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Jul 31 2018

Disciplinary
Board

Docket # 037

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

10 In re

11 **ROBERT JOSEPH LA ROCCO,**
12 Lawyer (Bar No. 42536).

Proceeding No. 17#00060

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

13
14 The undersigned Hearing Officer held a default hearing on May 31, 2018 under Rule
15 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC).

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

18 1. Respondent Robert Joseph La Rocco was admitted to the practice of law In
19 Washington State on June 7, 2010. Respondent's license to practice law has been suspended by
20 the Washington State Supreme Court under ELC 7.2(a)(1) and remains in suspended status.

21 2. The Formal Complaint (Bar File No.20) charged Respondent with misconduct as
22 set forth therein. A copy of the Formal Complaint is attached to this decision.

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

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

3 5. Count 1: By failing to appear at Ms. Lentz's presentation hearing and by failing to
4 respond to opposing counsel's proposed final dissolution documents, Respondent violated RPC
5 1.3.

6 6. Count 2: By failing to keep Ms. Lentz reasonably informed about the status of the
7 matter, by failing to promptly comply with Ms. Lentz's reasonable requests for information and
8 by failing to explain matters to the extent reasonably necessary for Ms. Lentz to make informed
9 decisions about the representation, Respondent violated RPC 1.4.

10 7. Count 3: By falsely advising Ms. Lentz that she had not missed a court date,
11 Respondent violated RPC 8.4(c).

12 8. Count 4: By failing to respond to ODC's requests for a written response related to
13 Ms. Lentz's grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and
14 RPC 8.1(b).

15 9. Count 5: By failing to complete the Epleys' bankruptcy matter and by failing to
16 refile their bankruptcy matter and by failing to file a new bankruptcy petition or seek
17 reinstatement of the prior bankruptcy matter, Respondent violated RPC 1.3.

18 10. Count 6: By failing to keep the Epleys reasonably informed about the status of the
19 matter, by failing to promptly comply with the Epleys' reasonable requests for information and
20 by failing to explain matters to the extent reasonably necessary for the Epleys to make informed
21 decisions about the representation, Respondent violated RPC 1.4.

22 11. Count 7: By providing the Epleys with false information regarding their bankruptcy
23 matter, Respondent violated RPC 8.4(c).

1 12. Count 8: By failing to act with reasonable diligence in Ms. Rosas' matter,
2 Respondent violated RPC 1.3, RPC 3.2 and RPC 8.4(d).

3 13. Count 9: By failing to keep Ms. Rosas reasonably informed about the status of the
4 matter, by failing to promptly comply with Ms. Rosas' reasonable requests for information and
5 by failing to explain matters to the extent reasonably necessary for Ms. Rosas to make informed
6 decisions about the representation, Respondent violated RPC 1.4.

7 14. Count 10: By accepting the \$2,500 fee and then failing to perform legal services as
8 agreed, Respondent violated RPC 1.5(a).

9 15. Count 11: By falsely advising Ms. Rosas that she had a hearing on June 13, 2016,
10 Respondent violated RPC 8.4(c).

11 16. Count 12: By failing to return unearned fees and by failing to return documents to
12 Ms. Rosas, Respondent violated RPC 1.16(d).

13 17. Count 13: By failing to respond to requests for a response related to Ms. Rosas'
14 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

15 18. Count 14: By failing to keep Ms. Reyes reasonably informed about the status of
16 the matter, by failing to promptly comply with Ms. Reyes' reasonable requests for information
17 and by failing to explain matters to the extent reasonably necessary for Ms. Reyes to make
18 informed decisions about the representation and by failing to consult with Ms. Reyes about the
19 relevant limitations on his conduct, Respondent violated RPC 1.4.

20 19. Count 15: By making one or more false statements to Ms. Reyes regarding her
21 bankruptcy case and by holding himself out as a bankruptcy lawyer while suspended from
22 bankruptcy court, Respondent violated RPC 8.4(c).

23 20. Count 16: By accepting fees to represent Ms. Reyes in her bankruptcy matter
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1 when his license to practice in bankruptcy court was suspended, Respondent violated RPC
2 1.5(a).

3 21. Count 17: By using and converting Ms. Reyes' funds without entitlement,
4 Respondent violated RPC 1.15A(b)

5 22. Count 18: By failing to refund Ms. Reyes' unearned fees, Respondent violated
6 RPC 1.16(d).

7 23. Count 19: By failing to respond to requests for a response related to Ms. Reyes'
8 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

9 24. Count 20: By failing to attend meetings with Mr. Anderson and by failing to work
10 on Mr. Anderson's case, Respondent violated RPC 1.3.

11 25. Count 21: By failing to keep Mr. Anderson reasonably informed about the status of
12 the matter, by failing to promptly comply with Mr. Anderson's reasonable requests for
13 information and by failing to explain matters to the extent reasonably necessary for Mr.
14 Anderson to make informed decisions about the representation, Respondent violated RPC 1.4.

15 26. Count 22: By failing to return Mr. Anderson's documents, Respondent violated
16 RPC 1.16(d).

17 27. Count 23: By failing to respond to requests for a response related to this grievance,
18 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

19 28. Count 24: By failing to prepare and file Ms. Parkhurst's bankruptcy petition,
20 Respondent violated RPC 1.3.

21 29. Count 25: By failing to keep Ms. Parkhurst reasonably informed about the status
22 of the matter, by failing to promptly comply with Ms. Parkhurst's reasonable requests for
23 information and by failing to explain matters to the extent reasonably necessary for Ms.

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1 Parkhurst to make informed decisions about the representation, and by failing to consult with
2 Ms. Parkhurst about the relevant limitations on his conduct, Respondent violated RPC 1.4.

3 30. Count 26: By accepting a \$1,600 fee, failing to perform legal services as agreed,
4 and then failing to refund the unearned fee, Respondent violated RPC 1.5(a), RPC 1.16(d) and
5 RPC 1.15A(f).

6 31. Count 27: By making one or more false statements to Ms. Parkhurst regarding her
7 bankruptcy case and by holding himself out as a bankruptcy lawyer while suspended from
8 bankruptcy court, Respondent violated RPC 8.4(c).

9 32. Count 28: By failing to respond to requests for a response related to Ms.
10 Parkhurst's grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and
11 RPC 8.1(b).

12 33. Count 29: By failing to act diligently in representing Ms. Johnson, Respondent
13 violated RPC 1.3.

14 34. Count 30: By failing to keep Ms. Johnson reasonably informed about the status of
15 the matter, by failing to promptly comply with Ms. Johnson's reasonable requests for
16 information and by failing to explain matters to the extent reasonably necessary for Ms. Johnson
17 to make informed decisions about the representation, Respondent violated RPC 1.4.

18 35. Count 31: By accepting the \$2,500 fee and then failing to perform legal services as
19 agreed, Respondent violated RPC 1.5(a).

20 36. Count 32: By making one or more false statements to Ms. Johnson regarding her
21 case, Respondent violated RPC 8.4(c).

22 37. Count 33: By using and converting Ms. Johnson's funds without entitlement,
23 Respondent violated RPC 1.15A(b).

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1 38. Count 34: By failing to refund unearned fees and return Ms. Johnson's file,
2 Respondent violated RPC 1.16(d).

3 39. Count 35: By failing to respond to requests for a response related to Ms. Johnson's
4 grievance, Respondent violated RPC 8.4(l) and RPC 8.1(b) by violating ELC 1.5 and ELC 5.3.

5 40. Count 36: By failing to act diligently in representing Mr. Reed, Respondent
6 violated RPC 1.3.

7 41. Count 37: By failing to keep Mr. Reed reasonably informed about the status of the
8 matter, by failing to promptly comply with Mr. Reed's reasonable requests for information and
9 by failing to explain matters to the extent reasonably necessary for Mr. Reed to make informed
10 decisions about the representation, Respondent violated RPC 1.4.

11 42. Count 38: By filing documents in court after being advised that his representation
12 had been terminated, Respondent violated RPC 1.2(f).

13 43. Count 39: By accepting the \$1,000 fee and then failing to perform legal services
14 as agreed, Respondent violated RPC 1.5(a).

15 44. Count 40: By failing to return Mr. Reed's unearned fee and by failing to return
16 Mr. Reed's file, Respondent violated RPC 1.16(d).

17 45. Count 41: By using and converting Mr. Reed's funds without entitlement,
18 Respondent violated RPC 1.15A(b)

19 46. Count 42: By falsely advising Mr. Reed and Ms. Reed that he had taken action on
20 his legal matter, Respondent violated RPC 8.4(c).

21 47. Count 43: By failing to respond to requests for a response related to Mr. Reed's
22 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b)
23 by violating ELC 1.5 and ELC 5.3.

1 48. Count 44: By failing to act with reasonable diligence and promptness in
2 representing Mr. Brocker, Respondent violated RPC 1.3.

3 49. Count 45: By failing to keep Mr. Brocker reasonably informed about the status of
4 the matter, by failing to promptly comply with Mr. Brocker's reasonable requests for
5 information and by failing to explain matters to the extent reasonably necessary for Mr. Brocker
6 to make informed decisions about the representation, Respondent violated RPC 1.4.

7 50. Count 46: By failing to return the file and unearned fees to Mr. Brocker,
8 Respondent violated RPC 1.16(d).

9 51. Count 47: By failing to respond to requests for a response related to Mr. Brocker's
10 grievance, Respondent violated RPC 8.4(*l*) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

11 52. Count 48: By failing to file Mr. Hand's dissolution action and by failing to perform
12 services for Mr. Hand, Respondent violated RPC 1.3.

13 53. Count 49: By failing to keep Mr. Hand reasonably informed about the status of the
14 matter, by failing to promptly comply with Mr. Hand's reasonable requests for information and
15 by failing to explain matters to the extent reasonably necessary for Mr. Hand to make informed
16 decisions about the representation, Respondent violated RPC 1.4.

17 54. Count 50: By failing to refund Mr. Hand's unearned fees, Respondent violated
18 RPC 1.16(d).

19 55. Count 51: By accepting a \$1,300 fee and then failing to perform legal services as
20 agreed, Respondent violated RPC 1.5(a).

21 56. Count 52: By using and converting Mr. Hand's funds without entitlement,
22 Respondent violated RPC 1.15A(b).

23 57. Count 53: By advising Mr. Hand, falsely, that his dissolution case had been filed,
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1 Respondent violated RPC 8.4(c).

2 58. Count 54: By failing to respond to numerous requests for a response related to this
3 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

4 59. Count 55: By failing to act diligently in representing Ms. Johnson, Respondent
5 violated RPC 1.3.

6 60. Count 56: By failing to keep Ms. Johnson reasonably informed about the status of
7 the matter, by failing to promptly comply with Ms. Johnson's reasonable requests for
8 information and by failing to explain matters to the extent reasonably necessary for Ms. Johnson
9 to make informed decisions about the representation, Respondent violated RPC 1.4.

10 61. Count 57: By accepting the \$500 fee and then failing to perform legal services as
11 agreed, Respondent violated RPC 1.5(a).

12 62. Count 58: By failing to refund unearned fees to Ms. Johnson, Respondent violated
13 RPC 1.16(d).

