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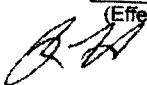
**State Bar Court of California
Hearing Department
San Francisco
DISBARMENT**

<p>Counsel for the State Bar</p> <p>Erica L. M. Dennings Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2285</p> <p>Bar # 145755</p>	<p>Case Number(s): 17-O-5481-PEM 17-O-6005 17-O-6223 18-O-11204 18-O-12555</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>OCT 01 2018</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Ilja Cvetich 1541 Castec Drive Sacramento, CA 95864 (916) 719-6516</p> <p>Bar # 133534</p>	<p>kwiktag® 241 070 230</p> 	
<p>In the Matter of: ILJA CVETICH</p> <p>Bar # 133534</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 14, 1988**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline:**
- (a) State Bar Court case # of prior case: **15-O-10021-LMA (See Exhibit 1; see page 9).**
 - (b) Date prior discipline effective: **July 23, 2017**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **4-100(A), 4-100(B)(1), 4-100(B)(4), 6106. (misappropriation)**
 - (d) Degree of prior discipline: **Three years' probation, two years' actual suspension.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith. **See page 9.**
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.

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- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See page 9.**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 9.**
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [Standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances: Pre-trial Stipulation: See page 9.

D. Recommended Discipline:

Disbarment

Respondent is disbarred from the practice of law in California and Respondent's name is stricken from the roll of attorneys.

E. Additional Requirements:

- (1) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and 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 imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Atheam v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (2) **Restitution (Single Payee):** Respondent must make restitution in the amount of \$ _____, plus 10 percent interest per year from _____ to _____ (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5).
- (3) **Restitution (Multiple Payees):** Respondent must make restitution to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ILIJA CVETICH

CASE NUMBERS: 17-O-5481-PEM, 17-O-6005, 17-O-6223,
 18-O-11204, 18-O-12555

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 17-O-5481-PEM (Complainant: Elena Maslova)

FACTS:

1. On May 29, 2013, Elena Maslova ("Maslova") hired respondent to represent her in a dental malpractice lawsuit. Maslova paid respondent \$2,250 as advanced fees.
2. On September 25, 2013, respondent filed a lawsuit, *Elena Maslova v. Gennady Fundaminsky DDS*, Los Angeles County Superior Court No. BC522455. Respondent did not serve the lawsuit or file a proof of service. The court set a final status conference for March 11, 2015, and trial on March 25, 2015. Respondent received notice of the status conference and trial dates.
3. Respondent failed to appear on both March 11, 2015 and March 25, 2015. On March 25, 2015, the court dismissed the case for failure to appear and prosecute. Respondent had notice of the dismissal. Respondent never informed Maslova that her case had been dismissed.
4. On September 24, 2015, respondent filed a motion to set aside the dismissal. Respondent did not inform Maslova that he filed the motion.
5. On February 22, 2016, respondent served the summons and complaint on defendant.
6. On February 22, 2016, the court issued a tentative ruling granting the motion to vacate and set future court dates including a trial date of October 27, 2016. Respondent received the ruling. The court records do not reflect that tentative ruling became final does not reflect any further proceeding after February 2016.
7. On February 23, 2016, respondent informed Maslova via email that the court had ruled in her favor and that there were various new dates, including a trial date.
8. On March 18, 2016, respondent filed the proof of service of summons and complaint. Thereafter, respondent failed to take further steps to prosecute the case.

9. Between October 26, 2016 and April 28, 2017, Maslova called respondent on numerous occasions to determine the status of her case, leaving messages for respondent to return her calls. Respondent received them, but failed to return Maslova's calls.

CONCLUSIONS OF LAW:

10. By failing to appear for trial on March 25, 2015, and by not taking any steps to prosecute Maslova's case after filing the proof of summons and complaint, respondent repeatedly failed to perform competently, in willful violation of Rules of Professional Conduct, rule 3-110(A).

11. By not responding to Maslova's phone calls requesting a status update, respondent failed to respond promptly to reasonable status inquiries in willful violation of Business and Professions Code, section 6068(m).

12. By not informing Maslova that the case was dismissed, that he served the summons and complaint on February 22, 2016, and that he filed the proof of summons and complaint on March 16, 2016, respondent failed to keep his client reasonably informed of significant development in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

Case No. 17-O-6005-PEM (Complainant: Tor Smith)

FACTS:

13. On October 4, 2016, Tor Smith ("Smith") hired respondent to represent him in a workers' compensation claim and a wrongful termination lawsuit. Smith provided respondent with documents to support his claim.

14. On November 4, 2016, respondent contacted Smith's employer about Smith's claim. Thereafter, respondent failed to take any steps to pursue Smith's case including not filing an application with the Workers' Compensation Appeals Board ("WCAB") or filing a lawsuit for wrongful termination.

15. On December 6, 2016, December 19, 2016 and January 13, 2017, Smith emailed respondent to determine the status of his case. Respondent received the emails, but failed to respond.

16. On December 31, 2016, Smith sent respondent an overdue bill from a medical provider via email and asked respondent to contact him. Respondent received the email, but failed to respond.

