#### FILED STATE BAR OF CALIFORNIA OFFICE OF CHIEF TRIAL COUNSEL MAY 18 2017 GREGORY DRESSER, No. 136532 INTERIM CHIEF TRIAL COUNSEL STATE BAR COURT 3 DONNA S. HERSHKOWITZ, No. 172480 **CLERK'S OFFICE** ACTING DEPUTY CHIEF TRIAL COUNSEL LOS ANGELES JOHN T. KELLEY, No. 193646 ASSISTANT CHIEF TRIAL COUNSEL WILLIAM S. TODD, No. 259194 SUPERVISING ATTORNEY **PUBLIC MATTER** SHATAKA SHORES-BROOKS, No. 240392 **DEPUTY TRIAL COUNSEL** 845 South Figueroa Street Los Angeles, California 90017-2515 Telephone: (213) 765-1091 8 9 STATE BAR COURT 10 **HEARING DEPARTMENT - LOS ANGELES** 11 12 Case Nos. 16-O-10058; 16-O-10765; 16-O-In the Matter of: 13 13874 14 VICTOR SALAS JR., NOTICE OF DISCIPLINARY CHARGES No. 138107, 15 16 A Member of the State Bar. **NOTICE - FAILURE TO RESPOND!** 17 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE 18 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL: 19 (1) YOUR DEFAULT WILL BE ENTERED; 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW; 21 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION 22 AND THE DEFAULT IS SET ASIDE, AND; (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. 23 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN 24 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., 25 RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA. /// 26 27 ///

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1 The State Bar of California alleges: 2 JURISDICTION 3 1. Victor Salas Jr. ("Respondent") was admitted to the practice of law in the State of 4 California on December 8, 1988, was a member at all times pertinent to these charges, and is 5 currently a member of the State Bar of California. 6 COUNT ONE 7 Case No. 16-O-10058 Business and Professions Code, section 6068(d) 8 [Seeking to Mislead a Judge] 9 2. On or about October 28, 2015, Respondent filed or caused to be filed with the court, a 10 Notice of Motion and Petition to Expunge Conviction ("the document") per Penal Code Section 11 1203.4 in *People v. Maya*, Ventura County Superior Court case no. 2010031209, in which 12 Respondent knew the client's signature on the document was forged, and thereby sought to 13 mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful 14 violation of Business and Professions Code, section 6068(d). 15 **COUNT TWO** 16 Case No. 16-O-10058 Business and Professions Code, section 6106 17 [Moral Turpitude] 18 3. On or about October 28, 2015, Respondent filed or caused to be filed with the court, a 19 Notice of Motion and Petition to Expunge Conviction per Penal Code Section 1203.4 in *People* 20 v. Maya, Ventura County Superior Court case no. 2010031209, when Respondent knew or was 21 grossly negligent in not knowing the client's signature on the document was forged, and thereby 22 committed an act involving moral turpitude, dishonesty or corruption in willful violation of 23 Business and Professions Code, section 6106. 24 COUNT THREE 25 Case No. 16-O-10058 Business and Professions Code, section 6106 26 [Moral Turpitude] 27 4. In or about October 2015, Respondent forged or caused his client's name to be forged

on the Petition to Expunge Conviction per Penal Code Section 1203.4 filed with the court on

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1	October 28, 2015, when Respondent knew or was grossly negligent in not knowing the client's				
2	signature on the document was forged, and thereby committed an act involving moral turpitude				
3	dishonesty or corruption in willful violation of Business and Professions Code, section 6106.				
4	<u>COUNT FOUR</u>				
5	Case No. 16-O-10058 Business and Professions Code, section 6068(m) [Failure to Respond to Client Inquiries]				
7	5. Respondent failed to respond promptly to reasonable telephonic status inquiries made				
8	by Respondent's client, Misael Maya, between September 2015 and October 2015 that				
9	Respondent received in a matter in which Respondent had agreed to provide legal services, in				
10	willful violation of Business and Professions Code section 6068(m).				
11	COUNT FIVE				
12 13	Case No. 16-O-10058  Business and Professions Code, section 6068(m)  [Failure to Inform Client of Significant Development]				
14	6. Respondent failed to keep Respondent's client, Misael Maya, reasonably informed of				
15	significant developments in a matter in which Respondent had agreed to provide legal services,				
16	in willful violation of Business and Professions Code, section 6068(m), by failing to inform his				
17	client of the October 30, 2015 continuance and by failing to inform his client of the court's				
18	December 9, 2015 denial of the client's Petition to Expunge Conviction.				
19	COUNT SIX				
20	Case No. 16-O-10058				
21	Rules of Professional Conduct, rule 3-310(F) [Accepting Fees From a Non-Client]				
22	7. On or about May 21, 2015, Respondent accepted \$1,250 from Rigoverto Vences as				
23	compensation for representing a client, Misael Maya, without obtaining his client's informed				
24	written consent to receive such compensation, in willful violation of the Rules of Professional				
25	Conduct, rule 3-310(F).				
26	///				
27	///				
20					