14 63. Count 59: By using and converting Ms. Johnson's funds without entitlement,
15 Respondent violated RPC 1.15A(b).

16 64. Count 60: By failing to respond to ODC's requests for a response related to this
17 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

18 65. Count 61: By failing to act diligently in representing Ms. Chaput, Respondent
19 violated RPC 1.3.

20 66. Count 62: By failing to keep Ms. Chaput reasonably informed about the status of
21 the matter, by failing to promptly comply with Ms. Chaput's reasonable requests for
22 information and by failing to explain matters to the extent reasonably necessary for Ms. Chaput
23 to make informed decisions about the representation, Respondent violated RPC 1.4(a) and RPC
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1 1.4(b)

2 67. Count 63: By accepting the \$3,000 fee and then failing to perform legal services as
3 agreed, Respondent violated RPC 1.5(a).

4 68. Count 64: By failing to refund unearned fees, Respondent violated RPC 1.16(d).

5 69. Count 65: By using and converting Ms. Chaput's funds without entitlement,
6 Respondent violated RPC 1.15A(b).

7 70. Count 66: By making false statements to Ms. Chaput about the status of her case,
8 Respondent violated RPC 8.4(c).

9 71. Count 67: By failing to respond to ODC's requests for a response related to this
10 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

11 72. Count 68: By failing to act diligently in representing Mr. Mohammed, Respondent
12 violated RPC 1.3.

13 73. Count 69: By failing to keep Mr. Mohammed reasonably informed about the
14 status of the matter, by failing to promptly comply with Mr. Mohammed's reasonable requests
15 for information and by failing to explain matters to the extent reasonably necessary for Mr.
16 Mohammed to make informed decisions about the representation, Respondent violated RPC 1.4.

17 74. Count 70: By accepting \$8,400 in legal fees and then failing to perform legal
18 services as agreed, Respondent violated RPC 1.5(a).

19 75. Count 71: By making one or more false statements to his client about the status of
20 his case, Respondent violated RPC 8.4(c).

21 76. Count 72: By failing to provide Mr. Mohammed's client file and by failing to
22 refund Mr. Mohammed's unearned fees, Respondent violated RPC 1.16(d).

23 77. Count 73: By using and converting Mr. Mohammed's funds without entitlement,
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1 Respondent violated RPC 1.15A(b).

2 78. Count 74: By failing to respond to requests for a response related to Mr.
3 Mohammed's grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3)
4 and RPC 8.1(b).

5 79. Count 75: By failing to act diligently in representing Mr. Hogan, Respondent
6 violated RPC 1.3.

7 80. Count 76: By failing to keep Mr. Hogan reasonably informed about the status of
8 the matter, by failing to promptly respond to Mr. Hogan's reasonable requests for information
9 and by failing to explain matters to the extent reasonably necessary for Mr. Hogan to make
10 informed decisions about the representation, Respondent violated RPC 1.4.

11 81. Count 77: By accepting the \$3,000 fee and then failing to perform legal services as
12 agreed, Respondent violated RPC 1.5(a).

13 82. Count 78: By failing to return Mr. Hogan's client file and unearned fees,
14 Respondent violated RPC 1.16(d).

15 83. Count 79: By failing to respond to requests for a response related to Mr. Hogan's
16 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

17 84. Count 80: By making false statements to his client about the status of his case,
18 Respondent violated RPC 8.4(c).

19 85. Count 81: By providing false information to ODC about the status of Mr. Hogan's
20 dissolution, Respondent violated RPC 8.1(a) and RPC 8.4(c).

21 86. Count 82: By failing to respond to requests for a response related to the Judges'
22 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and ELC 5.3) and RPC 8.1(b).

1 95. The presumptive sanction under ABA *Standard* 4.61 is disbarment.

2 **C. Counts 10, 12, 16, 18, 22, 26, 31, 34, 39, 40, 46, 50, 51, 57, 58, 63, 64, 70, 72, 77, 78:**
3 **Failing to return documents, failing to refund unearned fees, and charging**
4 **unreasonable fees.**

4 96. ABA *Standard* 7.2 applies to this misconduct:

5 7.2 Suspension is generally appropriate when a lawyer knowingly
6 engages in conduct that is a violation of a duty owed as a
7 professional and causes injury or potential injury to a client, the
8 public, or the legal system.

7 97. Respondent's conduct was knowing and caused injury to his clients.

8 98. The presumptive sanction under ABA *Standard* 7.2 is suspension.

9 **D. Counts 17, 26, 33, 41, 52, 65, 73: Conversion:**

10 99. ABA *Standard* 4.1 and ABA *Standard* 5.1 apply to these counts.

11 4.11 Disbarment is generally appropriate when a lawyer knowingly
12 converts client property and causes injury or potential injury to a
13 client.

13 5.11 Disbarment is generally appropriate when:

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

17 100. Respondent's conversion of client funds was intentional and knowing and his
18 clients were injured.

18 101. Respondent's dishonest conduct caused injury to his clients and seriously and
19 adversely reflects on his fitness to practice law.

20 102. The presumptive sanction under ABA *Standards* 4.11 and 5.11 is disbarment.

21 **E. Count 38: Acting on behalf of a client without authority**

22 103. ABA *Standard* 7.2, *supra*, applies to this misconduct.

23 104. Respondent knew that he was terminated at the time that he filed the documents.

1 105. The client was at least potentially injured as the documents filed were deemed
2 deficient by the client's successor counsel.

3 106. The presumptive sanction under ABA *Standard* 7.2 is suspension.

4 **F. Counts 4, 13, 19, 23, 28, 35, 43, 47, 54, 60, 67, 74, 79, 82 Failing to cooperate with the**
5 **grievance process.**

6 107. ABA *Standard* 7.1 applies:

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

12 108. Respondent's conduct in failing to respond to the grievances was knowing and
13 done with the intent to obtain a benefit for himself by delaying the proceedings against him.

14 109. Respondent's conduct caused serious injury to the disciplinary system and to the
15 Office of Disciplinary Counsel.

16 110. The presumptive sanction under ABA *Standard* 7.1 is disbarment.

17 **G. Aggravating and Mitigating Factors**

18 *Aggravating Factors*

19 111. The following aggravating factors set forth in Section 9.22 of the ABA *Standards*
20 apply in this case:

- 21 (a) prior disciplinary offenses: On October 5, 2017, a hearing officer
22 recommended that Respondent be suspended for two years based on
23 similar misconduct in two client matters. The grievants in the former
24 matter, Joseph Shahan and Tammie Beldin, filed grievances with ODC
on May 22, 2016 and September 19, 2016 respectively. A copy of Mr.
Shahan's grievance was mailed to Respondent on May 23, 2016.
Respondent therefore knew that he was under investigation soon after
May 23, 2016 for issues relating to diligence and communication.
Respondent's misconduct in 10 of the 14 client matters listed in the
Formal Complaint occurred after May 23, 2016. The misconduct found
in the October 5, 2017 hearing officer's decision therefore constitutes a

- 1 prior disciplinary offense under ABA *Standard 9.22(a)*;
2 (b) dishonest or selfish motive;
3 (c) a pattern of misconduct: In addition to the conduct described in the
4 Formal Complaint, on November 30, 2016, Respondent was suspended
5 from practicing law in the United States Bankruptcy Court for the
6 Western District of Washington based on his misconduct in several client
7 matters;
8 (d) multiple offenses;
9 (g) refusal to acknowledge wrongful nature of conduct;
10 (j) indifference to making restitution.

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

13 *Mitigating Factors*

14 113. There are no mitigating factors.

15 **H. Sanction**

16 114. Under *In re Disciplinary Proceeding Against Petersen*, 120 Wn.2d 833, 854, 846
17 P.2d 1330 (1993), the “ultimate sanction imposed should at least be consistent with the sanction
18 for the most serious instance of misconduct among a number of violations.”

19 115. The most serious conduct carries a presumptive sanction of disbarment. The
20 multiple aggravating factors and the lack of mitigating factors support this sanction.

21 **RECOMMENDATION**

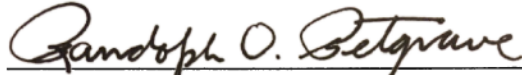
22 116. Based on the ABA *Standards* and the applicable aggravating and mitigating
23 factors, the Hearing Officer recommends that Respondent Robert Joseph La Rocco be disbarred.

24 117. Respondent should be ordered to pay restitution as follows:

- Gerri Anderson-Epley: \$999 with 12% interest from August 10, 2012 to the present date.
- Magali Rosas: \$2,500 with 12% interest from June 2016.
- Gail Reyes: \$1,600 with 12% interest from April 22, 2016.

- Ingrid Parkhurst: \$1,600 with 12% interest from April 27, 2016.
- Kristina Johnson: \$2,500 with 12% interest from October 2015.
- Jonathan Reed: \$1,000 with 12% interest from January 28, 2017.
- Caine Hand: \$1,300 with 12% interest from May 2016.
- Fontina Johnson: \$500 with 12% interest from December 2, 2016.
- Amber Chaput: \$3,000 with 12% interest from May 26, 2016.
- Faiyez Mohammed: \$3,750 with 12% interest from March 4, 2016 and \$1,650 with 12% interest from June 15, 2016.
- Zachary Hogan: \$3,000 with 12% interest from June 2011.

DATED this 7th day of June, 2018.

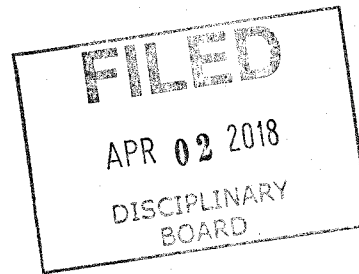


Randolph O. Petgrave,
Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the FOR COPY BY HIS DECISION
to be delivered to the Office of Disciplinary Counsel and to be mailed
to Joseph LaRocca Respondent/Respondent's Counsel
at 1255 W. Main St. Burlington, VT 05401 Certified first class mail
postage prepaid on the 21st day of July, 2018

[Signature]
Clerk/Counsel to the Disciplinary Board



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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

ROBERT JOSEPH LA ROCCO,
Lawyer (Bar No. 42536).

Proceeding No. 17#00060
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 Robert Joseph La Rocco was admitted to the practice of law in the State of Washington on June 7, 2010.

2. On June 30, 2016, Respondent was suspended from practicing in the United States Bankruptcy Court for the Western District of Washington. The Bankruptcy Court conditioned reinstatement upon Respondent's completion of ten hours of Washington State Bar Association

BW

1 approved training on consumer bankruptcy law.

2 3. On November 30, 2016, following a motion by the Trustee in the United States
3 Bankruptcy Court for the Western District of Washington relating to Respondent's conduct in
4 nine bankruptcy cases, Respondent was suspended for one year from bankruptcy practice.

5 4. Respondent remains suspended from practicing in United States Bankruptcy Court
6 for the Western District of Washington.

7 **FACTS REGARDING COUNTS 1 – 4 (Jerri Lentz)**

8 5. In or around December 2014, Jerri Lentz hired Respondent to represent her in her
9 dissolution matter pending in Whatcom County Superior Court No. 14-3-00256-4.

