

FILED
OCT 28 2016
DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
PAUL HURLEY,
Lawyer (WSBA No. 38282)

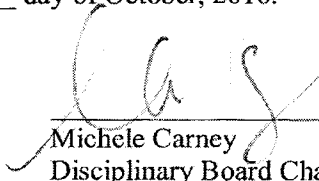
Proceeding No. 16#00043

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 October 20, 2016, 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 decision¹.

Dated this 28th day of October, 2016.


Michele Carney
Disciplinary Board Chair

CERTIFICATE OF SERVICE

I certify that I caused a copy of the DB Order Declining Sua Sponte Review to be delivered to the Office of Disciplinary Counsel and to be mailed to Paul Hurley, Respondent/Respondent's Counsel at 125 NW 1st Way S. Seattle WA 98101 by Certified first class mail, postage prepaid on the 28th day of Oct, 2016.

¹ The vote on this matter was 12-0. The following Board members voted: Carney, Silberman, Denton, Louvier, Andeen, Startzel, Byerly, Smith, Graber, Cottrell, Myers, Cornelius.

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

PAUL HURLEY,
Lawyer (Bar No. 38282).

Proceeding No. 16#00043

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

The undersigned Hearing Officer held a default hearing on August 30, 2016, 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 Formal Complaint (Bar File (BF) 1) charged Paul Hurley with misconduct as set forth therein. A copy of the 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 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 Formal Complaint is admitted and established.

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

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2 4. Respondent engaged in serious criminal conduct, a necessary element of which
3 includes fraud.

4 5. Respondent's conduct also involved dishonesty.

5 6. Respondent acted intentionally.

6 7. Respondent's conduct seriously adversely reflects on his fitness to practice.

7 8. There is injury to the profession when lawyers engage in criminal conduct,
8 particularly in situations where the public expects a lawyer to exhibit high standards of honesty
9 and integrity such as when acting on behalf of the government. There is injury to the image of
10 the profession.

11 9. The following standards of the American Bar Association's Standards for
12 Imposing Lawyer Sanctions ("ABA Standards") (1991 ed. & Feb. 1992 Supp.) presumptively
13 apply in this case:

14 **5.1 *Failure to Maintain Personal Integrity***

15 5.11 Disbarment is generally appropriate when:

16 (a) a lawyer engages in serious criminal conduct, a necessary element
17 of which includes intentional interference with the administration of justice, false
18 swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the
19 sale, distribution or importation of controlled substances; or the intentional
20 killing of another; or an attempt or conspiracy or solicitation of another to
21 commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving
dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on
the lawyer's fitness to practice.

22 10. The following aggravating factor set forth in Section 9.22 of the ABA Standards
23 applies in this case: (b) dishonest or selfish motive.

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

3 12. The following mitigating factor set forth in Section 9.32 of the ABA Standards
4 applies to this case: (a) absence of a prior disciplinary record.

5 **RECOMMENDATION**

6 13. Based on the ABA Standards and the applicable aggravating and mitigating
7 factors, the Hearing Officer recommends that Respondent Paul Hurley be disbarred.

8
9 DATED this 30th day of August, 2016.

10
11 MA Hathaway
12 Octavia Y. Hathaway,
13 Hearing Officer

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19 **CERTIFICATE OF SERVICE**

20 I certify that I caused a copy of the FOF, COL & HO's Recommendation
21 to be delivered to the Office of Disciplinary Counsel and to be mailed
22 to Paul Hurley Respondent/Respondent's Counsel
23 at 1725 1st Ave, 17th Fl, Seattle, WA 98101 by certified/first class mail
24 postage prepaid on the 1st day of September, 2016

[Signature]
Clerk/Counsel to the Disciplinary Board

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re
PAUL HURLEY,
Lawyer (Bar No. 38282).

Proceeding No. 16#00043
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 Paul Hurley was admitted to the practice of law in the State of Washington on November 17, 2006. He transferred his license to inactive status on January 25, 2010.

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FACTS REGARDING COUNTS 1, 2 and 3

2. Beginning in June 2009, Respondent was employed as a Revenue Agent for the Internal Revenue Service (IRS).

3. As such, in 2015, Respondent conducted an audit of a business to determine whether the business had correctly reported and paid its tax liability to the IRS.