#### 1 COUNT SEVEN Case No. 16-O-10765 2 Rules of Professional Conduct, rule 4-100(A) 3 [Commingling Personal Funds in Client Trust Account] On or about June 16, 2015, Respondent deposited or commingled funds belonging to 4 Respondent into Respondent's client trust account by depositing a payment to Respondent for 5 office space, from attorney Daniel Kann, into Respondent's client trust account at JPMorgan 6 7 Chase Bank, account no. xxxxx2398, as follows in wilful violation Rules of Professional Conduct, rule 4-100(A): 8 FORM OF DEPOSIT 9 DATE OF DEPOSIT AMT. DEPOSITED Check no. 1897 10 June 16, 2015 \$400 **COUNT EIGHT** 11 Case No. 16-O-13874 12 Rules of Professional Conduct, rule 3-310(F) [Accepting Fees From a Non-Client] 13 9. On or about July 2, 2015 Respondent accepted \$1000 from Antonio Orozco and on 14 October 23, 2015 Respondent accepted \$500 from Kathy Ayala as compensation for representing 15 a client, Elias Orozco, without obtaining his client's informed written consent to receive such 16 compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F). 17 18 /// 19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 27 28

#### **NOTICE - INACTIVE ENROLLMENT!**

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

### **NOTICE - COST ASSESSMENT!**

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: May 18, 2017

Shataka Shores-Brooks Deputy Trial Counsel

# DECLARATION OF SERVICE

 $\label{eq:by} \textbf{U.S. FIRST-CLASS MAIL}/\textbf{U.S. CERTIFIED MAIL}/\textbf{OVERNIGHT DELIVERY}/\textbf{FACSIMILE-ELECTRONIC TRANSMISSION}$ 

## CASE NUMBER(s): 16-O-10058;16-O-10765; 16-O-13874

California	I, the undersigned, am over a, 845 South Figueroa Stree	the age of eighteen (18) years and not a party to the within t, Los Angeles, California 90017, declare that:	n action, whose business address	and place of employment is the State Bar of			
- on the date shown below, I caused to be served a true copy of the within document described as follows:							
NOTICE OF DISCIPLINARY CHARGES							
	By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))  - in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County  - of Los Angeles.						
	By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))  - I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').						
	By Fax Transmission: (CCP §§ 1013(e) and 1013(f)) Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.						
	By Electronic Service: (CCP § 1010.6)  Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.						
	(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)						
	(for Cortified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  Article No.: 7196 9008 9111 1007 6734 at Los Angeles, addressed to: (see below)						
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,  Tracking No.: addressed to: (see below)							
THE RESERVE TO A PROPERTY OF THE PERSON OF T	Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:			
JEFFREY S. VALLENS		Law Offices of Jeffrey S Vallens 16030 Ventura Blvd Ste 470 Encino, CA 91436-4493	Electronic Address				
□ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:							
N/A							
aucmiaht	dolivor by the United Darr	e State Bar of California's practice for collection and proces el Service ('UPS'). In the ordinary course of the State Bar e United States Postal Service that same day, and for over	of California's practice, correspond	dence collected and processed by the State ball of			
I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.							
I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.  DATED: May 18, 2017  SIGNED:							
DATED: <b>May 18, 2017</b> Signature Sign		SIGNED:	KIM WIMBISH Declarant	mush			