10 6. A bench trial was held on May 17, 2016.

11 7. On May 27, 2016, the court issued a written ruling.

12 8. Between approximately May 28 and October 7, 2016, Ms. Lentz attempted to
13 contact Respondent on multiple occasions.

14 9. Respondent did not return Ms. Lentz's calls or otherwise respond to her requests for
15 information.

16 10. In September 2016, opposing counsel served proposed final documents and noted a
17 presentation hearing for October 7, 2016.

18 11. Respondent did not notify Ms. Lentz about the hearing or otherwise forward the
19 proposed final documents to her.

20 12. Neither Respondent nor Ms. Lentz appeared at the hearing.

21 13. On October 7, 2016, the court signed the Findings and Conclusions and Final
22 Divorce Order as presented by opposing counsel.

23 14. In October 2016, Ms. Lentz's ex-wife informed her that she had missed the

1 presentation hearing.

2 15. Ms. Lentz emailed Respondent and asked for information.

3 16. Respondent responded back, stating, "Jerri, I will call you next week. We didn't
4 miss any hearings."

5 17. Respondent's statement that Ms. Lentz did not miss any hearings was false.

6 18. Respondent made the false statement to Ms. Lentz knowingly and with the intent to
7 benefit himself by concealing the fact that he had missed the hearing.

8 19. Ms. Lentz was injured by Respondent's false statements.

9 20. Ms. Lentz attempted to contact Respondent multiple times, but Respondent did not
10 return her calls or other reasonable requests for information.

11 21. Respondent's failure to appear at the presentation hearing and/or respond to
12 opposing counsel's proposed final dissolution documents was knowing.

13 22. Respondent's failure to inform Ms. Lentz about the presentation hearing and/or to
14 provide her copies of the dissolution documents and/or to respond to her efforts to contact him
15 was knowing.

16 23. Ms. Lentz was injured in that she did not have a chance to have her objections heard
17 by the court, was uninformed about the status of her case, and suffered stress and aggravation.

18 24. On January 19, 2017, Ms. Lentz filed a grievance against Respondent.

19 25. On January 23, 2017, ODC sent a letter to Respondent requesting his response.

20 26. Respondent did not respond.

21 27. By letter dated February 28, 2017, ODC requested that Respondent respond to the
22 grievance within ten days.

23 28. Respondent did not respond.

1 **COUNT 1**

2 29. By failing to appear at Ms. Lentz’s presentation hearing and/or by failing to respond
3 to opposing counsel’s proposed final dissolution documents, Respondent violated RPC 1.3.

4 **COUNT 2**

5 30. By failing to keep Ms. Lentz reasonably informed about the status of the matter, by
6 failing to promptly comply with Ms. Lentz’s reasonable requests for information and/or by
7 failing to explain matters to the extent reasonably necessary for Ms. Lentz to make informed
8 decisions about the representation, Respondent violated RPC 1.4.

9 **COUNT 3**

10 31. By falsely advising Ms. Lentz that she had not missed a court date, Respondent
11 violated RPC 8.4(c).

12 **COUNT 4**

13 32. By failing to respond to ODC’s requests for a written response related to Ms. Lentz’s
14 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC
15 8.1(b).

16 **FACTS REGARDING COUNTS 5-7 (Gerri Anderson-Epley)**

17 33. On or about August 10, 2012, Ms. Gerri Anderson-Epley and her husband Tracy
18 Scott Epley [collectively, “the Epleys”] paid Respondent \$999 for a Chapter 7 bankruptcy.

19 34. On August 10, 2012, Respondent filed a Chapter 7 petition and supporting
20 documents in the United States Bankruptcy Court in the Western District of Washington.

21 35. On November 8, 2012, the court notified the Epleys by mail that they must complete
22 a course and file “Debtor’s Certification of Completion of Post-Petition Instructional Course
23 Concerning Personal Financial Management.”

1 36. The notice was also sent to Respondent through the court's electronic mail system.

2 37. The required certificate was never served.

3 38. On December 28, 2012, the court closed the case without discharge because the
4 required certificate had not been filed.

5 39. The court sent notice of the dismissal to Respondent through the court's electronic
6 mail system on December 28, 2012.

7 40. The court mailed the notice to the Epleys on or about December 30, 2012.

8 41. The Epleys took the notice to Respondent. Respondent assured the Epleys that the
9 notice was a mistake and that he would take care of everything.

10 42. Respondent made no effort to reinstate the Epleys' bankruptcy proceedings.

11 43. Based on Respondent's representations, the Epleys reasonably believed that their
12 bankruptcy case was complete.

13 44. In or around August 2014, creditors began contacting the Epleys' family members
14 regarding their debts.

15 45. The Epleys contacted Respondent who again assured them that it was a mistake and
16 that he was handling the case.

17 46. Between August 2014 and March 2016, Ms. Anderson-Epley emailed Respondent
18 repeatedly to inform him that she was being contacted by creditors.

19 47. Respondent requested that Ms. Anderson-Epley forward any collection notices to
20 him and promised to call her with the next court date.

21 48. Respondent did not explain to the Epleys that their bankruptcy matter had been
22 dismissed.

23 49. On or around March 6, 2016, Respondent called Ms. Anderson-Epley and left the

1 following message:

2 Hey Gerri. It's Bob LaRocco. I just left a message with Tracy as well. Our
3 motions to proceed with the bankruptcy was [sic] unopposed so we don't need to
4 go to a hearing tomorrow. I filed a notice of unopposed motion on Monday and . .
5 . the order was either entered already on Friday or its's [sic] going to be entered
6 on Monday. I need to file the . . . amended schedules there on Tuesday or as soon
7 as I have the . . . copy of the order and . . . we're set then. We should get a
8 discharge order in; a discharge order in short order....

9 50. Respondent's statements that he had filed a motion and a notice in the bankruptcy
10 hearing were false.

11 51. Respondent made these statements knowingly and with the intent to benefit himself
12 by concealing the fact that he had done little or no work on the Epleys' bankruptcy case and/or
13 that their petition had been dismissed by the court.

14 52. The Epleys were injured in that they were misled as to the status of their case, and
15 continued to receive contacts from creditors.

16 **COUNT 5**

17 53. By failing to complete the Epleys' bankruptcy matter and/or by failing to refile their
18 bankruptcy matter and/or by failing to file a new bankruptcy petition or seek reinstatement of
19 the prior bankruptcy matter, Respondent violated RPC 1.3.

20 **COUNT 6**

21 54. By failing to keep the Epleys reasonably informed about the status of the matter, by
22 failing to promptly comply with the Epleys' reasonable requests for information and/or by
23 failing to explain matters to the extent reasonably necessary for the Epleys to make informed
24 decisions about the representation, Respondent violated RPC 1.4.

25 **COUNT 7**

26 55. By providing the Epleys with false information regarding their bankruptcy matter,

1 Respondent violated RPC 8.4(c).

2 **FACTS REGARDING COUNTS 8-13 (Magali Rosas)**

3 56. In 2013, Magali Rosas' marriage with Felix Martinez was dissolved in California,
4 and Ms. Rosas was awarded primary placement of the minor children of the marriage.

5 57. In December 2015, although their marriage had already been dissolved in California,
6 Mr. Martinez filed a second petition for dissolution against Ms. Rosas in Whatcom County
7 Superior Court, seeking primary placement of their minor children.

8 58. In May 2016, Ms. Rosas hired Respondent to represent her in the Whatcom County
9 action. Ms. Rosas also wanted Respondent to assist her with obtaining physical custody of the
10 children, who were living with Mr. Martinez.

11 59. Ms. Rosas paid Respondent \$2,500 for the representation.

12 60. On May 12, 2016, Respondent filed a Notice of Appearance in Whatcom County
13 Superior Court.

14 61. On June 2, 2016, Respondent filed a Motion for Order of Dismissal in Whatcom
15 Superior Court.

16 62. Respondent informed Ms. Rosas that there was a hearing scheduled for June 13,
17 2016, and she needed to appear.

18 63. Respondent's statement that a hearing was scheduled for June 13, 2016 was false.

19 64. Respondent's false statement was made knowingly and with the intent to benefit
20 himself by concealing from Ms. Rosas the fact that he had done little or no work on her case.

21 65. Respondent's false statement caused injury to Ms. Rosas who was not informed of
22 the status of her case and appeared for a hearing that was not set.

23 66. During the week before the hearing, Ms. Rosas attempted to contact Respondent

1 multiple times, but he did not return her calls.

2 67. On June 13, 2016, Ms. Rosas appeared at the Whatcom County Superior Court for
3 the hearing.

4 68. The clerk told Ms. Rosas that she did not have a hearing scheduled for that day, and
5 Respondent was already in court on an unrelated case.

6 69. Ms. Rosas waited outside the courtroom for Respondent.

7 70. During a break, Respondent informed Ms. Rosas he could not talk, but an associate
8 would be in touch with her regarding her hearing date.

9 71. Neither Respondent nor any associate from Respondent's office contacted Ms.
10 Rosas.

11 72. Respondent set a hearing on his motion to dismiss for June 23, 2016.

12 73. Respondent did not inform Ms. Rosas of the hearing.

13 74. Neither Respondent nor Ms. Rosas appeared at the June 23, 2016 hearing.

14 75. Respondent's failure to appear at Ms. Rosas' hearing was knowing.

15 76. Ms. Rosas was injured in that she was not informed of the status of her case and her
16 case was delayed.

17 77. Ms. Rosas began leaving daily messages for Respondent, asking him to call.

18 78. Respondent did not return her messages.

19 79. Ms. Rosas went to Respondent's office many times, waiting for him in the parking
20 lot, but she never was able to make contact.

21 80. After failing to hear from Respondent, Ms. Rosas sought the assistance of a non-
22 profit advocacy group in Bellingham, who informed her that a hearing had been set for June 23,
23 2016, but that no one had appeared in court.

1 81. After learning this, Ms. Rosas called Respondent multiple times a day, trying to
2 learn what was going to happen with her case.

3 82. Respondent did not return any of the calls.

4 83. Ms. Rosas made numerous requests for a refund and the return of her documents.

5 84. Respondent did not respond to these requests.

6 85. Respondent's failure to respond to Ms. Rosas' requests for a return of her documents
7 and other requests for information was knowing.

8 86. Ms. Rosas was injured by Respondent's failure to return her documents and/or to
9 respond to her requests for information.

10 87. Respondent was not entitled to all or part of Ms. Rosas' fees.

11 88. Respondent did not refund Ms. Rosas' fees.

12 89. Ms. Rosas was injured by Respondent's failure to refund her fees.

13 90. Respondent's failure to refund Ms. Rosas' fees was knowing.

14 91. On December 29, 2016, Ms. Rosas filed a grievance against Respondent.

15 92. On January 4, 2017, ODC sent a letter to Respondent requesting his response.

16 93. Respondent did not respond.

17 94. By letter dated February 7, 2017, ODC requested that Respondent provide a written
18 response within ten days.

19 95. Respondent did not respond.

20 **COUNT 8**

21 96. By failing to act with reasonable diligence in Ms. Rosas' matter, Respondent
22 violated RPC 1.3, RPC 3.2 and/or RPC 8.4(d).