4. On September 11, 2015, Respondent met with a representative of the business and provided the results of the audit.

5. At the September 11, 2015 meeting, Respondent informed the representative that he had saved the business over \$1 million.

6. At the September 11, 2015 meeting, Respondent informed the representative that he was having personal, financial difficulties.

7. At the September 11, 2015 meeting, the representative understood that Respondent was asking for a personal payment. To verify his understanding, the representative rubbed his fingers together and looked at Respondent.

8. At the September 11, 2015 meeting, in response to the representative's gesture, Respondent stated "20."

9. At the September 11, 2015 meeting, the representative understood the response to mean \$20,000 and asked Respondent how he wanted payment.

10. At the September 11, 2015 meeting, Respondent and the representative had a brief discussion and, at the end of the discussion, Respondent informed him that he wanted cash.

11. At the September 11, 2015 meeting, the representative suggested that he and Respondent meet on September 16, 2015 at a specific Starbucks.

1 12. At the September 11, 2015 meeting, Respondent agreed, telling the representative
2 not to tell anyone.

3 13. On September 16, 2015, Respondent met the representative at the Starbucks.

4 14. At the September 16, 2015 meeting, the representative handed Respondent \$5,000
5 in cash.

6 15. At the September 16, 2015 meeting, Respondent and the representative agreed to
7 meet again on September 21, 2015, at the same location.

8 16. The purpose of the September 21, 2015 meeting was for the representative to
9 provide Respondent with an additional \$15,000.

10 17. On September 21, 2015, Respondent met the representative at the Starbucks.

11 18. At the September 21, 2015 meeting, the representative handed Respondent
12 \$15,000 in cash.

13 19. Immediately after the September 21, 2015 meeting, federal agents, who had
14 observed the September 16 and 21, 2015 meetings, arrested Respondent.

15 20. On October 14, 2015, a three-count Indictment was filed against Respondent in the
16 United States District Court for the Western District of Washington in United States v. Hurley,
17 Case No. 2:15-cr-00336-JCC.

18 21. In Count 1 of the Indictment, Respondent was charged with Soliciting and
19 Agreeing to Receive a Bribe by a Public Official, in violation of 18 U.S.C. § 201(b)(2).

20 22. In Count 2 of the Indictment, Respondent was charged with Receiving a Bribe by a
21 Public Official, in violation of 18 U.S.C. § 201(b)(2).

22 23. In Count 3 of the Indictment, Respondent was charged with Receiving a Bribe by a
23 Public Official, in violation of 18 U.S.C. § 201(b)(2).

1 24. The case was tried before a jury beginning on February 8, 2016. On February 12,
2 2016, the jury returned three guilty verdicts.

3 25. Respondent was found guilty of Receiving a Bribe by a Public Official, in
4 violation of 18 U.S.C. § 201(b)(2), as charged in Count 2 of the Indictment.

5 26. Respondent was found guilty of Receiving a Bribe by a Public Official, in
6 violation of 18 U.S.C. § 201(b)(2), as charged in Count 3 of the Indictment.

7 27. Respondent was found guilty of the lesser crime of Receiving an Illegal Gratuity
8 by a Public Official, in violation of 18 U.S.C. § 201(c)(1)(B).

9 28. These offenses are felonies.

10 **COUNT 1**

11 29. By committing the crime of Receiving a Bribe by a Public Official, as charged in
12 Count 2 of the Indictment, Respondent violated RPC 8.4(b), 8.4(c), 8.4(d), 8.4(e), and/or 8.4(i).

13 **COUNT 2**

14 30. By committing the crime of Receiving a Bribe by a Public Official, as charged in
15 Count 3 of the Indictment, Respondent violated RPC 8.4(b), 8.4(c), 8.4(d), 8.4(e), and/or 8.4(i).

16 **COUNT 3**

17 31. By committing the crime of Receiving an Illegal Gratuity by a Public Official,
18 Respondent violated RPC 8.4(b), 8.4(c), 8.4(d), 8.4(e), and/or 8.4(i).

19
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.

