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STATE BAR COURT
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PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No. 18-J-14406-CV
)	
MATTHEW ALEXANDER WILSON,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
State Bar No. 160341.)	ENROLLMENT
_____)	

Introduction¹

This is a reciprocal disciplinary proceeding arising from a February 12, 2018, Oregon Supreme Court “Trial Panel Opinion” (Oregon Supreme Court), regarding Respondent Matthew Alexander Wilson (Respondent). The Oregon Supreme Court found that Respondent committed professional misconduct in that jurisdiction and ordered him disbarred. Thereafter, the Oregon Supreme Court’s order became final.

Business and Professions Code section 6049.1, subdivision (a), provides, in pertinent part, that a certified copy of a final order by any court of record of any state of the United States, determining that a licensed attorney of the State Bar committed professional misconduct in that jurisdiction, shall be conclusive evidence that the attorney is culpable of professional misconduct in this state. As a result, the Office of Chief Trial Counsel of the State Bar of California (OCTC)

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

initiated the above-entitled proceeding pursuant to Business and Professions Code section 6049.1, subdivision (b), and Rules of Procedure of the State Bar, rules 5.350-5.354.

The issues in this proceeding are limited to: (1) the degree of discipline to be imposed upon Respondent in California; (2) whether, as a matter of law, Respondent's culpability in the Oregon Supreme Court proceeding would not warrant the imposition of discipline in California under the laws or rules applicable in California at the time of Respondent's misconduct in Oregon; and (3) whether the Oregon proceedings lacked fundamental constitutional protection. (§ 6049.1, subd. (b).)

Pursuant to section 6049.1, subdivision (b), Respondent bears the burden of establishing either: (1) that the conduct for which he was disciplined in the Oregon proceeding would not warrant the imposition of discipline in California; or (2) that the Oregon proceeding lacked fundamental constitutional protection. Unless Respondent establishes one or both of these, the record of discipline in the Oregon proceedings is conclusive evidence of Respondent's culpability in this state.

This court concludes that Respondent has not established either of these factors. His culpability for misconduct established in the Oregon proceeding warrants discipline in California under sections 6106 and 6068, subdivision (i). Further, the Oregon proceedings did not lack fundamental constitutional protection, and Respondent did not argue as such. Respondent participated in the Oregon proceedings where the trial panel found him to have made multiple misrepresentations to the complaining witness and to the Oregon State Bar during the proceedings and at trial in the matter. In light of Respondent's culpability and the factors in aggravation and mitigation, this court finds, among other things, that the appropriate level of discipline is disbarment.

Significant Procedural History

OCTC initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on September 6, 2018. Respondent filed a response to the NDC on October 15, 2018, and filed an amended response on October 17, 2018.

A one-day trial was held on January 14, 2019. The matter was taken under submission at the conclusion of trial. OCTC filed a closing brief on January 25, 2019, and Respondent filed a closing brief on January 28, 2019.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on December 1, 1992, and has been a licensed attorney of the State Bar of California at all times since that date.

Facts

In 2001, Respondent was admitted by the Supreme Court of Oregon to practice law in that state and was a member of the Oregon State Bar at all times thereafter until his disbarment on February 12, 2018.

On March 2, 2012, Respondent met with Thomas Lasota, who sought to hire Respondent to assist him with the legal aspects of starting a new business. Lasota never hired Respondent, and Respondent never provided any legal work to Lasota. Instead, on the day that they met, Respondent sought a loan of \$30,000 from Lasota to fund Respondent's new business – a software startup company called Group Hive LLC (GH). Respondent was one of the three principals of GH. He was also the owner and sole attorney of a law firm called SideBar Legal. Respondent emailed Lasota proposed loan documents and information regarding GH. He specified in his email that the terms of the loan were "\$30k for 90 days."

On March 18, 2012, Lasota emailed Respondent insisting that the loan be secured with real estate collateral that had more than \$30,000 in equity to ensure that Lasota would receive no

less than the return of his initial investment. Respondent replied with two “deal points” to induce Lasota to make the loan. Respondent provided a loan repayment schedule and promised his home as collateral.

On March 20, 2012, Respondent notified Lasota that he had modified the loan documents with the personal guarantee of his home as collateral. Lasota replied and stated that he wanted the deed of trust to be executed at the time of the loan, and inquired about encumbrances and equity in Respondent’s home. Respondent dodged Lasota’s questions merely replying that he would modify the loan documents.