1 **COUNT 9**

2 97. By failing to keep Ms. Rosas reasonably informed about the status of the matter, by
3 failing to promptly comply with Ms. Rosas' reasonable requests for information and/or by
4 failing to explain matters to the extent reasonably necessary for Ms. Rosas to make informed
5 decisions about the representation, Respondent violated RPC 1.4.

6 **COUNT 10**

7 98. By accepting the \$2,500 fee and then failing to perform legal services as agreed,
8 Respondent violated RPC 1.5(a).

9 **COUNT 11**

10 99. By falsely advising Ms. Rosas that she had a hearing on June 13, 2016, Respondent
11 violated RPC 8.4(c).

12 **COUNT 12**

13 100. By failing to return unearned fees and/or by failing to return documents to Ms.
14 Rosas, Respondent violated RPC 1.16(d).

15 **COUNT 13**

16 101. By failing to respond to requests for a response related to Ms. Rosas' grievance,
17 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b).

18 **FACTS REGARDING COUNTS 14 – 19 (Gail Reyes)**

19 102. On April 12, 2016, Gail Reyes hired Respondent to represent her in a bankruptcy
20 proceeding in bankruptcy court.

21 103. Respondent and Ms. Reyes entered into a fee agreement, which provided that the
22 representation would include analysis, preparation and submission of bankruptcy documents,
23 attendance at the meeting of creditors and submission of counseling certificates.

1 104. The fee agreement required Ms. Reyes to pay a \$1,600 flat fee in its entirety
2 before the bankruptcy would be filed with the bankruptcy court.

3 105. Ms. Reyes gave Respondent checks totaling \$1,600 according to an agreed
4 payment plan: five checks in the amount of \$250, and one in the amount of \$350, to be cashed
5 between April 22, 2016 and July 5, 2016.

6 106. Between April 22, 2016 and June 29, 2016, Respondent cashed five of Ms.
7 Reyes' checks of \$250 each.

8 107. On June 30, 2016, Respondent was suspended from practicing in the United
9 States Bankruptcy Court for the Western District of Washington.

10 108. Respondent did not comply with the terms of the bankruptcy court's order for
11 reinstatement.

12 109. Respondent did not inform Ms. Reyes of the suspension.

13 110. Respondent's failure to inform Ms. Reyes that he had been suspended from
14 practice in the bankruptcy court was knowing.

15 111. Ms. Reyes was injured by Respondent's failure to inform her of his suspension
16 from practice.

17 112. On or about July 5, 2016, Respondent cashed Ms. Reyes' final \$350 check.

18 113. At the time that he cashed the \$350 check, Respondent was suspended from
19 practicing in the United States Bankruptcy Court for the Western District of Washington.

20 114. Respondent was not entitled to all or part of Ms. Reyes' funds.

21 115. Respondent knew that he was not entitled to all or part of Ms. Reyes' funds.

22 116. Respondent used Ms. Reyes' funds for his own benefit.

23 117. Respondent did not file a bankruptcy petition on behalf of Ms. Reyes.

1 118. In September 2016, Ms. Reyes made an appointment to meet with Respondent,
2 but he cancelled the appointment.

3 119. In the following weeks, Ms. Reyes called Respondent repeatedly about the status
4 of her case, with no response.

5 120. In the beginning of November 2016, Ms. Reyes went to Respondent's office and
6 saw him leaving the elevator. He told her that they would go to court on November 21, 2016.

7 121. Respondent's statement that they would go to court on November 21, 2016 was
8 false. There was no hearing on November 21, 2016 because Respondent had not filed Ms.
9 Reyes' petition with the bankruptcy court.

10 122. As of November 2016, Respondent was still suspended from practice in the
11 United States Bankruptcy Court for the Western District of Washington.

12 123. Respondent's false statement to Ms. Reyes was made knowingly with the intent
13 to conceal the fact that he had not filed a bankruptcy petition on Ms. Reyes' behalf.

14 124. Ms. Reyes was injured by Respondent's conduct.

15 125. Respondent made an appointment with Ms. Reyes for November 18, 2016.

16 126. Ms. Reyes went to the office on that date, and the receptionist sent her to another
17 office building. Respondent was not there when she arrived.

18 127. Ms. Reyes continued to call, with no answer from Respondent. She sent him a
19 letter dated November 22, 2016, requesting that he contact her.

20 128. Respondent did not respond to the November 22, 2016 letter.

21 129. Respondent's failure to respond to Ms. Reyes' reasonable requests for
22 information was knowing.

23 130. Ms. Reyes was injured in that she was not informed that Respondent was unable

1 to do the work that she had paid him to do by virtue of his suspension.

2 131. On November 30, 2016, Respondent was suspended from practice in United
3 States Bankruptcy Court for the Western District of Washington for one year.

4 132. Respondent did not refund any money to Ms. Reyes.

5 133. Ms. Reyes was injured by Respondent's failure to refund her fees.

6 134. Ms. Reyes filed a grievance on January 26, 2017.

7 135. On January 27, 2017, ODC sent a letter to Respondent requesting his response.

8 136. Respondent did not respond.

9 137. By letter dated March 2, 2017, ODC requested his response within ten days.

10 138. Respondent did not file a written response to the grievance.

11 **COUNT 14**

12 139. By failing to keep Ms. Reyes reasonably informed about the status of the matter,
13 by failing to promptly comply with Ms. Reyes' reasonable requests for information and/or by
14 failing to explain matters to the extent reasonably necessary for Ms. Reyes to make informed
15 decisions about the representation and/or by failing to consult with Ms. Reyes about the relevant
16 limitations on his conduct, Respondent violated RPC 1.4.

17 **COUNT 15**

18 140. By making one or more false statements to Ms. Reyes regarding her bankruptcy
19 case and/or by holding himself out as a bankruptcy lawyer while suspended from bankruptcy
20 court, Respondent violated RPC 8.4(c).

21 **COUNT 16**

22 141. By accepting fees to represent Ms. Reyes in her bankruptcy matter when his
23 license to practice in bankruptcy court was suspended, Respondent violated RPC 1.5(a).

1 **COUNT 17**

2 142. By using and/or converting Ms. Reyes' funds without entitlement, Respondent
3 violated RPC 1.15A(b)

4 **COUNT 18**

5 143. By failing to refund Ms. Reyes' unearned fees, Respondent violated RPC
6 1.16(d).

7 **COUNT 19**

8 144. By failing to respond to requests for a response related to Ms. Reyes' grievance,
9 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b).

10 **FACTS REGARDING COUNTS 20-23 (Crystal Anderson)**

11 145. Eddie Anderson is legally disabled due to developmental disabilities. Crystal
12 Anderson is Mr. Anderson's sister and holds a durable power of attorney that allows her to act
13 and speak on his behalf.

14 146. In May 2016, Mr. Anderson was referred to Respondent through the Coordinated
15 Legal Education Advice and Referral (CLEAR) hotline.

16 147. In May 2016, Respondent agreed to assist Mr. Anderson with legal issues
17 involved in the theft of his identity and a substantial sum of money by a family member.

18 148. Mr. Anderson gave Respondent all of his paperwork detailing the theft. These
19 documents included copies of checks, bank statements, fraudulent credit card applications and
20 credit card statements.

21 149. On four separate occasions, Respondent scheduled meetings with Mr. Anderson.
22 On each occasion, Respondent failed to show up for the meetings or called to cancel or
23 reschedule.

1 150. Respondent never did any work on Mr. Anderson's case.

2 151. Mr. Anderson attempted to retain the services of a new lawyer through CLEAR,
3 but was advised that Respondent had to withdraw from the case and return the original
4 documentation before new counsel could be assigned.

5 152. Mr. Anderson contacted Adult Protective Services (APS). An APS investigator
6 sent emails and placed telephone calls to Respondent in an attempt to regain Mr. Anderson's
7 original documents.

8 153. On or about November 28, 2016, Respondent emailed Mr. Anderson's sister,
9 Crystal Anderson, stating that he would mail the documents as soon as he returned to his office.

10 154. Respondent never sent the documents.

11 155. On or about December 5, 2016, an APS investigator called Respondent and left a
12 message asking about the documents.

13 156. Respondent did not respond.

14 157. On or about December 19, 2016, an APS investigator emailed Respondent again
15 and requested a date to meet and offered to pick the documents up in person.

16 158. Respondent did not respond.

17 159. Respondent has not returned Mr. Anderson's original documents to him.

18 160. Respondent's failure to return Mr. Anderson's documents was knowing.

19 161. Respondent's failure to communicate with Crystal Anderson and/or Mr.
20 Anderson was knowing.

21 162. Respondent's failure to provide services for Mr. Anderson was knowing.

22 163. Mr. Anderson was injured by Respondent's conduct.

23 164. Crystal Anderson filed a grievance on Mr. Anderson's behalf against Respondent

1 on February 14, 2017.

2 165. On February 16, 2017, ODC sent a letter to Respondent requesting his written
3 response.

4 166. Respondent did not respond.

5 167. By letter dated March 22, 2017, ODC requested Respondent's written response
6 within ten days.

7 168. Respondent did not provide a written response to the grievance.

8 **COUNT 20**

9 169. By failing to attend meetings with Mr. Anderson and/or by failing to work on
10 Mr. Anderson's case, Respondent violated RPC 1.3.

11 **COUNT 21**

12 170. By failing to keep Mr. Anderson reasonably informed about the status of the
13 matter, by failing to promptly comply with Mr. Anderson's reasonable requests for information
14 and/or by failing to explain matters to the extent reasonably necessary for Mr. Anderson to
15 make informed decisions about the representation, Respondent violated RPC 1.4.

16 **COUNT 22**

17 171. By failing to return Mr. Anderson's documents, Respondent violated RPC
18 1.16(d).

19 **COUNT 23**

20 172. By failing to respond to requests for a response related to this grievance,
21 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b).

22 **FACTS RELATED TO COUNTS 24- 28 (Ingrid Parkhurst)**

23 173. On or about April 27, 2016, Ingrid Parkhurst paid Respondent \$1,600 to

1 represent her in a Chapter 7 bankruptcy proceeding.

2 174. Ms. Parkhurst signed a written fee agreement for legal services including
3 preparation and filing of a Chapter 7 bankruptcy.

4 175. In June 2016, Ms. Parkhurst called Respondent repeatedly and left messages with
5 Respondent seeking information about her case.

6 176. Respondent failed to return her calls.

7 177. Respondent's failure to communicate with Ms. Parkhurst was knowing.

8 178. Ms. Parkhurst was injured in that she was not informed about her case.

9 179. On June 30, 2016, Respondent was suspended from practicing in the United
10 States Bankruptcy Court for the Western District of Washington.

11 180. Respondent did not inform Ms. Parkhurst of the suspension.

12 181. Respondent did not comply with the terms of the bankruptcy court's order for
13 reinstatement from suspension.

14 182. Respondent's failure to inform Ms. Parkhurst of his suspension from practice in
15 bankruptcy court was knowing.

16 183. Ms. Parkhurst was injured by Respondent's conduct.