CONCLUSIONS OF LAW:

17. By failing to file an application with the Workers' Compensation Appeals' Board and by failing to file a lawsuit for wrongful termination, respondent intentionally failed to perform competently in willful violation of Rules of Professional Conduct, rule 3-110(A).

18. By not responding to Smith's emails of December 6, 16, and 31, 2016 and January 13, 2017, respondent failed to respond promptly to reasonable status inquiries in willful violation of Business and Professions Code, section 6068(m).

Case No. 17-O-6223-PEM (Complainant: Joaquin Lopez)

FACTS:

19. On July 17, 2013, Joaquin Lopez hired respondent to represent him in a Workers' Compensation matter.

20. On July 19, 2013, respondent requested and Lopez paid respondent \$1,000 for representation in the workers' compensation matter. Respondent collected an illegal fee in violation of California Labor Code Section 4906(b) which prohibits an attorney from demanding or accepting any fee from an employee for representation in a workers' compensation matter until the amount of the fees has been approved or set by the Workers Compensation Appeals Board. ("WCAB")

21. On September 3, 2013, respondent filed an application on Lopez's behalf with the WCAB.

22. Thereafter, upon respondent's advice, Smith rejected defendant's settlement offer of \$10,000.

23. On July 7, 2014, respondent made a settlement demand for \$150,000. The defendant did not respond. Subsequently, respondent failed to do any further work on Lopez's case.

24. By order dated June 23, 2017, in case 15-O-10021 (S241079), the Supreme Court actually suspended respondent for two years and until respondent complies with Standard 1.2(c)(i). The suspension became effective on July 23, 2017.

25. On August 20, 2017, respondent sent a letter informing Lopez he was suspended. Lopez asked respondent to return his \$1,000. Respondent received the letter, but failed to respond to this request.

26. On September 20, 2017, Lopez dismissed respondent as attorney and subsequently represented himself.

27. On October 19, 2017, the WCAB approved a settlement of \$10,000 for Lopez. The WCAB ordered that 12% of the award, or \$1,200, be paid as attorney's fees. When Lopez informed the court that he had already paid respondent \$1,000, the court ordered that the entire amount, including the 12% for attorney's fees, be paid to CW.

CONCLUSIONS OF LAW:

28. By demanding and collecting \$1,000 for representation in the workers' compensation case before the fees were approved by the WCAB, respondent collected an illegal fee in violation of California Labor Code Section 4906(b) and therefore violated Rules of Professional Conduct, Rule 4-200 and Business and Professions Code, section 6068(a).

29. By not taking any further actions to prosecute the case after making a settlement demand, respondent intentionally failed to perform competently in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 18-O-11204-PEM (State Bar Investigation)

FACTS:

30. By order dated June 23, 2017, in case 15-O-10021 (S241079), the Supreme Court actually suspended respondent for two years and until respondent complies with Standard 1.2(c)(i). The suspension became effective on July 23, 2017. Respondent was required to comply with the following conditions:

- (a) File Quarterly Reports by January 10, April 10, July 10, and October 10;
- (b) File Reports on possession of client funds or statement that respondent does not possess client funds;
- (c) Attend self-help meetings at least two times per month and report monthly by the 10th of every month; and
- (d) Attend therapy with a mental health professional at least 2 times per month and report quarterly;

Respondent was aware of the conditions and the deadline for compliance.

31. Thereafter, respondent failed to comply with conditions attached to his disciplinary probation as follows:

- (a) Failed to submit a compliant quarterly report due October 10, 2017;
- (b) Failed to submit a quarterly report due April 10, 2018;
- (c) Failed to provide client's funds certificates by October 10, 2017, January 10, 2018 and April 10, 2018;
- (d) Failed to provide proof of attendance at two AA self-help meetings per month for the months of July 2017 and March 2018;
- (e) Failed to timely provide proof of attendance at two self-help meetings per month for the months of August 2017 and October 2017;
- (f) Failed to provide proof of attendance at two mental health sessions per month for the months of October, November, December 2017 and March 2018.

CONCLUSIONS OF LAW:

32. By not submitting a compliant quarterly report due October 10, 2017, not submitting a quarterly report due April 10, 2018, not providing client's funds certificates by October 10, 2017, January 10, 2018 and April 10, 2018, not providing proof of attendance at two self-help meetings per month for the months of July 2017 and March 2018, not providing timely proof of attendance at two self-help meetings per month for the months of August 2017 and October 2017, and not providing proof of attendance at two mental health sessions per month for the months of October, November, December 2017 and March 2018, respondent failed to comply with probation conditions in willful violation of Business and Professions Code, section 6068(k).

Case No. 18-O-12555-PEM (State Bar Investigation)

FACTS:

33. By order dated June 23, 2017, the Supreme Court ordered respondent to comply with California Rules of Court, rules 9.20 (a) and (c) which required respondent to notify pending clients of

his suspension and to file a declaration stating that he had notified all clients, respectively. Respondent was required to file his Rule 9.20 declaration no later than September 8, 2017. Respondent filed his declaration on September 12, 2017. Respondent also failed to notify clients, Elena Maslova and Tor Smith, of his suspension. On September 8, 2017, respondent falsely stated in his declaration under penalty of perjury that he had complied with rule 9.20 (a) when he knew that such statement was false.