At the time Respondent sought a loan from Lasota, there was not enough equity in his home to secure the loan and his home was nearing foreclosure. Respondent had not paid his mortgage for two years. Respondent took no action to preclude foreclosure, and ultimately, the home was foreclosed upon. In addition to a lack of equity, Respondent had used his home as collateral for another loan for GH from another investor.

On March 21, 2012, Lasota met Respondent at his law office where Respondent provided Lasota with loan documents, and thereafter they proceeded to the bank to transfer \$30,000 from Lasota to Respondent. After Lasota had provided Respondent with the loan funds, on July 25, 2012, Lasota advised Respondent that the deed to the home was deficient and could not be recorded. Five days later, Respondent advised Lasota that he would cure the deficiencies, but he never corrected the problems with the deed. Ultimately, Respondent defaulted on the loan, and thereafter, he made false promises to Lasota that he would make efforts to repay the \$30,000. Respondent never repaid the loan.

In addition to Lasota, Respondent made false statements to the Oregon State Bar about his efforts to repay the loan. In his October 19, 2016 response to the Oregon State Bar, Respondent sent a copy of a lease agreement for his home and asserted that “Mr. Lasota rejected

my offer to pay from rental income.” The court found this statement and similar lines of testimony to be false because Respondent testified that he did not sign the lease, and he had no expectation of payment from the tenant, a friend, until the tenant was in a financial position to pay rent. The court also found credible evidence that Lasota had accepted Respondent’s offer to receive payment from the rental income.

In late 2012, Respondent offered to provide free assistance to Lasota in drafting documents for Lasota’s LLC. However, Respondent failed to advise Lasota of possible conflicts of interest, and in the end, he never drafted any documents for Lasota.

Lasota complained to the Oregon State Bar on April 25, 2014. Thereafter, the Oregon State Bar sent a letter seeking a response to the allegations in Lasota’s complaint. The Bar sent a second letter to Respondent that was dated June 13, 2014, but Respondent failed to respond to both letters. On July 17, 2014, the Bar petitioned for Respondent’s suspension pending his response to their requests for information, but Respondent did not reply. Thereafter, Respondent did not respond to the Oregon State Bar’s letters or inquiries for over three months. Respondent’s Answer to the First Formal Complaint was dated March 20, 2017, and he later filed a First Amended Answer to Amended Formal Complaint on October 11, 2017.

On February 12, 2018, the Oregon Supreme Court found that by making multiple misrepresentations to Lasota, Respondent violated Oregon Rules of Professional Conduct, rule 8.4(a)(3), which provides, “It is professional misconduct for a lawyer to: ¶ . . . ¶ (a)(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on a lawyer’s fitness to practice law.” Respondent also violated Oregon Rules of Professional Conduct, rule 8.1(a)(2), which states that “a lawyer in connection with . . . a disciplinary matter, shall not: ¶ . . . ¶ . . . knowingly fail to respond to a lawful demand for information from . . . any disciplinary authority.”

The Oregon Supreme Court determined that Respondent's testimony, including his deposition testimony, "was replete with evasive and inconsistent responses to questions from the Bar" and thus concluded that Respondent lacked credibility and provided false testimony at trial. The court also found that Respondent made numerous misrepresentations to Lasota in procuring the \$30,000 loan and made additional misrepresentations after obtaining it. Specifically, Respondent knowingly misrepresented that his home had at least \$30,000 in equity, and he failed to disclose that he had not made a mortgage payment in two years, subjecting his residence to foreclosure. After obtaining the loan, Respondent: 1) misrepresented to Lasota that he would correct the Trust Deed so that it could be recorded; 2) misrepresented to Lasota that he would rent his property and pay part of the rental proceeds to Lasota; and 3) provided a friend with a lease agreement that was not accurate knowing his friend and client could use it for other purposes, including obtaining insurance, securing a job, and potentially to mislead others in the friend's child custody dispute. The Court determined that Respondent's misrepresentations to Lasota were "knowing, false and material."