17 184. Respondent never filed a bankruptcy petition for Ms. Parkhurst.

18 185. Ms. Parkhurst was able to reach Respondent in or around November 2016.
19 Respondent told her everything was fine and that it would take another couple months for the
20 bankruptcy to be final.

21 186. Respondent's statements to Ms. Parkhurst were false in that Respondent had not
22 filed a bankruptcy for Ms. Parkhurst and could not file such a petition for her in the Western
23 District of Washington as he was suspended from practicing there.

1 187. Respondent's false statements to Ms. Parkhurst were knowing and made with the
2 intent to benefit himself by concealing the fact that he had done little, if any, work on her case.

3 188. Respondent did not further communicate with Ms. Parkhurst.

4 189. Respondent did not refund any of Ms. Parkhurst's fees.

5 190. Respondent was not entitled to all or part of Ms. Parkhurst's fees.

6 191. Ms. Parkhurst was injured by Respondent's failure to refund her fees.

7 192. Mr. Parkhurst filed a grievance against Respondent on March 29, 2017.

8 193. On April 3, 2017, ODC sent a letter to Respondent requesting his written
9 response.

10 194. Respondent did not respond.

11 195. By letter dated May 9, 2017, ODC requested Respondent's written response
12 within ten days.

13 196. Respondent did not file a written response to the grievance.

14 **COUNT 24**

15 197. By failing to prepare and/or file Ms. Parkhurst's bankruptcy petition,
16 Respondent violated RPC 1.3.

17 **COUNT 25**

18 198. By failing to keep Ms. Parkhurst reasonably informed about the status of the
19 matter, by failing to promptly comply with Ms. Parkhurst's reasonable requests for information
20 and/or by failing to explain matters to the extent reasonably necessary for Ms. Parkhurst to
21 make informed decisions about the representation, and/or by failing to consult with Ms.
22 Parkhurst about the relevant limitations on his conduct, Respondent violated RPC 1.4.

1 **COUNT 26**

2 199. By accepting a \$1,600 fee, failing to perform legal services as agreed, and then
3 failing to refund the unearned fee, Respondent violated RPC 1.5(a), RPC 1.16(d) and/or RPC
4 1.15A(f).

5 **COUNT 27**

6 200. By making one or more false statements to Ms. Parkhurst regarding her
7 bankruptcy case and/or by holding himself out as a bankruptcy lawyer while suspended from
8 bankruptcy court, Respondent violated RPC 8.4(c).

9 **COUNT 28**

10 201. By failing to respond to requests for a response related to Ms. Parkhurst's
11 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC
12 8.1(b).

13 **FACTS RELATED TO COUNTS 29-35 (Kristina Johnson)**

14 202. In March 2015, Ms. Johnson's third-grade daughter traveled to the East Coast
15 with her father for a family visit. But her father never returned with her, and refused to
16 communicate with Ms. Johnson.

17 203. Ms. Johnson spent several months trying to negotiate for the return of her
18 daughter on her own, but realized she needed professional help.

19 204. On or about October 2015, Ms. Johnson hired Respondent and paid him a \$2,500
20 advanced fee to help return her daughter.

21 205. Ms. Johnson told Respondent all communication between her and her daughter
22 had been terminated and she was in fear for her daughter's safety and well-being.

23 206. Respondent assured Ms. Johnson he would have Ms. Johnson's daughter home

1 within a few weeks.

2 207. Between October 2015 and January 2016, Ms. Johnson attempted to contact
3 Respondent through telephone and email to learn the status of her case.

4 208. Respondent did not respond to Ms. Johnson's requests for information.

5 209. On January 27, 2016, Respondent sent an email to Ms. Johnson, claiming he had
6 "submitted our petition, and asked for hearing on a temporary order. The date will be either
7 February 18 or 19."

8 210. Respondent's statements that he had submitted a petition with the court and
9 asked for a temporary order hearing were false.

10 211. Respondent had not filed a petition with the court on behalf of Ms. Johnson and
11 had not requested a temporary order.

12 212. In or around February 2016, Respondent called Ms. Johnson and told her that
13 they had a hearing with the judge, but that she did not have to go.

14 213. Respondent later told Ms. Johnson that the hearing did not go forward because
15 the judge was ill and had to postpone all of the cases.

16 214. Respondent's statements were false. Respondent had not set a hearing on Ms.
17 Johnson's matter and the hearing had not been postponed.

18 215. In March 2016, Ms. Johnson drove from Washington to Virginia. She spent
19 three weeks in Virginia unsuccessfully looking for her daughter.

20 216. Respondent told Ms. Johnson there was a hearing scheduled for March 23, 2016.

21 217. Respondent's statement to Ms. Johnson was false. There was no hearing set for
22 March 23, 2016.

23 218. Based on Respondent's representations that there was a hearing set for March 23,

1 2016, Ms. Johnson drove back from Virginia.

2 219. On the day the hearing was supposed to take place, Respondent informed Ms.
3 Johnson that the judge had removed her case from the docket, but did not explain why.

4 220. Respondent's statement that the judge had removed Ms. Johnson's case from the
5 docket was false.

6 221. Respondent made the false statements to Ms. Johnson knowingly and with the
7 intent to benefit himself by concealing the fact that Respondent had done little or no work on
8 Ms. Johnson's case.

9 222. Ms. Johnson was seriously injured by Respondent's conduct.

10 223. In April 2016, Ms. Johnson demanded her file, an explanation from Respondent
11 about what he had done in her case, an accounting of the money he had received, and a refund
12 of the remaining balance.

13 224. Respondent never provided a refund to Ms. Johnson.

14 225. Respondent was not entitled to all or part of Ms. Johnson's fees

15 226. Respondent knew that he was not entitled to all or part of Johnson's fees.

16 227. Respondent used Ms. Johnson's funds for his own benefit.

17 228. Ms. Johnson was injured by Respondent's failure to refund her fees.

18 229. Respondent never provided a copy of Ms. Johnson's file.

19 230. Respondent never provided an explanation of the work he had done on Ms.
20 Johnson's case or an accounting of the money he had received.

21 231. Respondent's failure to provide Ms. Johnson with a copy of her file was
22 knowing.

23 232. Respondent's failure to respond to Ms. Johnson's requests for information was

1 knowing.

2 233. Ms. Johnson was injured by Respondent's conduct.

3 234. On April 13, 2017, Ms. Johnson filed a grievance against Respondent.

4 235. On April 18, 2017, ODC sent a letter to Respondent requesting Respondent's
5 written response to the grievance.

6 236. Respondent did not respond.

7 237. By letter dated May 23, 2017, ODC requested Respondent's written response
8 within ten days.

9 238. Respondent did not provide a written response to the grievance.

10 **COUNT 29**

11 239. By failing to act diligently in representing Ms. Johnson, Respondent violated
12 RPC 1.3.

13 **COUNT 30**

14 240. By failing to keep Ms. Johnson reasonably informed about the status of the
15 matter, by failing to promptly comply with Ms. Johnson's reasonable requests for information
16 and/or by failing to explain matters to the extent reasonably necessary for Ms. Johnson to make
17 informed decisions about the representation, Respondent violated RPC 1.4.

18 **COUNT 31**

19 241. By accepting the \$2,500 fee and then failing to perform legal services as agreed,
20 Respondent violated RPC 1.5(a).

21 **COUNT 32**

22 242. By making one or more false statements to Ms. Johnson regarding her case,
23 Respondent violated RPC 8.4(c).

1 **COUNT 33**

2 243. By using and/or converting Ms. Johnson's funds without entitlement,
3 Respondent violated RPC 1.15A(b).

4 **COUNT 34**

5 244. By failing to refund unearned fees and return Ms. Johnson's file, Respondent
6 violated RPC 1.16(d).

7 **COUNT 35**

8 245. By failing to respond to requests for a response related to Ms. Johnson's
9 grievance, Respondent violated RPC 8.4(l) and/or RPC 8.1(b) by violating ELC 1.5 and/or ELC
10 5.3.

11 **FACTS RELATED TO COUNTS 36-43 (Jonathan Reed)**

12 246. On January 27, 2017, Jennifer Reed contacted Respondent on behalf of Jonathan
13 Reed, her mentally disabled son.

14 247. At all relevant times, Jennifer Reed was authorized by Jonathan Reed to act as
15 his representative.

16 248. The mother of Mr. Reed's children, Katherine Mooney, had taken the children
17 for a weekend visit and refused to return them.

18 249. Mr. Reed believed that his children were in danger in Ms. Mooney's care
19 because Ms. Mooney was homeless and abusing alcohol and drugs. In addition, one of the
20 children had a medical condition and Mr. Reed believed that Ms. Mooney was not providing the
21 necessary medication.

22 250. As of April 1, 2016, there was an active parenting plan action between Mr. Reed
23 and Ms. Mooney in Whatcom County Superior Court No. 16-3-00223-4, but there was no

1 parenting plan filed.

2 251. Respondent advised Ms. Reed that he could get the children returned very
3 quickly.

4 252. Respondent stated his fee would be approximately \$3,500. Respondent agreed
5 to accept \$1,000 down, with monthly payments of \$500 toward the remaining balance.

6 253. On January 28, 2017, Ms. Reed wrote Respondent a check for a \$1,000 advance
7 fee.

8 254. On January 31, 2017, Mr. Reed met Respondent at his office to sign paperwork
9 to request an emergency ex parte hearing.

10 255. On February 1, 2017, Mr. Reed completed the required parenting plan over the
11 telephone with Respondent's office.

12 256. Respondent told Mr. Reed that he would be appearing before a commissioner on
13 February 1, 2017 to present the emergency ex parte order request, and seek the return of the
14 children.

15 257. Jennifer Reed contacted Respondent in the evening hours of February 1, 2017.
16 Respondent stated the commissioner had denied the request for an emergency ex parte order.

17 258. Respondent's statements were false.

18 259. As of February 1, 2017, Respondent had not filed any documents in Whatcom
19 County Superior Court on Mr. Reed's behalf, nor had he presented any order to the ex parte
20 commissioner.

21 260. Respondent told Mr. Reed that he would need to file additional paperwork, as
22 well as a signed copy of the parenting plan Mr. Reed had completed. Respondent stated he
23 would have the paperwork ready to sign and file on February 2 or 3, 2017.

1 261. On February 2, 2017, Ms. Reed texted Respondent asking if he needed a
2 signature on the paperwork so he could file.

3 262. Respondent responded by text “not until tomorrow.”

4 263. On February 3, 2017, Ms. Reed texted Respondent asking what time Mr. Reed
5 should come in to sign the paperwork.

6 264. Respondent did not respond to Ms. Reed’s text.

7 265. Mr. Reed and Ms. Reed attempted to contact Respondent by telephone and left
8 several messages.

9 266. Respondent did not respond to Mr. Reed and Ms. Reed’s reasonable requests for
10 information.

11 267. Mr. Reed and Ms. Reed went to Respondent’s office but he was not there.

12 268. Later on February 3, 2017, Respondent called Ms. Reed and stated he would file
13 Mr. Reed’s paperwork on February 6, 2017.

14 269. On February 6, 2017, Ms. Reed called Respondent to check the status of the
15 case.