CONCLUSIONS OF LAW:

34. By not filing his 9.20 declaration timely and by not notifying Maslova and Smith of his suspension, respondent willfully violated California Rules of Court, rule 9.20.

35. By stating under penalty of perjury in his declaration that he complied with rule 9.20 (a) when he knew the statement was false, respondent committed an act involving moral turpitude, dishonesty, and corruption in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Effective July 23, 2017, in case 15-O-10021 (S241079) respondent was actually suspended for two years and until compliance with Standard 1.2(c)(i). Respondent stipulated to violations of Rules of Professional Conduct, rules 4-100(A), 4-100(B)(1), and 4-100(B)(4) and Business and Professions Code, section 6106 in one client matter. Respondent misappropriated \$10,475.22; failed to promptly pay client; failed to maintain client funds in trust account; forged his client's signature on settlement check and had client's signature forged on settlement release.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent failed to competently perform legal services in three client matters, failed to communicate, accepted an illegal fee, failed to comply with probation conditions, failed to comply with California Rules of Court 9.20 and made a false statement on his 9.20 declaration that he notified all clients and opposing counsel of his suspension. This demonstrates multiple acts of misconduct.

Significant harm to the client, the public, or the administration of justice (Std. 1.5(j)): Respondent failed to perform in three clients matters, wasted valuable judicial resources, and deprived a client of \$1,000 for years by taking an illegal fee.

ADDITIONAL MITIGATING CIRCUMSTANCES

Pretrial stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the

courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing more than nine acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in Standard 2.11 which applies to respondent's violation of Business and Professions Code, section 6106 for making a false statement on his California Rules of Court 9.20 declaration. Std. 2.11 calls for disbarment or actual suspension as the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's practice of law. In this case, respondent's failure to notify his clients of his suspension caused harm because he abandoned their cases, and they were not given the opportunity to seek other counsel. Because there is great harm to his clients and the administration of justice, disbarment is warranted for this violation. Additionally, disbarment is the usual and presumptive sanction for a willful violation of Rule 9.20. In *Bercovich v. State Bar* (1990) 50 Cal. 3d 46, the court disbarred the attorney for willfully failing to comply with rule 9.55, (by not notifying his clients of his suspension) and rejected his claimed mitigation as inadequate to deviate from the usual sanction of disbarment. Like the attorney in *Bercovich*, respondent failed to notify his clients of his suspension.

Standard 1.8 provides guidance on subsequent discipline when there is a prior record of discipline. Discipline in a subsequent matter must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would seem unjust. Respondent's prior is not remote in time and the misconduct was serious. Therefore, discipline greater than two years' actual suspension is appropriate.

In the Matter of Shalant (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr 829 provides guidance on the appropriate discipline. In *Shalant*, the Review Department recommended the attorney be disbarred for

modifying a fee agreement at a critical point in the litigation, which constituted an act of moral turpitude, and violated the Medical Injury Compensation Reform Act. Shalant had four prior records of discipline, none of which included actual suspension, and no mitigation. In recommending disbarment, the court considered the nature of Shalant's prior records of discipline and concluded that disbarment was necessary because Shalant posed a risk to his clients, showed indifference toward the consequences of his misconduct, and had no mitigation. Like the attorney in *Shalant*, respondent's prior misconduct was very serious (misappropriation) and in this matter, respondent disregarded the interests of his clients and failed to comply with probation conditions. Respondent was given an opportunity to conform his conduct and comply with probation, but has failed to do so.

The attorney in *Barnum v. State Bar* (1990) 52 Cal.3d. 104 was disbarred for collecting an unconscionable fee, willfully disobeying court orders, and failing to participate in the disciplinary investigation. In disbaring respondent the court found that the attorney in *Barnum* was not a good candidate for suspension and/or probation as he had been previously disciplined and had violated terms of his probation.

Like the attorneys in *Shalant* and *Barnum*, respondent committed misconduct while on probation and violated the terms of his probation. Therefore, respondent is unwilling to conform to his conduct to ethical norms and is not a good candidate for probation.

Respondent has caused immense harm to his clients, the public, and the administration of justice, and poses grave risk to the public. Therefore, disbarment is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of August 30, 2018, the discipline costs in this matter are \$3,857. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: ILIJA CVETICH	Case Number(s): 17-O-05481, 17-O-06005, 17-O-06223, 18-O-11204, 18-O-12555
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DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page 1, in the caption, after "Case Number(s):" "17-O-5481-PEM
17-O-6005
17-O-6223" are deleted

and "17-O-05481
17-O-06005
17-O-06223" are inserted.

On page 2, paragraph B.(1)(d), "Three years' probation, two years' actual suspension" is deleted and "two-year stayed suspension, three years' probation, subject to a two-year actual suspension and until Respondent complies with standard 1.2(c)(1)" is inserted.

On page 2, paragraph B.(2), the "X" in the box is deleted to exclude Intentional/Bad Faith/Dishonesty as an aggravating circumstance.

