a client; or  
6 (c) represents a client in a matter substantially related to a matter in  
7 which the interests of a present or former client are materially adverse, and  
8 knowingly uses information relating to the representation of a client with  
9 the intent to benefit the lawyer or another and causes serious or potentially  
10 serious injury to a client.

11 4.32 Suspension is generally appropriate when a lawyer knows of a conflict of  
12 interest and does not fully disclose to a client the possible effect of that conflict,  
13 and causes injury or potential injury to a client.

14 4.33 Reprimand is generally appropriate when a lawyer is negligent in  
15 determining whether the representation of a client may be materially affected by  
16 the lawyer's own interests, or whether the representation will adversely affect  
17 another client, and causes injury or potential injury to a client.

18 4.34 Admonition is generally appropriate when a lawyer engages in an  
19 isolated instance of negligence in determining whether the representation of a  
20 client may be materially affected by the lawyer's own interests, or whether the  
21 representation will adversely affect another client, and causes little or no actual  
22 or potential injury to a client.

23 46. Respondent acted knowingly when he engaged in a concurrent conflict of interest by  
24 representing Burnette in investigating his concern that Hall was taking money to which he  
wasn't entitled while also representing Hall. Respondent benefitted in that his conclusion that  
Hall was not taking money allowed Respondent to continue representing both Hall and  
Burnette.

47. The presumptive sanction for Respondent's violation of RPC 1.7 is disbarment.

48. ABA Standard 5.1 applies to violations of RPC 8.4(b) and RPC 8.4(c) in Counts 1,  
2, 3, 4, 5, and 15.

**5.1 Failure to Maintain Personal Integrity**

5.11 Disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct, a necessary element of  
which includes intentional interference with the administration of  
justice, false swearing, misrepresentation, fraud, extortion,  
misappropriation, or theft; or the sale, distribution or importation of  
controlled substances; or the intentional killing of another; or an



1 attempt or conspiracy or solicitation of another to commit any of  
2 these offenses; or  
3 (b) a lawyer engages in any other intentional conduct involving  
4 dishonesty, fraud, deceit, or misrepresentation that seriously  
5 adversely reflects on the lawyer's fitness to practice.

6 49. Respondent acted intentionally when he took \$142,600.14 from Burnette and Hall  
7 for his own use, thereby committing the crime of theft in the first degree, in violation of RCW  
8 9A.56.030. There was serious injury to Burnette and Hall as they have been deprived of a  
9 substantial sum of money.

10 50. The presumptive sanction for Respondent's violation of RPC 8.4(b) is disbarment.

11 51. Respondent acted intentionally when he took \$262,815 from the Traylors, thereby  
12 committing the crime of theft in the first degree, in violation of RCW 9A.56.030. There was  
13 serious injury to the Traylors as they have been deprived of a substantial sum of money.

14 52. The presumptive sanction for Respondent's violation of RPC 8.4(b) is disbarment.

15 53. Respondent acted intentionally when he engaged in conduct involving dishonesty,  
16 deceit, and misrepresentation by falsely telling Mr. Hall that he would deposit the funds he  
17 received into a trust account, when he executed documents on behalf of Burnette when he had  
18 no authority to do so, and falsely stating that all of the funds were used to pay bills. There was  
19 serious injury to his clients.

20 54. The presumptive sanction for Respondent's violations of RPC 8.4(c) is disbarment.

21 55. Respondent acted intentionally when he engaged in dishonest and fraudulent conduct  
22 by taking the Traylor's \$262,815 for his own use. There was serious injury to his clients as they  
23 have been deprived of a substantial sum of money.

24 56. The presumptive sanction for Respondent's violations of RPC 8.4(c) is disbarment.

57. ABA Standard 7.0 applies to Respondent's violations of RPC 1.5, RPC 1.16(a),

1 | RPC 5.5(a), RPC 5.8(a), RPC 8.4(d), and RPC 8.4(l) in Counts 8, 17, and 18.