16 270. Respondent did not respond.

17 271. On February 7, 2017, Ms. Reed called Respondent to check the status of the
18 case.

19 272. Respondent did not respond.

20 273. Respondent’s failure to communicate with Mr. Reed and/or Jennifer Reed was
21 knowing.

22 274. Mr. Reed was injured by Respondent’s conduct.

23 275. On February 8, 2017, Ms. Reed and Mr. Reed drove to Respondent’s office, and

1 met with someone who worked in the office.

2 276. Mr. Reed signed a single-page document that purported to be the last page of the
3 parenting plan.

4 277. On February 10, 2017, Ms. Reed emailed Respondent and asked if the document
5 had been filed, if there was a court date, and if Katherine Mooney had been served. Respondent
6 responded by email “yes to both!” and advised that he would call after 3 p.m. that day.

7 278. Respondent’s statement that the document had been filed, that there was a court
8 date and/or that Ms. Mooney had been served was false.

9 279. Respondent did not call Jennifer Reed.

10 280. On February 11, 2017, Ms. Reed emailed Respondent twice and called once
11 requesting a phone call regarding the status.

12 281. Respondent did not respond.

13 282. On February 13, 2017, Ms. Reed emailed and texted Respondent requesting he
14 contact her with the status of the case.

15 283. Respondent did not respond.

16 284. On or about February 13, 2017, Ms. Reed went to the Whatcom County Clerk’s
17 office and learned that there was no petition or other filing related to Mr. Reed’s case.

18 285. On February 13, 2017, Jonathan Reed filed a Notice and Declaration to
19 Terminate Attorney with the Whatcom County Superior Court.

20 286. On or about February 13, 2017, Ms. Reed emailed Respondent, requesting he
21 return all original documentation they had provided and refund of the money paid. She advised
22 Respondent that she needed to pick up the documents at his office that day.

23 287. Respondent did not respond to Ms. Reed’s request for documents or request for a

1 refund.

2 288. On February 15, 2017, Ms. Reed received an email from Respondent stating he
3 was in court, but had received service confirmation “on the other side” and would call when he
4 was available.

5 289. Respondent’s statement that he had just received service confirmation was false.
6 As of February 15, 2017, Respondent had not filed anything in Whatcom County Superior
7 Court on behalf of Mr. Reed.

8 290. Respondent’s false statements to Mr. Reed and/or Ms. Reed were made
9 knowingly and with the intent to conceal the fact that Respondent had failed to perform services
10 for Mr. Reed.

11 291. Mr. Reed and/or Ms. Reed were injured by Respondent’s conduct.

12 292. On or about February 15, 2017, Ms. Reed emailed Respondent and again
13 demanded the return of Mr. Reed’s original documents and a refund of the funds she had paid
14 him. In the same email, she told Respondent that he had been “legally and officially
15 terminated.”

16 293. Respondent did not respond.

17 294. On February 16, 2017, Ms. Reed emailed Respondent and again demanded the
18 original documentation and a refund.

19 295. Respondent responded by email approximately two hours later stating he would
20 be back in Bellingham that afternoon and would call.

21 296. Respondent did not call Ms. Reed, nor did he provide the documentation or a
22 refund.

23 297. On February 16, 2017, Respondent filed a motion for temporary family law order

1 and accompanying documents in Whatcom County Superior Court.

2 298. On February 16, 2017, Respondent was not authorized to file documents on Mr.
3 Reed's behalf.

4 299. On February 17, 2017, Respondent sent to Ms. Reed an email stating he would
5 send Mr. Reed's file to his address of record.

6 300. On February 23, 2017, Mara Snyder, Ms. Reed and Mr. Reed's new lawyer, sent
7 a letter to Respondent requesting the refund of the money he received.

8 301. Ms. Snyder noted that the documents that Respondent filed on February 16, 2017
9 had significant deficiencies and a new motion had to be filed on Mr. Reed's behalf. She asked
10 that Respondent refund Mr. Reed's \$1,000 deposit.

11 302. Respondent did not respond.

12 303. Respondent did not refund any money to Mr. Reed.

13 304. Respondent was not entitled to all or part of the \$1,000 that Mr. Reed paid him.

14 305. Respondent knew that he was not entitled to all or part of Mr. Reed's fees.

15 306. Respondent used Mr. Reed's funds for his own benefit.

16 307. Mr. Reed was injured by Respondent's failure to refund his fees.

17 308. Respondent's failure to refund Mr. Reed's fees was knowing.

18 309. Respondent has not provided Mr. Reed's file to him.

19 310. Respondent's failure to provide Mr. Reed with a copy of his file was knowing.

20 311. Respondent's failure to respond to Jennifer Reed and/or Mr. Reed's reasonable
21 requests for information was knowing.

22 312. Mr. Reed was injured by Respondent's conduct.

23 313. On or about April 17, 2017, Mr. Reed filed a grievance against Respondent.

1 **COUNT 41**

2 323. By using and/or converting Mr. Reed's funds without entitlement, Respondent
3 violated RPC 1.15A(b)

4 **COUNT 42**

5 324. By falsely advising Mr. Reed and/or Ms. Reed that he had taken action on his
6 legal matter, Respondent violated RPC 8.4(c).

7 **COUNT 43**

8 325. By failing to respond to requests for a response related to Mr. Reed's grievance,
9 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b) by
10 violating ELC 1.5 and/or ELC 5.3.

11 **FACTS RELATED TO COUNTS 44-47 (Daniel Brocker)**

12 326. In or around April 2015, Daniel Brocker paid Respondent \$7,000 to represent
13 him in a land use appeal that he had filed in Whatcom County.

14 327. The hearing on Mr. Brocker's appeal was held on December 16, 2015.

15 328. A Whatcom County hearing examiner entered a final decision on February 24,
16 2016.

17 329. Respondent filed an appeal to the Whatcom County Council on March 9, 2016.

18 330. On or about March 10, 2016, Marina Engels of the Whatcom County Council
19 sent a letter to Respondent, expressing her concern that Respondent might not be familiar with
20 the county's legal process. She attached specific sections of the Whatcom County Code to the
21 letter for Respondent's review and guidance.

22 331. On or about April 19, 2016, the prosecutor filed a motion to dismiss the appeal
23 because the Respondent failed to forward the Hearing Examiner transcripts within the required

1 30 days. This requirement was among the Whatcom County Code provisions Ms. Engels had
2 forwarded to Respondent.

3 332. On or about April 19, 2016, a copy of the motion was mailed to Respondent. On
4 April 20, 2016, the County Council mailed a letter to Respondent directing him to submit
5 written comments regarding the motion to dismiss no later than April 29, 2016.

6 333. Respondent did not submit a written response to the prosecutor's motion or
7 request an extension of the due date for filing the hearing transcript.

8 334. On or about May 5, 2016, the Whatcom County Council dismissed the appeal
9 due to Respondent's failure to forward the Hearing Examiner transcripts within 30 days after
10 the appeal as required by Washington Administrative Code 20.92.630.

11 335. Mr. Brocker fired Respondent.

12 336. Mr. Brocker made numerous demands of Respondent to refund his money and
13 produce his client file.

14 337. To date, Respondent has not provided Mr. Brocker his client file.

15 338. Mr. Brocker has also requested detailed billing statements showing how his
16 funds were applied.

17 339. Respondent failed to return Mr. Brocker's phone calls and failed to provide
18 billing statements to Mr. Brocker.

19 340. Respondent's failure to respond to Mr. Brocker's requests for information was
20 knowing.

21 341. Respondent's failure to provide billing statements, Mr. Brocker's client file
22 and/or a refund to Mr. Brocker was knowing.

23 342. Mr. Brocker was injured by Respondent's conduct.

1 343. On about May 15, 2017, Mr. Brocker filed a grievance against Respondent.

2 344. On May 16, 2017, ODC sent a letter to Respondent requesting Respondent's
3 written response to the grievance.

4 345. Respondent did not respond.

5 346. By letter dated June 19, 2017, ODC requested Respondent's written response
6 within ten days.

7 347. Respondent did not provide a written response to the grievance.

8 **COUNT 44**

9 348. By failing to act with reasonable diligence and promptness in representing Mr.
10 Brocker, Respondent violated RPC 1.3.

11 **COUNT 45**

12 349. By failing to keep Mr. Brocker reasonably informed about the status of the
13 matter, by failing to promptly comply with Mr. Brocker's reasonable requests for information
14 and/or by failing to explain matters to the extent reasonably necessary for Mr. Brocker to make
15 informed decisions about the representation, Respondent violated RPC 1.4.

16 **COUNT 46**

17 350. By failing to return the file and/or unearned fees to Mr. Brocker, Respondent
18 violated RPC 1.16(d).

19 **COUNT 47**

20 351. By failing to respond to requests for a response related to Mr. Brocker's
21 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC
22 8.1(b).

1 364. Respondent's statements were false.

2 365. As of March 23, 2017, Respondent had not filed any documents on Mr. Hand's
3 behalf.

4 366. Respondent made the false statements to Mr. Hand knowingly and with the intent
5 to benefit himself by concealing the fact that Respondent had failed to perform services for Mr.
6 Hand.

7 367. Mr. Hand was injured by Respondent's conduct.

8 368. Respondent failed to refund any fees to Mr. Hand, despite numerous demands.

9 369. Respondent was not entitled to all or part of Mr. Hand's fees.

10 370. Respondent knew that he was not entitled to all or part of Mr. Hand's fees.

11 371. Respondent used Mr. Hand's funds for his own benefit.

12 372. Mr. Hand was injured by Respondent's failure to refund his fees.

13 373. Respondent's failure to respond to Mr. Hand's reasonable requests for
14 information was knowing.

15 374. Mr. Hand was injured by Respondent's conduct.

16 375. Mr. Hand filed a grievance on May 12, 2017.

17 376. On May 16, 2017, ODC sent a letter to Respondent requesting his written
18 response.

19 377. Respondent did not respond.

20 378. On June 20, 2017, ODC sent Respondent a written request for a response within
21 ten days.

22 379. Respondent did not respond.
23

1 **COUNT 48**

2 380. By failing to file Mr. Hand's dissolution action and/or by failing to perform
3 services for Mr. Hand, Respondent violated RPC 1.3.

4 **COUNT 49**

5 381. By failing to keep Mr. Hand reasonably informed about the status of the matter,
6 by failing to promptly comply with Mr. Hand's reasonable requests for information and/or by
7 failing to explain matters to the extent reasonably necessary for Mr. Hand to make informed
8 decisions about the representation, Respondent violated RPC 1.4.

9 **COUNT 50**

10 382. By failing to refund Mr. Hand's unearned fees, Respondent violated RPC
11 1.16(d).

12 **COUNT 51**

13 383. By accepting a \$1,300 fee and then failing to perform legal services as agreed,
14 Respondent violated RPC 1.5(a).

15 **COUNT 52**

16 384. By using and/or converting Mr. Hand's funds without entitlement, Respondent
17 violated RPC 1.15A(b).

18 **COUNT 53**

19 385. By advising Mr. Hand, falsely, that his dissolution case had been filed,
20 Respondent violated RPC 8.4(c).