On page 5, at the top of the page after "CASE NUMBERS:" "17-O-5481-PEM, 17-O-6005, 17-O-6223" are deleted and "17-O-05481, 17-O-06005, 17-O-06223" are inserted.

On page 5, after "Case No.," "17-O-5481-PEM" is deleted and "17-O-05481" is inserted.

On page 6, after "Case No.," "17-O-6005-PEM" is deleted and "17-O-06005" is inserted.

On page 7, after "Case No.," "17-O-6223-PEM" is deleted and "17-O-06223" is inserted.

On page 7, paragraph 27., line 4, "CW" is deleted and "Lopez" is inserted.

On page 12, in the caption, "17-O-5481-PEM, 17-O-6005, 17-O-6223" are deleted and "17-O-05481, 17-O-06005, 17-O-06223" are inserted."

(Do not write above this line.)

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order.** (See Cal. Rules of Court, rule 9.18(a).)

Respondent Ilija Cvetich is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Oct 1, 2018

Date



LUCY ARMENDARIZ
Judge of the State Bar Court

IN THE SUPREME COURT OF CALIFORNIA Deputy

En Banc

In re ILIJA CVETICH on Discipline

The court orders that Ilija Cvetich, State Bar Number 133534, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. Ilija Cvetich is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Ilija Cvetich must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 23, 2017.
3. At the expiration of the period of probation, if Ilija Cvetich has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Ilija Cvetich must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Ilija Cvetich must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

CANTIL-SAKAUYE

Chief Justice

I, **Jorge Navarrete**, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

____ day of **JUN 23** 20**17** ____

Month

By: 

Deputy

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION		
Counsel For The State Bar Erica L. M. Dennings Senior Trial Counsel 180 Howard Street, 7th Fl. San Francisco, California 94105 Telephone: (415) 538-2285 Bar # 145755	Case Number(s): 15-O-10021-LMA	For Court use only PUBLIC MATTER FILED V.A. FEB 23 2017 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent James J. Banks Banks and Watson 901 F Street, Suite 200 Sacramento, California 95814 Telephone: (916) 325-1000 Bar # 119525	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: ILIJA CVETICH Bar # 133534 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 14, 1988**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

PRS

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See attachment to stipulation, at p. 13.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See attachment to stipulation, at p. 13.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ 12000 on December 13, 2013 in restitution to Mr. Boettner without the threat or force of disciplinary, civil or criminal proceedings. See Attachment to Stipulation, at p. 13.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. **See Attachment to stipulation at p. 13.**
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No prior discipline: See attachment to stipulation, at p. 14.

Pre trial stipulation: See attachment to stipulation, at p. 14.

Emotional difficulties: See attachment to stipulation, at p. 14.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be placed on probation for a period of **three (3)**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

(Do not write above this line.)

- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.

(Do not write above this line.)

(10) The following conditions are attached hereto and incorporated:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

In the Matter of: Ilija Cvetich	Case Number(s): 15-O-10021
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Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of two (2) times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for _____ days or _____ months or two (2) years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

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In the Matter of: Ilija Cvetich	Case Number(s): 15-O-10021
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Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least two (2) meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program As a condition of probation, and during the period of probation, respondent must attend a minimum of two (2) meetings per month of any abstinence-based self-help group of respondent's choosing, including without limitation Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F.Supp. 303 [no First Amendment violation where probationer given a choice between AA and a secular program.]) Respondent is encouraged, but not required, to obtain a sponsor during the term of participation in these meetings.
The program called "Moderation Management" is not acceptable because it is not abstinence-based and allows the participant to continue consume alcohol.
Respondent must contact the Office of Probation and obtain written approval for the program respondent has selected prior to attending the first self-help group meeting. If respondent wants to change groups, respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.
- As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.
- c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the

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laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.

- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

(Do not write above this line.)

In the Matter of: Ililja Cvetlich	Case Number(s): 15-O-10021 - LMA
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ILIJA CVETICH

CASE NUMBER: 15-O-10021

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 15-O-10021 (Complainant: Robert Boettner)

FACTS:

1. On October 10, 2010, Robert Boettner ("Boettner") hired respondent to represent him in a worker's compensation case. Boettner had been injured at work and subsequently terminated from his employment at Safelite Group, Incorporated. At that time, Boettner discussed pursuing an employment discrimination case against Safelite, but the parties did not sign a fee agreement for an employment discrimination case. An associate attorney employed by respondent assumed primary responsibility for the workers' compensation case.
2. On or about May 11, 2012, an associate attorney employed by respondent, filed a lawsuit on behalf of Boettner alleging, inter alia, wrongful termination and employment discrimination. *Robert Boettner v. Safelite Group Inc*, Placer County Superior Court case number SCV0031049. The associate filed the complaint with respondent's authority.
3. On January 16, 2013, with respondent's authority, the associate settled the employment lawsuit for \$14,000 less applicable tax withholding amounts required by law for a net amount \$10,475.22. Respondent requested defense counsel provide two separate checks - one payable to Boettner and one payable to respondent for claimed attorneys' fees. Boettner did not authorize anyone to sign the settlement agreement on his behalf. Respondent gave the associate the settlement agreement with Boettner's simulated signature dated January 30, 2013. Thereafter, on February 9, 2013, pursuant to respondent's request and representation that Boettner gave authority, the associate signed Boettner's name on the amendment to the Settlement Agreement and Release of Claims.
4. On February 21, 2013, opposing counsel in the *Safelite* matter sent settlement checks to respondent made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in the amount of \$5,242.80. Respondent did not inform Boettner that he received settlement funds. Boettner did not give respondent authority to sign his name to the settlement check. Respondent forged Boettner's signature on the check made payable to Boettner. Respondent did not promptly pay settlement funds to Boettner.
5. On February 22, 2013, respondent deposited both checks into his client trust account. Respondent did not disburse any payments to or on behalf of Boettner. Between February 22, 2013 and April 9, 2013, respondent had removed all of Boettner's funds from his CTA and misappropriated them for his own use and benefit.