In addition to making material misrepresentations to Lasota, Respondent knowingly made false representations to the Oregon State Bar during its investigation and at trial. Respondent intentionally failed to respond fully and truthfully to the Oregon State Bar on October 19, 2016, when he provided the lease agreement and then told the Bar that Lasota rejected his offer to pay him from rental income. This false representation was intended to create the impression that Lasota rejected an offer of repayment, and that the lease money was available from which Respondent could repay Lasota. Moreover, Respondent testified falsely at his Oregon disciplinary trial that Lasota rejected his offer to pay him from the rental income. Finally, in an effort to string Lasota along, Respondent promised to perform free legal services involving the formation of an LLC for Lasota.

Lasota took legal action against GH and Respondent in an attempt to recover the funds he loaned Respondent. On March 23, 2015, the Shasta County Superior Court entered judgment for Lasota in the amount of \$49,459.30 against Respondent and GH. The judgment was a sister-state judgment based on a general judgment and money award filed on October 24, 2013, in the Circuit Court of the State of Oregon for the County of Washington. Lasota has only recovered \$1,834.27 of the judgment through garnishment of Respondent's bank account.

Conclusions of Law

Violations of the Oregon Rules of Professional Conduct

As noted above, the Oregon Supreme Court determined that Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on Respondent's fitness to practice law, in violation of the Oregon Rules of Professional Conduct rule 8.4(a)(3). In addition, in connection with a disciplinary matter, Respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of Oregon Rules of Professional Conduct rule 8.1(a)(2).

Application of California Laws

The court finds, as a matter of law, that Respondent's culpability in the Oregon proceeding would warrant the imposition of discipline in California under the laws or rules applicable in this state at the time of Respondent's misconduct as described in the Oregon proceedings.

Section 6106 [Moral Turpitude - Misrepresentations]

Respondent's misconduct gives rise to culpability in violation of Business and Professions Code section 6106 which provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment. At the time Respondent sought a loan from Lasota, Respondent knew that Lasota wanted the loan

secured with collateral of at least \$30,000 in real estate equity. Respondent promised his home as collateral while concealing that he had no equity in his residence, that his home was nearing foreclosure because he had not made mortgage payments in over two years, and that he had used his home as collateral for another GH loan from a different investor. Respondent's misrepresentations and concealment of material facts were dishonest acts, which willfully violated section 6106. (*In the Matter of Crane and Depew* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 139, 154-155 [misrepresentations]; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 576 [concealment]; see also *Di Sabatino v. State Bar* (1980) 27 Cal.3d 159, 162-163 [concealment of material facts is just as misleading as explicit false statements and is misconduct calling for discipline].)

Respondent's dishonesty continued after he secured the loan from Lasota. Respondent made false representations that included his statement that he would correct the Trust Deed so it could be recorded; that he leased his home to repay the loan with rental proceeds; and during the Oregon State Bar investigation and trial, he falsely claimed that he attempted to repay the \$30,000 loan from rental income but Lasota rejected it. Respondent knew that his misrepresentations were false, and such deceit willfully violates section 6106.

(§ 6068, subd. (i) [Failure to Cooperate])

Respondent's misconduct also gives rise to a violation of section 6068, subdivision (i). Section 6068, subdivision (i), provides that an attorney has a duty to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney. Here, for a period of over three months, Respondent failed to respond to the Oregon State Bar's repeated communications seeking information about Lasota's complaint. Respondent willfully violated section 6068, subdivision (i), by failing to cooperate with the Oregon State Bar's investigation into the Lasota matter. (See, e.g., *Bach v. State Bar* (1991) 52

Cal.3d 1201, 1208 [failure to respond to two successive investigators' letters violated § 6068, subd. (i), even when attorney later participated in disciplinary proceeding].)

Aggravation

OCTC must establish aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds two aggravating circumstances.

Multiple Acts (Std. 1.5(b).)

Respondent engaged in multiple acts of misconduct by making numerous misrepresentations to Lasota and to the Oregon State Bar, and by his initial failure to cooperate with the Oregon State Bar discipline investigation. Not only did Respondent make misrepresentations to procure the loan from Lasota, after the loan was made, he then continued his deception throughout the Oregon disciplinary proceedings. Respondent's multiple acts of wrongdoing is a significant aggravating circumstance

Failure to Make Restitution (Std. 1.5(m).)