21 **COUNT 54**

22 386. By failing to respond to numerous requests for a response related to this
23 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC
8.1(b).

1 **FACTS RELATED TO COUNTS 55-60 (Fontina Johnson)**

2 387. On December 2, 2016, Fontina Johnson hired Respondent to represent her in a
3 family law matter. Ms. Johnson paid Respondent a \$500 advanced fee and agreed to continue
4 paying him \$200-\$300 per month until her case was resolved.

5 388. On December 5 and 12, 2016, Ms. Johnson attempted to contact Respondent to
6 provide additional information and to ask some questions.

7 389. Respondent did not respond to Ms. Johnson's requests for information.

8 390. On or about December 14, 2016, Ms. Johnson arrived at Respondent's office for
9 a scheduled meeting.

10 391. Respondent did not appear at the meeting.

11 392. Ms. Johnson attempted to contact Respondent multiple times. Respondent did
12 not respond.

13 393. Respondent did little, if any, work on Ms. Johnson's case.

14 394. In late December 2016, Ms. Johnson went to the Whatcom County Courthouse to
15 investigate whether Respondent had filed any paperwork regarding her case. She learned that
16 nothing had been filed.

17 395. On or about December 31, 2016 Ms. Johnson sent Respondent a message that
18 she was firing him and requesting a full refund.

19 396. Respondent did not provide a refund to Ms. Johnson or respond to her reasonable
20 requests for information.

21 397. Respondent was not entitled to all or part of Ms. Johnson's fees.

22 398. Respondent knew that he was not entitled to all or part of Ms. Johnson's fees.

23 399. Respondent used Ms. Johnson's fees for his own purposes.

1 400. Ms. Johnson was injured by Respondent's failure to refund her fees.

2 401. Respondent's failure to communicate with Ms. Johnson was knowing.

3 402. Respondent's conduct caused injury to Ms. Johnson.

4 403. On May 14, 2017, Ms. Johnson filed a grievance against Respondent.

5 404. On May 16, 2017, ODC sent a letter to Respondent requesting his written
6 response.

7 405. Respondent did not respond.

8 406. By letter dated June 20, 2017, ODC requested Respondent's written response
9 within ten days.

10 407. Respondent did not provide a written response to the grievance.

11 **COUNT 55**

12 408. By failing to act diligently in representing Ms. Johnson, Respondent violated
13 RPC 1.3.

14 **COUNT 56**

15 409. By failing to keep Ms. Johnson reasonably informed about the status of the
16 matter, by failing to promptly comply with Ms. Johnson's reasonable requests for information
17 and/or by failing to explain matters to the extent reasonably necessary for Ms. Johnson to make
18 informed decisions about the representation, Respondent violated RPC 1.4.

19 **COUNT 57**

20 410. By accepting the \$500 fee and then failing to perform legal services as agreed,
21 Respondent violated RPC 1.5(a).

22 **COUNT 58**

23 411. By failing to refund unearned fees to Ms. Johnson, Respondent violated RPC

1 1.16(d).

2 **COUNT 59**

3 412. By using and/or converting Ms. Johnson's funds without entitlement,
4 Respondent violated RPC 1.15A(b).

5 **COUNT 60**

6 413. By failing to respond to ODC's requests for a response related to this grievance,
7 Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b).

8 **FACTS RELATED TO COUNTS 61 - (Amber Chaput)**

9 414. On or about May 26, 2016, Amber Chaput paid Respondent a \$3,000 advance
10 fee to represent her in seeking a new parenting plan and visitation agreement regarding her
11 daughter.

12 415. On or about May 27, 2016, Respondent filed a notice of appearance on behalf of
13 Ms. Chaput in Whatcom County Superior Court No. 08-3-00222-5.

14 416. Immediately after May 27, 2016, Ms. Chaput began calling Respondent's office
15 to schedule an appointment. She called almost daily and went to his office several times, but
16 was unable to make contact.

17 417. Between May 27, 2016 and August 2016, Respondent did not return Ms.
18 Chaput's phone calls.

19 418. In or around August 2016, Respondent called Ms. Chaput and told her that a
20 hearing was scheduled for September 8, 2016.

21 419. Respondent's statement that Ms. Chaput had a hearing date on September 8,
22 2016 was false.

23 420. Respondent had not filed any documents to set a hearing in Whatcom County

1 Superior Court.

2 421. Respondent's false statement to Ms. Chaput was made knowingly.

3 422. Ms. Chaput was injured by Respondent's conduct.

4 423. Ms. Chaput tried repeatedly to contact Respondent.

5 424. Respondent did not return any of Ms. Chaput's calls.

6 425. On September 8, 2016, Ms. Chaput went to the Whatcom County Superior Court
7 to attend the court hearing and learned that Respondent had not set a hearing for that day or any
8 other day.

9 426. Ms. Chaput returned home and again began trying to contact Respondent,
10 leaving messages daily. She found an alternate phone number on the internet, and began
11 leaving messages on that number as well.

12 427. Respondent never returned any of Ms. Chaput's phone calls or messages.

13 428. Respondent's failure to respond to Ms. Chaput's reasonable requests for
14 information was knowing.

15 429. Ms. Chaput was injured by Respondent's conduct.

16 430. In late October of 2016, Ms. Chaput left a message with Respondent stating she
17 wanted her money returned so she could hire new counsel.

18 431. Respondent called her back and stated she had a court date scheduled in
19 November.

20 432. Respondent's statement that Ms. Chaput had a court date scheduled in November
21 was false.

22 433. Respondent made the false statements to Ms. Chaput knowingly and with the
23 intent to benefit himself by concealing the fact that he had not performed services for Ms.

1 Chaput.

2 434. Ms. Chaput was injured by Respondent's conduct.

3 435. Ms. Chaput called the clerk at Whatcom County Superior Court, and learned
4 there was no court date set for November or any other date.

5 436. Ms. Chaput drove to Respondent's offices on both Lakeway Drive and Maple
6 Street with the intention of firing him and asking for a refund.

7 437. Respondent had abandoned both of these offices.

8 438. In February of 2017, Ms. Chaput hired new counsel, who sent Respondent two
9 certified letters demanding an accounting of the \$3,000 Ms. Chaput had paid.

10 439. Respondent did not respond.

11 440. Respondent did not refund any of Ms. Chaput's fees.

12 441. Respondent was not entitled to all or part of Ms. Chaput's fees.

13 442. Respondent knew that he was not entitled to all or part of Ms. Chaput's fees.

14 443. Respondent used Ms. Chaput's funds for his own benefit.

15 444. Ms. Chaput was injured by Respondent's failure to refund her fees.

16 445. On May 15, 2017, Ms. Chaput filed a grievance against Respondent.

17 446. On May 17, 2017, ODC sent a letter to Respondent requesting Respondent's
18 written response to the grievance.

19 447. Respondent did not provide a written response.

20 448. On June 20, 2017, ODC requested Respondent's written response within ten
21 days.

22 449. Respondent did not provide a written response.

1 **COUNT 61**

2 450. By failing to act diligently in representing Ms. Chaput, Respondent violated RPC
3 1.3.

4 **COUNT 62**

5 451. By failing to keep Ms. Chaput reasonably informed about the status of the
6 matter, by failing to promptly comply with Ms. Chaput's reasonable requests for information
7 and/or by failing to explain matters to the extent reasonably necessary for Ms. Chaput to make
8 informed decisions about the representation, Respondent violated RPC 1.4(a) and/or RPC 1.4(b)

9 **COUNT 63**

10 452. By accepting the \$3,000 fee and then failing to perform legal services as agreed,
11 Respondent violated RPC 1.5(a).

12 **COUNT 64**

13 453. By failing to refund unearned fees, Respondent violated RPC 1.16(d).

14 **COUNT 65**

15 454. By using and/or converting Ms. Chaput's funds without entitlement, Respondent
16 violated RPC 1.15A(b).

17 **COUNT 66**

18 455. By making false statements to Ms. Chaput about the status of her case,
19 Respondent violated RPC 8.4(c).

20 **COUNT 67**

21 456. By failing to respond to ODC's requests for a response related to this grievance,
22 Respondent violated RPC 8.4(I) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b).

23 **FACTS RELATED TO COUNTS 68-74 (Faiyez Mohammed)**

457. On or around March 4, 2016, Faiyez Mohammed paid a \$3,750 advanced fee to

1 Respondent to represent him in a child custody proceeding in Whatcom County Superior Court
2 No. 16-3-00027-4.

3 458. Mr. Mohammed's wife would not allow Mr. Mohammed to visit his son.

4 459. Respondent agreed to petition the court for visitation immediately upon
5 accepting the case.

6 460. After Mr. Mohammed hired Respondent, Respondent stopped returning his calls.

7 461. On June 8, 2016, Mr. Mohammed was arrested for stalking his wife.

8 462. Mr. Mohammed paid Respondent an additional \$1,650 to defend him against the
9 charges.

10 463. Respondent did little, if any work, on the criminal matter.

11 464. While Mr. Mohammed was in custody, his wife filed a motion for a protection
12 order in Whatcom County Superior Court. The court set a hearing date for June 15, 2016.

13 465. On the date of the hearing, Respondent told Mr. Mohammed not to come to court
14 because he would be in violation of the protection order if he appeared.

15 466. Respondent assured Mr. Mohammed he would appear on his behalf and the
16 protection order would be dismissed.

17 467. Respondent did not file a notice of appearance in the matter.

18 468. Respondent did not appear at the protection order hearing.

19 469. The court granted Mr. Mohammed's wife's protection order for one year. The
20 order prohibited Mr. Mohammed from having time with his son during that period.

21 470. In or around June 15, 2016, Respondent called Mr. Mohammed and told him that
22 everything was resolved, that he had won visitation, and it was being submitted to the court for
23 approval. Respondent advised that in four to six weeks, he would be able to see his son.

1 471. Respondent's statements to Mr. Mohammed were false. Respondent had not
2 resolved the visitation issue and had not submitted anything to the court on Mr. Mohammed's
3 behalf.

4 472. After June 15, 2016, Respondent failed to return Mr. Mohammed's repeated
5 calls. Mr. Mohammed drove several times to Respondent's office, but no one was ever there.
6 He sent numerous emails and left numerous messages.

7 473. From June 15, 2016 to October 6, 2016, Respondent failed to respond to Mr.
8 Mohammed's requests for information.

9 474. On October 7, 2016, Mr. Mohammed finally contacted Respondent.

10 475. Mr. Mohammed asked about the delay in getting to see his son, and Respondent
11 said that he would receive an order giving him rights to visit with his son within ten days.

12 476. Respondent's statement that Mr. Mohammed would receive an order giving him
13 rights to see his son within ten days was false.

14 477. Respondent had not filed anything with the court requesting visitation on Mr.
15 Mohammed's behalf.

16 478. Mr. Mohammed never received an order allowing him visitation with his son.

17 479. In early November 2016, Respondent called Mr. Mohammed to say that
18 opposing counsel was fighting the visitation and they would have to go back to court on
19 November 25, 2016 at 1:30 to appear before the judge.