6. On November 20, 2013, Boettner became aware that the Safelite matter had settled.

7. On December 13, 2013, respondent paid Boettner \$12,000 in two checks drawn on his CTA. Respondent paid Boettner with attorney fees from a case that had recently settled but had not yet been withdrawn from the CTA. Respondent also gave Boettner a disbursement sheet showing respondent waived his attorneys' fees.

CONCLUSIONS OF LAW:

8. By directing his associate to sign his client's name without the client's authority on the February 9, 2013 amendment to the Settlement Agreement and Release of Claims, respondent forged his client's signature, an act of moral turpitude and dishonesty in willful violation of Business and Professions Code, section 6106.

9. By not informing his client that he received the settlement money in the Safelite matter, respondent failed to notify his client of receipt of settlement funds in willful violation of Rules of Professional Conduct, rule 4-100(B)(1).

10. By forging his client's name on the settlement check, respondent committed an act of dishonesty in willful violation of Business and Professions Code, section 6106.

11. By failing to disburse any portion of the \$10,475.22 to his client from February 12, 2013 until December 13, 2013, respondent failed to promptly pay his client funds to which he was entitled in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

12. By failing to maintain \$10,475.22 on behalf of his client in his CTA, respondent failed to maintain funds on behalf of a client in willful violation of Rules of Professional Conduct, rule 4-100(A).

13. Respondent dishonestly misappropriated \$10,474.22 of his clients, funds, thereby committing an act involving moral turpitude, in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent committed numerous acts of misconduct in a single client matter: forging his client's signature, failing to inform his client he received settlement funds, failing to disburse the settlement funds, and misappropriating the settlement funds.

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)): The client was deprived of his settlement funds for 10 months.

MITIGATING CIRCUMSTANCES.

Extraordinary Good Character (Std. 1.6(f)): Respondent provided declarations under penalty of perjury from 14 witnesses, constituting a wide range of references in the legal and general communities, who are aware of the full extent of the misconduct.

Additional mitigating Circumstances

No Prior Discipline: Respondent was admitted to the practice of law in California on June 14, 1988 and has no prior record of discipline. Respondent is entitled to significant mitigation for having practiced law for 25 years without discipline. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

Extreme emotional difficulties: Between 2012 and 2016, respondent experienced extreme emotional distress due to several family and financial issues. These issues caused a strain on his marriage and family life, and caused him to abuse alcohol and feel depressed which resulted in his poor decision making regarding managing his law practice. Respondent underwent therapy from 2014-2016, has stopped supporting other family members (his parents and in laws passed away in 2014 and 2015; his children are all adults and living on their own), and has reduced the size of his office staff and caseload so that it is manageable. Furthermore, respondent has stopped consuming alcohol, and incorporates exercise and good nutrition in order to maintain good mental health and functioning. Respondent provided a psychological evaluation report corroborating the causes of respondent's emotional distress and the effect it had on his law practice.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing eight acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in standard 2.1(a), which provides for disbarment for intentional or dishonest misappropriation unless the most compelling mitigating circumstances clearly predominate. This is a case in which the mitigating circumstances clearly predominate. Respondent has no prior record of discipline for 25 years, he repaid the money to his client before the State Bar complaint was filed, he demonstrated good character, he experienced extreme emotional and financial difficulties which contributed to the misconduct, and he cooperated in entering into a pre-trial stipulation.

The Supreme Court has not disbarred attorneys who have intentionally misappropriated client funds when various mitigating circumstances were deemed sufficient to warrant a lesser discipline. (*Edwards v. State Bar* (1990) 52 Cal.3d 28, 37.) "In some cases, the attorney has presented evidence of compelling mitigating circumstances relating to the attorney's background or character . . . which tended to prove that the misconduct was aberrational and hence unlikely to recur." (*Id.* at pp. 37-38.)

The attorney in *Edwards* was actually suspended for two years for willfully misappropriating approximately \$3,000 from a client. Edwards had no prior record of discipline and had taken measures to correct the problems which contributed to the misconduct. The court in *Edwards* concluded that disbarment was not necessary to protect the public, the courts, and the legal profession, which are the goals of attorney discipline.