Lasota recovered \$1,834.27 from Respondent through the garnishment of Respondent's bank account, but Respondent has failed to make any voluntary payments to Lasota to repay the \$30,000 loan or the subsequent judgments against him. Respondent's failure to make restitution is a significant aggravating factor because he has taken no steps to make any payments to Lasota in over six years.

Mitigation

No Prior Discipline (Std. 1.6(a).)

Respondent is afforded limited weight for his nearly 20 years of discipline-free practice because he failed to provide clear and convincing evidence that his misconduct is unlikely to recur. (*Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029 [lack of a prior discipline record is most relevant if the misconduct is aberrational and unlikely to recur].) Respondent testified that

he suffered from emotional and financial distress when he committed misconduct in Oregon and that he is still having financial difficulties. Since Respondent's financial condition has not improved, the court is not convinced that Respondent's misconduct will not recur in the future. Thus, the weight of Respondent's 20 years of discipline-free practice is diminished.

Extreme Emotional Difficulties (Std. 1.6(d).)

The court affords Respondent some weight in mitigation for his extreme emotional difficulties. At the time of his misconduct, Respondent had been married for approximately 14 years. He and his wife were experiencing marital strife. He has two minor children who are now 14 and 12, and were about 8 and 5 at the time of the misconduct. One of his children was diagnosed on the autism spectrum and designated as a special needs child. His wife suffered from depression and panic attacks, and attempted suicide on March 17, 2011, by walking in front of a truck on a busy street near the marital home. His wife was immediately hospitalized. Thereafter, she was placed in a mental health treatment facility for eight weeks. Respondent unexpectedly became a short-term single parent, although his mother rendered significant assistance by serving as a joint caregiver during this time.

Upon release from the mental health treatment facility, Respondent's wife required out-patient treatment for which his mother provided transportation. In May 2011, on the way to such an appointment, Respondent's wife and mother were in a serious car accident. They were both severely injured and hospitalized. His wife sustained a traumatic brain injury, which required full-time assistance and relearning to walk and talk. Respondent lost the caretaking assistance from his mother due to her own serious injuries. Respondent hired a service called "visiting angels" to help take care of his wife, but the other childcare duties fell solely to him. In addition, as a result of the car accident, Respondent suffered financial distress because his health insurance only covered a fraction of the over \$150,000 in medical costs.

Around the time of the accident, Respondent created SideBar Legal and GH, and he was desperate to succeed in those ventures. He admits that he made mistakes, regrets those mistakes, and that he was acting as a business person without the higher level of ethics required of an attorney. Respondent testified that he was “operating as a business lawyer and was going so fast, and juggling so many things, that I wasn’t paying attention at the level that a lawyer should be paying attention.”

Respondent is now divorced. He shares custody of his children. Initially, he was required to pay \$4,000 per month in child support, but the payments are now down to \$3,000 per month. Respondent testified that he is “digging out of a financial hole that’s been enormous” and that he has lost clients in California because of the Oregon disbarment. He claimed that the immediate consequence of losing his license has been “financial and fatal.”

Respondent’s financial stress continues, but he now resides in a smaller town where the cost of living is less expensive. Respondent’s children are older, and his special needs child attends regular public school. Respondent testified that he commenced psychotherapy, but did not provide any proof of this. He also stated that he is now managing his case and client load more appropriately and is learning to handle stress in a more responsible manner. As no expert testimony was provided, the court affords only moderate weight to Respondent’s family and financial struggles. (*In the Matter of Ward* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 47, 60 [personal stress factors given less weight than would otherwise be appropriate where no expert testimony given].)

Good Moral Character (Std. 1.6(f).)

Standard 1.6(f) provides for mitigating credit for the “extraordinary good character attested to by a wide range of references in the legal and general communities, who are aware of the full extent of the misconduct.” Respondent presented the testimony of one witness at trial

and reference letters from four individuals who described his good character. Those who offered good character evidence consisted of two business owners who are clients, Respondent's business partner, a friend, and an attorney. The attorney indicated that Respondent has "solid moral and personal character" and he provides "a valuable service to the business community." This evidence from an attorney is entitled to great consideration because an attorney is strongly interested in maintaining the administration of justice. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50.) The other individuals expressed that Respondent has "high moral character and integrity" and that he "gives 100% to his client and community." They also described Respondent as a caring family man.