20 480. At noon on November 25, 2016, Respondent called Mr. Mohammed and said
21 opposing counsel had consented to the visitation and there was no need to appear in court.

22 481. Respondent's statements to Mr. Mohammed were false. Respondent had not set
23 a hearing nor had he reached an agreement with opposing counsel regarding Mr. Mohammed's

1 | visitation with his son.

2 | 482. Between May 2016 and December 2016, Respondent had never filed anything
3 | with the court requesting visitation on Mr. Mohammed's behalf.

4 | 483. Respondent's false statements to Mr. Mohammed were knowing and were made
5 | to conceal the fact that he not done little, if any, work on Mr. Mohammed's case.

6 | 484. Mr. Mohammed was seriously injured by Respondent's conduct.

7 | 485. In or around November 2016, Respondent requested that Mr. Mohammed pay an
8 | additional \$3,000.

9 | 486. Mr. Mohammed used a credit card to pay the additional \$3,000, and demanded a
10 | complete accounting. Respondent never provided an accounting.

11 | 487. On December 19, 2016, Mr. Mohammed petitioned the court to terminate
12 | Respondent as his lawyer. The motion was granted.

13 | 488. Mr. Mohammed made numerous demands of Respondent for his money and file.

14 | 489. Respondent did not respond to these demands.

15 | 490. Respondent's failure to provide Mr. Mohammed with a copy of his file was
16 | knowing.

17 | 491. Mr. Mohammed was injured by Respondent's failure to provide his file.

18 | 492. Respondent did not refund any of Mr. Mohammed's fees.

19 | 493. Respondent was not entitled to all or part of Mr. Mohammed's fees.

20 | 494. Respondent knew that he was not entitled to all or part of Mr. Mohammed's fees.

21 | 495. Respondent used Mr. Mohammed's funds for his own benefit.

22 | 496. Mr. Mohammed was injured by Respondent's failure to refund his fees.

23 | 497. Mr. Mohammed filed a grievance with ODC on February 24, 2017.

1 498. On March 1, 2017, ODC sent a letter to Respondent requesting his response. He
2 did not respond.

3 499. By letter dated April 4, 2017, ODC requested Respondent's response within ten
4 days.

5 500. Respondent did not provide a written response to the grievance.

6 **COUNT 68**

7 501. By failing to act diligently in representing Mr. Mohammed, Respondent violated
8 RPC 1.3.

9 **COUNT 69**

10 502. By failing to keep Mr. Mohammed reasonably informed about the status of the
11 matter, by failing to promptly comply with Mr. Mohammed's reasonable requests for
12 information and/or by failing to explain matters to the extent reasonably necessary for Mr.
13 Mohammed to make informed decisions about the representation, Respondent violated RPC 1.4.

14 **COUNT 70**

15 503. By accepting \$8,400 in legal fees and then failing to perform legal services as
16 agreed, Respondent violated RPC 1.5(a).

17 **COUNT 71**

18 504. By making one or more false statements to his client about the status of his case,
19 Respondent violated RPC 8.4(c).

20 **COUNT 72**

21 505. By failing to provide Mr. Mohammed's client file and/or by failing to refund Mr.
22 Mohammed's unearned fees, Respondent violated RPC 1.16(d).

1 **COUNT 73**

2 506. By using and/or converting Mr. Mohammed's funds without entitlement,
3 Respondent violated RPC 1.15A(b).

4 **COUNT 74**

5 507. By failing to respond to requests for a response related to Mr. Mohammed's
6 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC
7 8.1(b).

8 **FACTS RELATED TO COUNTS 75-81 (Zachary Hogan)**

9 508. In 2011, Zachary Hogan was an active member of the military deployed in
10 Afghanistan. While deployed, his wife told him that she wanted a divorce.

11 509. In June 2011, Mr. Hogan paid Respondent a \$3,000 advance fee.

12 510. In August 2011, Respondent filed a petition for dissolution in Thurston County
13 Superior Court No. 11-3-01258-2.

14 511. After several months, Mr. Hogan asked Respondent what was taking so long.

15 512. Respondent assured Mr. Hogan that everything would be completed soon.

16 513. In January 2012, Respondent told Mr. Hogan that his wife had defaulted.

17 514. Respondent's statement that Mr. Hogan's wife had defaulted was false.

18 515. Respondent had not yet served the dissolution petition on Mr. Hogan's wife and
19 there was no default.

20 516. In April 2012, the court issued an order to show cause because no proof of
21 service had been filed for more than four months.

22 517. Respondent received, but did not respond to this notice.

23 518. The case was dismissed in July 2012.

1 519. Respondent did not inform Mr. Hogan that his case had been dismissed.

2 520. Between July 2012 and May 2013, Respondent told Mr. Hogan that that his
3 dissolution was pending and that he was "pushing as fast as [he] can."

4 521. Respondent's statements were false.

5 522. Respondent's false statements were made knowingly and for the purpose of
6 concealing the fact that he done little if any work on the case.

7 523. In May 2013, Mr. Hogan contacted the court and learned that his case had been
8 dismissed in 2012.

9 524. Mr. Hogan confronted Respondent, who claimed it was all a mistake by the court
10 and he would re-file the case immediately.

11 525. In August 2013, Respondent assured Mr. Hogan that his dissolution had been
12 filed and that he was awaiting a hearing.

13 526. Respondent's statement was false. Respondent did not re-file the dissolution
14 until May 7, 2014.

15 527. Over the next three years, Respondent falsely informed Mr. Hogan that he
16 attended hearings on Mr. Hogan's behalf.

17 528. Respondent's statements were false. Respondent had not attended any hearings
18 on Mr. Hogan's behalf.

19 529. On March 14, 2017, Respondent told Mr. Hogan that his case was going to trial
20 on March 21, 2017.

21 530. On March 20, 2017, Respondent called and told Mr. Hogan that the trial was
22 postponed to allow Respondent to prepare for a criminal case.

23 531. These statements were false. Mr. Hogan's case had not been set for trial, nor had

1 the trial been postponed.

2 532. Respondent's failure to pursue Mr. Hogan's case was knowing.

3 533. Mr. Hogan demanded a copy of his file.

4 534. Respondent was not entitled to all or part of Mr. Hogan's fees.

5 535. Respondent did not refund Mr. Hogan's fees.

6 536. Respondent's failure to refund Mr. Hogan's fees was knowing.

7 537. Mr. Hogan was injured by Respondent's failure to refund his fees.

8 538. Respondent failed to provide Mr. Hogan with a copy of his client file.

9 539. Respondent's failure to provide a copy of Mr. Hogan's client file was knowing.

10 540. Mr. Hogan was injured by Respondent's conduct.

11 541. On or about March 22, 2017, Mr. Hogan filed a grievance against Respondent.

12 542. On March 27, 2017, ODC sent the grievance to Respondent and requested a
13 response.

14 543. Respondent did not respond.

15 544. By letter dated May 2, 2017, ODC requested Respondent's response within 10
16 days.

17 545. Respondent did not respond.

18 546. On May 13, 2017, Respondent sent an email to ODC, stating that Mr. Hogan's
19 case "should be set for resolution within a week in Thurston County.

20 547. This statement was false.

21 **COUNT 75**

22 548. By failing to act diligently in representing Mr. Hogan, Respondent violated RPC
23 1.3.

1 **COUNT 76**

2 549. By failing to keep Mr. Hogan reasonably informed about the status of the matter,
3 by failing to promptly respond to Mr. Hogan's reasonable requests for information and/or by
4 failing to explain matters to the extent reasonably necessary for Mr. Hogan to make informed
5 decisions about the representation, Respondent violated RPC 1.4.

6 **COUNT 77**

7 550. By accepting the \$3,000 fee and then failing to perform legal services as agreed,
8 Respondent violated RPC 1.5(a).

9 **COUNT 78**

10 551. By failing to return Mr. Hogan's client file and unearned fees, Respondent
11 violated RPC 1.16(d).

12 **COUNT 79**

13 552. By failing to respond to requests for a response related to Mr. Hogan's
14 grievance, Respondent violated RPC 8.4(l) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC
15 8.1(b).

16 **COUNT 80**

17 553. By making false statements to his client about the status of his case, Respondent
18 violated RPC 8.4(c).

19 **COUNT 81**

20 554. By providing false information to ODC about the status of Mr. Hogan's
21 dissolution, Respondent violated RPC 8.1(a) and RPC 8.4(c).

22 **FACTS RELATED TO COUNT 82-83 (Judge Deborra Garrett et. al.)**

23 555. In February 2017, Whatcom County Superior Court Judges Deborra Garrett, Ira
John Uhrig, Charles Snyder, and Raquel Montoya Lewis (collectively "the Judges") filed a

1 grievance with ODC relating to complaints from multiple litigants in Whatcom County Superior
2 Court that their lawyer, Robert La Rocco, had failed to perform legal services or refused to
3 perform an essential function of the representation: to appear at a hearing, to defend important
4 allegations, or to file required documents, including orders to finalize dissolution proceedings
5 and parenting plans.

6 556. The complaints received by the Judges stated that multiple litigants had been
7 unable to reach Mr. La Rocco by telephone or email and that he vacated his offices without
8 leaving any forwarding address or information that would allow his clients to reach him.

9 557. The complainants represented to the court that they had sought a refund of fees
10 after Mr. La Rocco did not complete tasks he agreed to do, that they were unable to contact Mr.
11 La Rocco, and that their fees were not returned.

12 558. The complainants' inability to reach Mr. La Rocco and his failure to return their
13 calls as well as the calls of opposing counsel resulted in the complete halt of proceedings in
14 multiple matters as opposing counsel could not speak to the complainants directly and Mr. La
15 Rocco did not communicate with his clients or opposing counsel.

16 559. On March 9, 2017, ODC sent a letter to Respondent requesting his response to
17 the Judges' grievance.

18 560. Respondent did not respond.

19 561. By letter dated April 12, 2017, ODC requested Respondent's response to the
20 grievance within ten days. Respondent did not file a written response.

21 **COUNT 82**

22 562. By failing to respond to requests for a response related to the Judges' grievance,
23 Respondent violated RPC 8.4(*l*) (by violating ELC 1.5 and/or ELC 5.3) and/or RPC 8.1(b).

1 **ADDITIONAL FACTS**

2 563. Respondent engaged in a pattern of neglect with respect to the client matters
3 described above that has caused serious or potentially serious injury to one or more clients

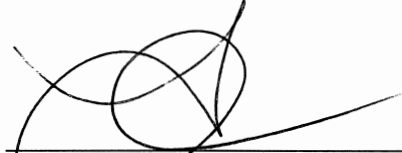
4 564. Respondent's conduct seriously adversely reflects on Respondent's fitness to
5 practice law.

6 565. Respondent's conduct in failing to respond to grievances was knowing and done
7 with the intent to obtain a benefit for himself by delaying the proceedings against him.

8 566. Respondent's conduct in failing to respond to the grievances filed against him
9 has caused serious injury to the disciplinary system and to the Office of Disciplinary Counsel.

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

13
14 Dated this 2 day of April, 2017.

15
16 
17 _____
Francesca D'Angelo, Bar No. 22972
Senior Disciplinary Counsel