This case is similar to *Edwards* in the sense that discipline short of disbarment will suffice to achieve the goals of attorney discipline.

Therefore, considering all of the mitigating and aggravating factors and the purposes of attorney discipline, two years' actual suspension and until a showing of rehabilitation pursuant to Standard 1.2 (c)(i) and standard conditions of probation is an appropriate disposition.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
15-O-10021	One	Business and Professions Code, section 6104 (appearing without authority)
15-O-10021	Two	Business and Professions Code, section 6106 (Misrepresentation)

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School or State Bar Client Trust Accounting School.




(Do not write above this line.)

In the Matter of:
Ilija Cvetich, Member No. 133534

Case number(s):
15-O-10021

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

February 10, 2017 Date	 Respondent's Signature	Ilija Cvetich Print Name
February 10, 2017 Date	 Respondent's Counsel Signature	James J. Banks Print Name
February 13, 2017 Date	 Deputy Trial Counsel's Signature	Erica L. M. Dennings Print Name

(Do not write above this line.)

In the Matter of: ILIJA CVETICH	Case Number(s): 15-O-10021-LMA
------------------------------------	-----------------------------------

ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Date

Feb. 23, 2017


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 Case Administrator 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 San Francisco, on February 23, 2017, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

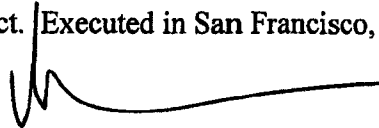
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JAMES JOSEPH BANKS
BANKS & WATSON
901 F ST STE 200
SACRAMENTO, CA 95814

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

Erica L. M. Dennings, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 23, 2017.



Vincent Au
Case Administrator
State Bar Court

KLINEDINST PC
801 K STREET, SUITE 2100
SACRAMENTO, CALIFORNIA 95814

1 Betsy S. Kimball, Bar No. 66420
2 Gregory T. Fayard, Bar No. 212930
3 KLINEDINST PC
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5 Sacramento, California 95814
6 (916) 444-7573/FAX (916) 444-7544
7 bkimball@klinedinstlaw.com
8 gfayard@klinedinstlaw.com

9 David Cameron Carr, Bar No. 124510
10 KLINEDINST PC
11 501 W. Broadway, Suite 600
12 San Diego, California 92101
13 (619) 239-8131/FAX (619) 239-8707
14 dcarr@klinedinstlaw.com

15 Attorneys for Respondent
16 ILIJA CVETICH

FILED

NOV 22 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT
HEARING DEPARTMENT – SAN FRANCISCO

14 In the Matter of
15 ILIJA CVETICH
16 No. 133534
17 A Member of the State Bar

Case No. 15-O-10021

RESPONSE TO NOTICE OF DISCIPLINARY
CHARGES

[Rule of Procedure 5.43]

19 1. Address for Service

20 All documents in this matter should be served on respondent's counsel at the addresses
21 above.

22 2. Response to Allegations

23 a. Respondent admits the allegations of paragraph 1.

24 Count One 15-O-10021 (Business and Professions Code, section 6104 [Appearing for
25 Party without Authority])

26 b. Respondent denies the allegations of paragraph 2.

27 Count Two 15-O-10021 (Business and Professions Code, section 6106 [Moral
28 Turpitude—Misrepresentation])

- 1 c. Respondent denies the allegations of paragraph 3.
2 Count Three 15-O-10021 (Business and Professions Code, section 6106 [Moral
3 Turpitude—Forgery])
4 d. Respondent denies the allegations of paragraph 4.
5 Count Four 15-O-10021 (Business and Professions Code, section 6106 [Moral
6 Turpitude—Forgery])
7 e. Respondent denies the allegations of paragraph 5.
8 Count Five 15-O-10021 (Rule of Professional Conduct, rule 4-100(B)(1) [Failure to
9 Notify of Receipt of Client Funds])
10 f. Respondent denies the allegations of paragraph 6.
11 Count Six 15-O-10021 (Rule of Professional Conduct, rule 4-100(B)(4) [Failure to Pay
12 Client Funds Promptly]).
13 g. Respondent denies the allegations of paragraph 7.
14 Count Seven 15-O-10021 (Rule of Professional Conduct, rule 4-100(A) [Failure to
15 Maintain Client Funds in Trust Account]).
16 h. Respondent denies the allegations of paragraph 8.
17 Count Eight 15-O-10021 (Business and Professions Code, section 6106 [Moral
18 Turpitude—Misappropriation])
19 i. Respondent denies the allegations of paragraph 9.
20 **3. Relevant Facts**
21 a. In 2010, Mr. Boettner retained Mr. Cvetich to represent him in a workers'
22 compensation claimant case against Safelite Group, Inc. On March 23, 2013, the
23 case resolved in Mr. Boettner's favor.
24 b. In 2012, Mr. Boettner assented to Mr. Cvetich filing an employment
25 discrimination/wrongful termination case on his behalf in Placer County.
26 c. Mr. Cvetich is an alcoholic. He has struggled with this addiction for most of his
27 adult life. He was an alcoholic in 2013.
28 d. From the early 2000s to the present, Mr. Cvetich has experienced ongoing and

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severe emotional distress related to alcoholism, depression, and marital challenges. Mr. Cvetich's emotional distress has not been diagnosed. It appears to be a mental/emotional disorder of some kind. As of November 18, 2016, he has started the process of diagnosing his mental/emotional problem or disorder. He has scheduled an appointment with Alan D. Shonkoff, Ph.D, a forensic neuropsychologist. His appointment will occur in December 2016.

