

FILED

JUN 19 2015

DISCIPLINARY
BOARD

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6 BEFORE THE
7 DISCIPLINARY BOARD
8 OF THE
9 WASHINGTON STATE BAR ASSOCIATION

10 In re

11 **DANIEL R. TIFFANY,**
12 Lawyer (Bar No. 34917).

Proceeding No. 14#00031

RESIGNATION FORM OF
DANIEL R. TIFFANY
(ELC 9.3(b))

13 Daniel R. Tiffany, being duly sworn, hereby attests to the following:

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

16 2. I was admitted to practice law in the State of Washington on May 26, 2004.

17 3. I acknowledged service of the Formal Complaint and Notice to Answer in this
18 matter on August 30, 2014.

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

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

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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 have today executed a confession of judgment to the Washington State Bar
4 Association in the amount of \$1,000 under ELC 9.3(f) in lieu of payment for expenses and
5 costs.

6 7. I agree to pay restitution of \$1,700 to Jason and Celeste Soler under the provisions
7 of ELC 13.7(b)(1).

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

14 9. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
15 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in any
16 such jurisdiction; and (c) provide disciplinary counsel with copies of this notification and any
17 response(s). I acknowledge that this resignation could be treated as a disbarment by all other
18 jurisdictions.

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

23 11. I agree that when applying for any employment, I will disclose the resignation in

1 lieu of discipline in response to any question regarding disciplinary action or the status of my
2 license to practice law.

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

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
10 disbarred lawyer under ELC 14.1 through ELC 14.4.

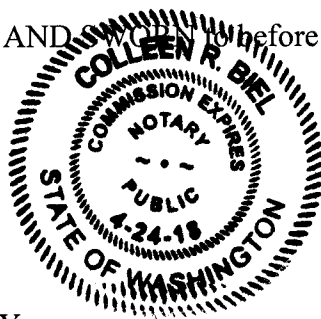
11 15. I understand that, after my resignation becomes effective, it is permanent. I will
12 never be eligible to apply and will not be considered for admission or reinstatement to the
13 practice of law nor will I be eligible for admission for any limited practice of law.

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

16 6/19/15
Date and Place

[Signature]
Daniel R. Tiffany, Bar No. 34917

17 SUBSCRIBED AND sworn to before me this 19th day of June, 2015.



Colleen R. Biel
NOTARY PUBLIC for the state of
Washington, residing at King
County
My commission expires: 4-24-2018

18 ENDORSED BY:

19 [Signature]
20
21 Randy Beitel, Managing Disciplinary Counsel
22 Bar No. 7177

23 Affidavit of Respondent
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13 Lawyer (Bar No. 34917).

Proceeding No. 14#00031

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

16 The attached formal complaint, filed on July 23, 2014 in Proceeding No. 14#00031,
17 constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the
18 Rules for Enforcement of Lawyer Conduct.

19 DATED this 19~~th~~ day of June, 2015.


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21 _____
22 Randy Beitel, Bar No. 7177
23 Managing Disciplinary Counsel

Exhibit A

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DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
DANIEL R. TIFFANY,
Lawyer (Bar No. 34917).

Proceeding No. 14#00031
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 Daniel R. Tiffany was admitted to the practice of law in the State of Washington on May 26, 2004.
2. Respondent has been administratively suspended since May 1, 2012, for failure to comply with Mandatory Continuing Legal Education.

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1 property.

2 13. Respondent took no action at any time to secure the return of the Solers' property.

3 14. In March 2011, on two occasions, during conversations with the Solers, Respondent
4 represented that he had been working on securing the return of their property.

5 15. At the time Respondent made these representations to the Solers, he knew that he
6 had taken no action to secure the return of the Solers' property.

7 16. On or about May 16, 2011, Ms. Soler spoke with Respondent and expressed the
8 Solers' frustration that their property had not been returned.

9 17. In the May 16, 2011 conversation, Respondent admitted that he had done nothing to
10 secure the return of their property. Respondent apologized and promised to make securing the
11 Solers' property his first priority.

12 18. On or about May 27, 2011 and June 8, 2011, Ms. Soler asked Respondent to send
13 her copies of any motion or other efforts Respondent had made to secure the return of the
14 Solers' property.

15 19. Respondent neither provided Ms. Soler with the requested documents nor took any
16 action to secure the return of the Solers' property.

17 ***Repossession of Travel Trailer***

18 20. One of the Solers' creditors, Alaska USA, held a security interest on the Solers'
19 travel trailer.

20 21. Alaska USA sent Respondent a reaffirmation agreement that needed to be signed by
21 the Solers by April 18, 2011, in order to prevent repossession of the travel trailer.

22 22. Respondent failed to advise the Solers of their opportunity to enter into the
23 reaffirmation agreement.

1 23. The Solers' travel trailer was repossessed by Alaska USA.

2 24. Had the Solers been aware of the opportunity to sign the reaffirmation agreement
3 and avoid the repossession, they would have reaffirmed the debt.

4 ***I.Q. Data Judgment***

5 25. Respondent listed the I.Q. Data judgment on the Solers' schedule of indebtedness.