2 |           7.0 Violations of Duties Owed as a Professional

3 |           7.1    **Disbarment is generally appropriate when a lawyer knowingly**  
4 |           **engages in conduct that is a violation of a duty owed as a professional**  
5 |           **with the intent to obtain a benefit for the lawyer or another, and**  
6 |           **causes serious or potentially serious injury to a client, the public, or**  
7 |           **the legal system.**

8 |           7.2    Suspension is generally appropriate when a lawyer knowingly  
9 |           engages in conduct that is a violation of a duty owed as a professional  
10 |           and causes injury or potential injury to a client, the public, or the legal  
11 |           system.

12 |           7.3    Reprimand is generally appropriate when a lawyer negligently  
13 |           engages in conduct that is a violation of a duty owed as a professional  
14 |           and causes injury or potential injury to a client, the public, or the legal  
15 |           system.

16 |           7.4    Admonition is generally appropriate when a lawyer engages in an  
17 |           isolated instance of negligence that is a violation of a duty owed as a  
18 |           professional, and causes little or no actual or potential injury to a client,  
19 |           the public, or the legal system.

20 |           58. Respondent acted knowingly in failing to communicate the basis or rate of his fees  
21 |           and expenses to Burnette and Hall. There was serious injury to his clients as they had no way of  
22 |           knowing how much Respondent received for his services and how much they were entitled to.

23 |           59. The presumptive sanction for Respondent's violation of RPC 1.5 is disbarment.

24 |           60. Respondent acted knowingly when he failed to notify the Traylor's that he was  
25 |           suspended from the practice of law and knowingly continued to practice law while he was  
26 |           suspended in order to benefit himself. There was serious injury to the Traylor's, the public, and  
27 |           the legal system.

28 |           61. The presumptive sanction for Respondent's violations of RPC 1.5, RPC 1.16(a),  
29 |           RPC 5.5(a), RPC 5.8(a), RPC 8.4(d), and RPC 8.4(l) is disbarment.

30 |           62. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846  
31 |           P.2d 1330 (1993), the "ultimate sanction imposed should at least be consistent with the sanction  
32 |           for the most serious instance of misconduct among a number of violations."

1  
2 63. Disbarment is the appropriate sanction for Respondent's misconduct in Counts 1  
3 through 18.

4 64. The following aggravating factors set forth in Section 9.22 of the ABA Standards  
5 apply in this case:

- 6 (a) prior disciplinary offenses
- 7 • Respondent received a Reprimand in 2015 for failing to diligently
  - 8 complete a tax matter for a client, failing to communicate with the
  - 9 client, and charging fees in violation of RPC 1.5.
  - 10 • Respondent was suspended for one year on March 24, 2016 for
  - 11 failing to maintain trust account records, failing to provide a written
  - 12 accounting, failing to safeguard his client's money and disbursing
  - 13 funds from his IOLTA account that exceeded the amount of funds
  - 14 on deposit;
- 11 (b) dishonest or selfish motive;
- 12 (c) a pattern of misconduct;
- 13 (d) multiple offenses;
- 14 (g) refusal to acknowledge wrongful nature of conduct;
- 15 (i) substantial experience in the practice of law [Respondent was admitted to
- 16 the practice of law in Washington on January 29, 2003];
- 17 (j) indifference to making restitution.

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

20 66. We believe there are no mitigating factors identified in ABA Standard 9.32 that may  
21 be raised.

### 22 RECOMMENDATION

23 67. Based on the ABA Standards and the applicable aggravating factors and no  
24 mitigating factors, the Hearing Officer recommends that Respondent Christopher Lee Neal be  
DISBARRED and that he be ordered to pay the following Restitution:


Jack Burnette in the amount of \$142,600.14.

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Matthew and Michelle Traylor in the amount of \$262,815.

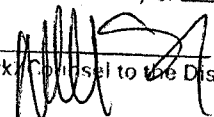
Restitution shall bear interest at the rate of 12% until paid in full.