- e. Mr. Cvetich concedes he made some grave errors in judgment in his handling of Mr. Boettner's employment discrimination case. He believes these errors were the result of his alcoholism, depression, and yet-to-be-diagnosed mental/emotional problem. He has apologized to Mr. Boettner for violating Mr. Boettner's trust in him.
- f. Mr. Cvetich has begun an urgent mitigation program designed to diagnose and treat his alcoholism, depression, and severe mental/emotional problem.
- g. Mr. Cvetich had Mr. Boettner's permission to pursue an employment discrimination/wrongful termination case on his behalf.
- h. Mr. Cvetich did not forge Mr. Boettner's signature on any document.
- i. In 2013, Mr. Cvetich paid Mr. Boettner \$12,000—the full amount he was entitled to after the settlement of his Placer County employment case against Safelite Group, Inc. Mr. Cvetich concedes he did not pay Mr. Boettner promptly. For this, he has apologized to Mr. Boettner.
- j. Mr. Cvetich did not seek legal representation in this matter until October 23, 2016. Mr. Cvetich failed to recognize the severity of his mental/emotional/addiction problems, and the severity of the State Bar's investigation and charges, until recently.

Affirmative Defenses

- 1. Counts 1 through 8 fail to provide adequate notice of the conduct alleged to violate the rule or code and fails to relate stated facts to rules or codes allegedly violated as required by rule 5.43(B)(3), Rules of Procedure of the State Bar of California and applicable case

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law. (*In the Matter of Glasser* (Review Dept 1990) 1 Cal. State Bar Ct. Rptr. 163; *In the Matter of Varakin* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 179.)

KLINEDINST PC

DATED: November 21, 2016

By: Gregory T. Fayard

Betsy S. Kimball
Gregory T. Fayard
Attorneys for Respondent
ILIJA CVETICH

16822316v1

KLINEDINST PC
801 K STREET, SUITE 2100
SACRAMENTO, CALIFORNIA 95814

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6 David Cameron Carr, Bar No. 124510
7 KLINEDINST PC
8 501 W. Broadway, Suite 600
9 San Diego, California 92101
10 (619) 239-8131/FAX (619) 239-8707
11 dcarr@klinedinstlaw.com

10 Attorneys for Respondent
11 ILJA CVETICH

12 STATE BAR COURT

13 HEARING DEPARTMENT - SAN FRANCISCO

14 In the Matter of

Case No. 15-O-10021

15 In re: ILJA CVETICH
16 No. 133534

PROOF OF SERVICE

Trial Date: None set

17 A Member of the State Bar.

19 I declare that:

20 I am and was at the time of service of the papers herein, over the age of eighteen (18)
21 years and am not a party to the action. I am employed in the County of Sacramento, and my
22 business address is 801 K Street, Suite 2100, Sacramento, California.

22 On November 21, 2016, I caused to be served the following documents:

23 RESPONSE TO NOTICE OF DISCIPLINARY CHARGES

24 VIA MAIL: By placing a copy thereof for delivery in a separate envelope addressed to
25 each addressee, respectively, as follows:

26 BY FIRST-CLASS MAIL (Code of Civ. Proc. §§ 1013 and 1013(a))

27 BY OVERNIGHT DELIVERY (Code Civ. Proc. §§ 1013(c) and (d))

28

KLINEDINST PC
801 K STREET, SUITE 2100
SACRAMENTO, CALIFORNIA 95814

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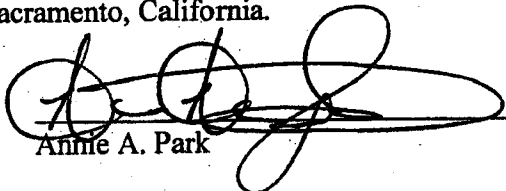
BY CERTIFIED RETURN RECEIPT MAIL (Code of Civ. Proc. §§ 1013 and 1013(a))

Erica L.M. Dennings Office of Chief Trial Counsel The State Bar of California 180 Howard St. San Francisco, CA 94105 T: (415) 538-2285	
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Sacramento, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 21, 2016, at Sacramento, California.


