



# PUBLIC MATTER

FILED

JUN 14 2018

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case No. 17-O-01114-DFM
	)	
CRAIG EUGENE MUNSON,	)	
	)	DECISION AND ORDER OF
A Member of the State Bar, No. 143833.	)	INVOLUNTARY INACTIVE
	)	ENROLLMENT
	)	

Respondent Craig Eugene Munson (Respondent) was charged with one count of violation of the Business and Professions Code.<sup>1</sup> He failed to participate, either in person or through counsel, and his default was entered. The Office of Chief Trial Counsel of the State Bar of California (OCTC) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.<sup>2</sup>

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to respond to the notice of disciplinary charges

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<sup>1</sup> Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

<sup>2</sup> Unless otherwise indicated, all references to rules are to this source.

(NDC) and the attorney fails to have the default set aside or vacated within 90 days, OCTC will file a petition requesting the court to recommend the attorney's disbarment.<sup>3</sup>

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

### **FINDINGS AND CONCLUSIONS**

Respondent was admitted to practice law in California on December 11, 1989, and has been a member since then.

#### **Procedural Requirements Have Been Satisfied**

On November 3, 2017, OCTC properly filed and served a notice of disciplinary charges (NDC) on Respondent by certified mail, return receipt requested, to his membership records address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) Courtesy copy of the NDC was also sent to Respondent by regular first class mail to his membership records address. On November 8, 2017, OCTC received the signed return receipt, but the signature was not legible.

On November 21, 2017, a courtesy copy of the NDC was again sent to Respondent by regular first class mail to his membership records address and now also by email to his membership records email address. The mailings were not returned. Furthermore, on the same day, OCTC left a voicemail on Respondent's official membership records telephone number. Respondent did not reply to the voicemail.

Because Respondent was recently on disciplinary probation, OCTC contacted his assigned probation deputy for any other alternate address and was advised of none.

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<sup>3</sup> If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

Respondent failed to file a response to the NDC. On December 11, 2017, OCTC properly filed and served a motion for entry of Respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the State Bar deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment. On December 18, 2017, OCTC received the return receipt, signed by Eriena Munson.

Respondent did not file a response to the motion, and his default was entered on January 9, 2018. The order entering the default was served on Respondent at his membership records address by certified mail, return receipt requested. The court also ordered Respondent's involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order. He has remained inactively enrolled since that time.

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].)

On April 18, 2018, OCTC properly filed and served the petition for disbarment on Respondent at his official membership records address. As required by rule 5.85(A), OCTC reported in the petition that: (1) there has been no contact with Respondent since his default was entered; (2) there is no disciplinary matter pending against Respondent; (3) Respondent has three records of prior discipline; and (4) the Client Security Fund has not paid any claims as a result of Respondent's misconduct.

Respondent has not responded to the petition for disbarment or moved to set aside or vacate the default. The case was submitted for decision on May 15, 2018.

### **Prior Record of Discipline**

Respondent has been disciplined on three prior occasions.

*Case Nos. 07-O-12345, 08-O-11899, 08-O-12232*

In Respondent's first record of discipline, pursuant to a Supreme Court order filed on November 21, 2008, Respondent was suspended for one year, the execution of which was stayed, placed on probation for one year, and actually suspended for 30 days. Respondent stipulated to numerous violations of the prohibition of rule 4-100 against commingling personal funds in his client trust account.

*Case Nos. 10-O-00128, 10-O-07986, 10-O-10606*

In his second prior record of discipline, pursuant to a Supreme Court order filed on December 13, 2011, Respondent was suspended for one year, the execution of which was stayed, and placed on probation for two years, with conditions of probation not including any period of actual suspension. Respondent's stipulated misconduct in three matters involved violations of rule 3-110(A) (failure to perform services competently), section 6103 (failure to obey court order), and section 6068, subdivision (m) (failure to communicate).

*Case No. 13-PM-17127*

In his third prior record of discipline, pursuant to a Supreme Court order filed on June 12, 2014, Respondent was suspended for one year, the execution of which was stayed, and placed on probation for two years, and actually suspended for six months for his multiple acts of probation violations.

### **The Admitted Factual Allegations Warrant the Imposition of Discipline**

Upon entry of a respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that

Respondent is culpable as charged and, therefore, violated a statute, rule or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

**Case Number 17-O-01114 (Probation Violation Matter)**

Count 1 – Respondent willfully violated section 6068, subdivision (k), by violating the conditions attached to his disciplinary probation in Supreme Court case No. S197097, including failing to submit two quarterly reports due January 10 and July 10, 2016, and the final report due July 12, 2016; failing to attend Ethics School; and failing to reply to the Office of Probation's inquiry.

**Disbarment Is Recommended**

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent's disbarment is recommended. In particular:

- (1) The NDC was properly served on Respondent under rule 5.25;
- (2) Reasonable diligence was used to notify Respondent of the proceedings prior to the entry of his default;
- (3) The default was properly entered under rule 5.80; and
- (4) The factual allegations in the NDC, deemed admitted by the entry of the default, support a finding that Respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends his disbarment.

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## RECOMMENDATIONS

### Disbarment

The court recommends that respondent **Craig Eugene Munson**, State Bar number 143833, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

### California Rules of Court, Rule 9.20

The court also recommends that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

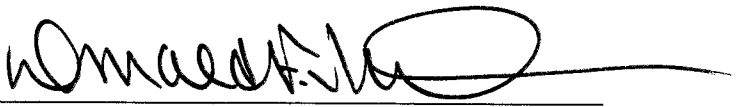
### Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

### ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders **Craig Eugene Munson**, State Bar number 143833, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: June 14, 2018

  
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DONALD F. MILES  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 14, 2018, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

CRAIG E. MUNSON  
321 N ATLANTIC BLVD  
ALHAMBRA, CA 91801

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

SCOTT D. KARPFF, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 14, 2018.



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Mazie Yip  
Court Specialist  
State Bar Court