DATED this 12th day of October, 2017.

  
Randolph O. Petgrave, WSBA No. 26046  
Chief Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the KOF, COL & AP's Recommendation  
to be delivered to the Office of Disciplinary Counsel and to be mailed  
to CHRISTOPHER NEAL Respondent's Counsel  
at 7025 W. Greenwood Blvd #87 Renton WA 98026  
postage prepaid on the 12th day of OCT, 2017

  
Clerk/Counsel to the Disciplinary Board

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**BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION**

In re  
**CHRISTOPHER LEE NEAL,**  
Lawyer (Bar No. 33339).

Proceeding No. 17#00020  
FORMAL COMPLAINT

Under Rule 10.3 of the 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 Rules of Professional Conduct (RPC) as set forth below.

**ADMISSION TO PRACTICE**

1. Respondent Christopher Lee Neal was admitted to the practice of law in the State of Washington on January 29, 2003.

**FACTS REGARDING COUNTS 1-12**

2. Jack Burnette and Charles Hall were equal shareholders in Automotive Machine and Supply, Inc. (Auto Machine), a machine shop and auto supply store in Pasco, Washington.

CEL

1           3. Mr. Burnette and Mr. Hall were also equal partners in CJ Properties, a Washington  
2 general partnership. CJ Properties owned the real estate on which Auto Machine was located.

3           4. In 2011, Mr. Burnette and Mr. Hall hired Respondent to assist them in selling Auto  
4 Machine, its assets, and the real property owned by CJ Properties.

5           5. Respondent did not enter into a written fee agreement with Mr. Hall, Mr. Burnette or  
6 any of the business entities.

7           6. Respondent did not communicate to Mr. Burnette or to Mr. Hall the rate or basis of  
8 the fees and expenses for which they would be responsible.

9           7. Mr. Burnette asked Respondent to investigate his concern that Mr. Hall was taking  
10 money from the business that he was not entitled to. Respondent did so and concluded that Mr.  
11 Hall was not taking money from the business that he was not entitled to.

12           8. Respondent's representation of Mr. Burnette and Mr. Hall involved a concurrent  
13 conflict of interest.

14           9. Respondent did not obtain Mr. Hall's informed consent, confirmed in writing.

15           10. Respondent did not obtain Mr. Burnette's informed consent, confirmed in writing.

16           11. Respondent prepared a power of attorney for Mr. Burnette. The power of attorney  
17 purportedly gave Respondent the authority to execute documents relating to the sale of Auto  
18 Machine on behalf of Mr. Burnette.

19           12. The power of attorney did not give Respondent the authority to act on CJ Properties  
20 matters.

21           13. Mr. Burnette did not sign the Power of Attorney. The signature on the Power of  
22 Attorney that purports to be Mr. Burnette's is not his signature. The signature on the Power of  
23 Attorney that purports to be Mr. Burnette's is not witnessed or notarized.

1 14. On April 23, 2012, CJ Properties was sold for \$400,000. The terms of the sale  
2 included a promissory note in the amount of \$395,000 payable in monthly payments of \$2,848  
3 beginning May 1, 2012, and continuing each month thereafter until paid in full.

4 15. Respondent used the Power of Attorney to effectuate the sale of CJ Properties  
5 without Mr. Burnette's knowledge or authority.

6 16. On April 23, 2012, Auto Machine's assets were sold for \$100,000, with \$12,501.69  
7 as a credit on amounts owed to the buyer, \$14,583.05 as a down payment, and five payments of  
8 \$14,583.05 each.

9 17. Respondent used the Power of Attorney to effectuate the sale of Auto Machine's  
10 assets without Mr. Burnette's knowledge or authority

11 18. Respondent told Mr. Hall that the \$100,000 from the sale of Auto Machine would be  
12 deposited into a trust account.

13 19. Respondent did not deposit the funds into a trust account.