Annie A. Park

16821634v1

FILED

OCT 20 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 STATE BAR OF CALIFORNIA
 2 OFFICE OF CHIEF TRIAL COUNSEL
 3 GREGORY P. DRESSER, No. 136532
 INTERIM CHIEF TRIAL COUNSEL
 4 MELANIE J. LAWRENCE, No. 230102
 ACTING DEPUTY CHIEF TRIAL COUNSEL
 5 SUSAN CHAN, No. 233229
 ACTING ASSISTANT CHIEF TRIAL COUNSEL
 6 ROBERT A. HENDERSON, No. 173205
 SUPERVISING SENIOR TRIAL COUNSEL
 7 ERICA L. M. DENNINGS, No. 145755
 SENIOR TRIAL COUNSEL
 8 180 Howard Street
 San Francisco, California 94105-1639
 Telephone: (415) 538-2285

9

10

STATE BAR COURT

11

HEARING DEPARTMENT - SAN FRANCISCO

12

13

In the Matter of:

) Case No.: 15-O-10021

14

ILIJA CVETICH,
No. 133534,

) NOTICE OF DISCIPLINARY CHARGES

15

16

A Member of the State Bar.

17

NOTICE - FAILURE TO RESPOND!

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**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

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- (1) YOUR DEFAULT WILL BE ENTERED;
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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The State Bar of California alleges:

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1 committing acts of moral turpitude, dishonesty or corruption in willful violation of Business and
2 Professions Code, section 6106.

3 COUNT FOUR

4 Case No. 15-O-10021

5 Business and Professions Code, section 6106

6 [Moral Turpitude-Forgery]

7 5. On or about February 22, 2013, respondent forged his client's signature on a
8 settlement check made payable to Robert Boettner in the amount of \$5,232.42 when respondent
9 knew that the client did not give him authority to sign his name, thereby committing an act of
10 dishonesty in willful violation of Business and Professions Code, section 6106.

11 COUNT FIVE

12 Case No. 15-O-10021

13 Rules of Professional Conduct, rule 4-100(B)(1)

14 [Failure to Notify of Receipt of Client Funds]

15 6. On or about February 12, 2013 and on or about February 13, 2013, respondent
16 received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite
17 made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in
18 the sum of \$5,242.80 respectively. Respondent failed to notify the client of respondent's receipt
19 of funds on the client's behalf in willful violation of Rules of Professional Conduct, rule 4-
20 100(B)(1).

21 COUNT SIX

22 Case No. 15-O-10021

23 Rules of Professional Conduct, rule 4-100(B)(4)

24 [Failure to Pay Client Funds Promptly]

25 7. On or about February 12, 2013 and on or about February 13, 2013, respondent
26 received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite
27 made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in
28 the sum of \$5,242.80 respectively. Of this sum, the client was entitled to \$10,475.22. Respondent
failed to pay any portion of the \$10,475.22 until December 13, 2013, in willful violation of Rules
of Professional Conduct, rule 4-100(B)(4).

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COUNT SEVEN
Case No. 15-O-10021
Rules of Professional Conduct, rule 4-100(A)
[Failure to Maintain Client Funds in Trust Account]

8. On or about February 12, 2013 and on or about February 13, 2013, respondent received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in the sum of \$5,242.80 respectively. Of this sum, the client was entitled to \$10,475.22. On or about February 22, 2013, respondent deposited the two checks totaling \$10,475.22 into respondent's client trust account at Wells Fargo Bank, account number XXXXXXX2810¹ on behalf of the client. Of this sum, the client was entitled to \$10,475.22. Respondent failed to maintain a balance of \$10,475.22 on behalf of the client in respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT EIGHT
Case No. 15-O-10021
Business and Professions Code, section 6106
[Moral Turpitude - Misappropriation]

9. On or about February 12, 2013 and on or about February 13, 2013, respondent received on behalf of respondent's client, Robert Boettner, two settlement checks from Safelite made payable to Robert Boettner in the amount of \$5,232.42 and made payable to respondent in the sum of \$5,242.80 respectively. Of this sum, the client was entitled to \$10,475.22. On or about February 22, 2013, respondent deposited the two checks totaling \$10,475.22 into respondent's client trust account at Wells Fargo Bank, account number XXXXXXX2810 on behalf of the client. Between on or about February 25, 2013 and April 9, 2013, respondent dishonestly or grossly negligently misappropriated for respondent's own purposes \$10,474.22 that respondent's client was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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¹ The complete account number is redacted for privacy purposes.

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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 CHIEF TRIAL COUNSEL

DATED: October 20, 2016

By:



Erica L. M. Dennings
Senior Trial Counsel

DECLARATION OF SERVICE

by U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER: 15-O-10021

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- 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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2042 4870 35 at San Francisco, 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)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: Ilija Cvetich, Law Office of Ilija Cvetich, 3465 American River Dr., Ste. B, Sacramento, CA 95864-5747, Electronic Address: ilijacvetichlaw@sbcglobal.net

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service (UPS). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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 San Francisco, California, on the date shown below.

DATED: October 20, 2016

SIGNED:

Handwritten signature of Paula H. D'Oyen

Paula H. D'Oyen
Declarant

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.



ATTEST August 22, 2018
State Bar Court, State Bar of California,
Los Angeles

By *Christina P. [Signature]*
Clerk

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 San Francisco, on October 1, 2018, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING 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 San Francisco, California, addressed as follows:

ILIJA CVETICH
1541 CASTEC DR
SACRAMENTO, CA 95864 - 3004

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Erica L. M. Dennings, Enforcement – San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 1, 2018.


George Hue
Court Specialist
State Bar Court