6 26. The deadline for I.Q. Data to file an objection to the discharge of their judgment was
7 June 13, 2011.

8 27. I.Q. Data sought to extend the time for filing an objection to the discharge of their
9 judgment.

10 28. Respondent did not inform the Solers that I.Q. Data was seeking to extend the time
11 for filing an objection to the discharge of their judgment.

12 29. Respondent did not advise the Solers of their options regarding I.Q. Data seeking to
13 extend the time for filing an objection to the discharge of their judgment.

14 30. On or about June 8, 2011, Respondent stipulated to an order extending the time for
15 I.Q. Data to file an objection to the discharge of their judgment to July 15, 2011.

16 31. Respondent did not seek nor obtain the authorization of the Solers to extend the time
17 for I.Q. Data to object to discharge.

18 32. On or about July 13, 2011, Respondent stipulated to an order further extending the
19 time for I.Q. Data to file an objection to the discharge of their judgment to August 29, 2011.

20 33. Respondent did not seek nor obtain the authorization of the Solers to stipulate to the
21 order.

22 34. On August 29, 2011, I.Q. Data filed a complaint as an adversary proceeding seeking
23 to have the Bankruptcy Court find that their judgment debt of \$1,045,549.65 was not subject to

1 discharge.

2 35. A copy of the complaint in the adversary proceeding was served on both Respondent
3 and the Solers.

4 36. Thereafter, Respondent represented to the Solers that he was handling everything.

5 37. The Solers reasonably believed this included responding to the adversary
6 proceeding.

7 38. When Respondent made these representations, he knew he was not handling
8 everything for the Solers.

9 39. Respondent did not file an answer to the complaint in the adversary proceeding.

10 40. On October 14, 2011 the lawyer for the plaintiffs in the adversary proceeding served
11 notice on Respondent of his motion for entry of default and judgment against the Solers.

12 41. Respondent made no response to the notice of motion for entry of default and
13 judgment.

14 42. On October 17, 2011, the Bankruptcy Court entered an order of default against the
15 Solers.

16 43. Upon receiving a copy of the October 17, 2011 order of default, Mr. Soler inquired
17 of Respondent regarding the matter.

18 44. Respondent advised Mr. Soler that this was a mistake, a technicality, and that he
19 would get it fixed.

20 45. When he told this to Mr. Soler, Respondent knew the order of default was neither a
21 mistake nor a technicality.

22 46. Respondent took no action to oppose the order of default or entry of judgment.

23 47. On November 8, 2011 the Bankruptcy Court entered an order excepting the I.Q.

1 Data judgment from discharge.

2 ***Renewal of I.Q. Judgment***

3 48. Separate from the adversary proceeding, the I.Q. Data judgment was due to expire
4 on October 26, 2011, the ten-year anniversary of the entry of the judgment.

5 49. On or about September 2, 2011, the lawyer for I.Q. Data gave notice to Respondent
6 of his motion for relief from the automatic stay to allow renewal of the I.Q. Data judgment prior
7 to it expiring, together with his notice of a hearing on the motion for September 14, 2011, and
8 notice of his motion to shorten time to allow the hearing prior to the October 26, 2011
9 expiration of the judgment.

10 50. Respondent did not advise the Solers regarding the motion to lift the automatic stay.

11 51. Respondent made no response to either the motion for relief from the automatic stay
12 or the motion to shorten time.

13 52. On November 14, 2014 the Bankruptcy Court granted the motion for an order
14 shortening time and ordered termination of the automatic stay to allow the renewal of the I.Q.
15 Data judgment.

16 53. The I.Q. Data judgment against the Solers was renewed for an additional ten years.

17 54. On December 20, 2011 Tuella O. Sykes appeared on behalf of the Solers.

18 55. In April 2012, Ms. Sykes brought a motion on behalf of the Solers to vacate the
19 orders that had been entered based on Respondent's stipulation to extension of the time to object
20 to the discharge of the I.Q. Data judgment, the order lifting the automatic stay to allow renewal
21 of the I.Q. Data judgment, and the order excepting the I.Q. Data judgment from discharge,
22 based on the unauthorized actions and omissions by Respondent.

23 56. The motion to vacate was denied with prejudice August 9, 2012.

1 **COUNT 1**

2 57. By failing to take action to represent the interests of the Solers to seek the return of
3 their property, to reaffirm their travel trailer debt, to respond to the adversary proceeding, and/or
4 to object to lifting of the automatic stay to allow renewal of the I.Q. Data judgment, Respondent
5 violated RPC 1.3.

6 **COUNT 2**

7 58. By stipulating to extend the deadline for I.Q. Data to object to the discharge of their
8 judgment, without the consent or authorization of the Solers, Respondent violated RPC 1.2(a).

9 **COUNT 3**


10 59. By failing to keep the Solers advised as to the status of their matter, Respondent
11 violated RPC 1.4.

12 **COUNT 4**

13 60. By misrepresenting to the Solers that he was taking care of their interests in the
14 bankruptcy proceedings, Respondent violated RPC 8.4(c).

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

18 Dated this 23rd day of July, 2014.

19
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21 _____
22 Randy Bexel, Bar No. 7177
23 Senior Disciplinary Counsel