14 20. Respondent did not inform Mr. Burnette that either sale had occurred, nor did he  
15 provide Mr. Burnette with information about the terms of the sale or provide him with the sale  
16 documents.

17 21. The monthly payments attributable to the sale of CJ Properties were paid to Mr.  
18 Hall.

19 22. Respondent instructed Mr. Hall to forward the monthly payments to him so that he  
20 could pay his legal fees as well as the debts associated with the business. Respondent told Mr.  
21 Hall that amounts in excess of those amounts would be remitted to Mr. Hall and Mr. Burnette.

22 23. Respondent told Mr. Hall that the payments would be deposited into a trust account.

23 24. Respondent received a total of \$142,600.14 in payments.

1 25. Respondent did not deposit the payments into a trust account.

2 26. Respondent told Mr. Hall and Mr. Burnette that all of the funds received from the  
3 sale of CJ Properties and/or Auto Machine were used to pay bills and/or his fees.

4 27. Respondent kept all of the funds for his own use, without authority to do so.

5 28. Neither Mr. Hall nor Mr. Burnette received any money from the sale of Auto  
6 Machine or CJ Properties.

7 29. Mr. Burnette and Mr. Hall repeatedly requested an accounting and information  
8 regarding the sales and sales proceeds, including information about the amount of Respondent's  
9 fees and the disbursements from the sale proceeds.

10 30. Respondent did not provide either Mr. Burnette or Mr. Hall with an accounting of  
11 the funds received or the disbursements from the sale proceeds.

12 31. Respondent did not provide billing statements or otherwise account for  
13 disbursements to himself for his fees.

14 32. Respondent did not keep records of the funds he received and did not keep records of  
15 disbursements to third parties or himself.

16 **COUNT 1**

17 33. By converting client property for his own use, and/or by committing the crime of  
18 theft in the first degree, in violation of RCW 9A.56.030, Respondent violated RPC 1.15A(b),  
19 and/or RPC 8.4(b), and/or 8.4(c).

20 **COUNT 2**

21 34. By falsely stating to Mr. Hall that he would deposit the funds he received into a trust  
22 account, Respondent violated RPC 8.4(c).

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**COUNT 3**

35. By using the Power of Attorney to effectuate the sale of CJ Properties without Mr. Burnette's knowledge or authority, Respondent violated RPC 8.4(c).

**COUNT 4**

36. By using the Power of Attorney to effectuate the sale of Auto Machine without Mr. Burnette's knowledge or authority, Respondent violated RPC 8.4(c).

**COUNT 5**

37. By falsely stating to his clients that all of the funds he received were used to pay bills, Respondent violated RPC 8.4(c).

**COUNT 6**

38. By failing to communicate with Mr. Burnette about the terms of the sale, provide him with the sale documents, and/or inform him that the sale had occurred, Respondent violated RPC 1.4.

**COUNT 7**

39. By failing to notify Mr. Burnette that he had received funds from the sale of CJ Properties and/or Auto Machine, Respondent violated RPC 1.15A(d).

**COUNT 8**

40. By failing to communicate to his clients the basis or rate of his fees and expenses, Respondent violated RPC 1.5(b).

**COUNT 9**

41. By failing to deposit and hold in a trust account the funds he received from the sale of Auto Machine and CJ Properties, Respondent violated RPC 1.15A(c)(1).

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COUNT 10

42. By failing to provide a written accounting to his clients either after distribution or when requested, Respondent violated RPC 1.15A(e).

COUNT 11


43. By failing to promptly deliver to his clients the funds they were entitled to receive, Respondent violated RPC 1.15(A)(f).

COUNT 12

44. By representing Mr. Burnette and Mr. Hall when the representation involved a concurrent conflict of interest, Respondent violated RPC 1.7.

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

Dated this 6<sup>th</sup> day of April, 2017.

  
Debra Slater, Bar No. 18346  
Disciplinary Counsel