The individuals attesting to Respondent's good character did not know the full nature or extent of Respondent's misconduct as evidenced by some who indicated that the Oregon disciplinary proceedings arose out of an "aggressive debt collection effort" by Lasota or involved "an aggressive attempt to collect a debt" by the "hard-money lender (Mr. Lasota)." Respondent is therefore only entitled to limited mitigation credit for good character. In the Matter of Respondent K (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [one attorney and three other witnesses were considered a "limited range of character witnesses"; In the Matter of Kreitenberg (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469, 476-477 [limited mitigation for character evidence when declarants not fully aware of Respondent's misconduct].)

In sum, the aggravating factors outweigh the mitigating circumstances.

Discussion

OCTC argues that the appropriate level of discipline for Respondent's misconduct is disbarment. Respondent does not offer an appropriate discipline level, but maintains that disbarment is too harsh under the circumstances. The court finds that Respondent's misconduct warrants disbarment.

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) The discipline analysis begins with the standards, which promote the consistent and uniform application of disciplinary measures and are entitled to great weight. (*In re Silverton* (2005) 36 Cal.4th 81, 91 [Supreme Court will not reject recommendation arising from standards unless grave doubts as to propriety of recommended discipline].) Standard 1.7 provides that if aggravating or mitigating circumstances are found, they should be considered alone and in balance with any other aggravating or mitigating factors. And, if two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.7(a).)

Standard 2.11 is most apt, and provides “[d]isbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, . . . 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.” Respondent’s deception of Lasota was serious and allowed him to secure a \$30,000 loan by false pretenses. Although his deception of Lasota was not directly related to the practice of law, Respondent’s lack of candor during the Oregon State Bar investigation and trial most certainly was.

In addition to the standards, the court also looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) Although a misappropriation case, the court found guidance on the appropriate level of discipline in *Chang v. State Bar* (1989) 49 Cal.3d 114. In *Chang*, the

attorney misappropriated over \$7,000 and offered no mitigating circumstances. The Supreme Court disbarred the attorney despite no prior record of discipline. In reaching its determination, the court considered that the attorney lacked recognition of his wrongdoing, he made no effort to reimburse his client, and “his lack of candor before the State Bar manifests a disrespect for the bar’s authority.” (*Id.* at p. 129.) As the court noted in *Chang*, “fraudulent and contrived misrepresentations to the State Bar may perhaps constitute a greater offense than misappropriation.” *Chang v. State Bar*, *supra*, 49 Cal. 3d 114, 128. The court found that the risk that *Chang* might engage in additional misconduct if permitted to continue practicing law was sufficiently high to warrant *Chang*’s disbarment. (*Id.* at p. 129.)

While Respondent ultimately acknowledged the impropriety of his misconduct toward Lasota and the Oregon State Bar, other aspects of Respondent’s wrongdoing are similar to *Chang*. Respondent has failed to make any effort to pay the civil judgments against him or to repay the loan. Restitution payments are central to the rehabilitative process. (*In the Matter of Laden* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 678, 682.) It has been over six years since Respondent defaulted on the \$30,000 loan, yet he has made no voluntary payments towards his debt. Even after the civil judgments against him were entered in 2013 (Oregon) and 2015 (California), the only avenue for Lasota to obtain any funds was by garnishing Respondent’s bank account.

In addition, as in *Chang, supra*, Respondent made numerous knowing misrepresentations to the Oregon State Bar its investigation. Respondent not only initially failed to cooperate with the Oregon State Bar, but even when he engaged in the process, he did not respond fully and truthfully, and at trial Respondent knowingly testified falsely. Respondent obtained a loan by making false representations and continued his dishonesty even after he procured the loan, which is serious misconduct. He has also failed to make any payments voluntarily on the debt to

Lasota. As the Supreme Court has emphasized, “no aspect of [Respondent’s] conduct is more reprehensible than his acts of dishonesty. These acts manifest an abiding disregard of the fundamental rule of ethics – that of common honesty – without which the profession is worse than valueless in the place it holds in the administration of justice.” (*Levin, supra*, 47 Cal.3d at p. 1147, 255 Cal.Rptr. 422, 767 P.2d 689, internal quotation marks omitted.)

Finally, Respondent’s little to moderate mitigation does not overcome the significant aggravating circumstances. As such, the court finds that the risk that Respondent will engage in further misconduct is great. Therefore, having considered the significant misconduct, the aggravating factors that outweigh the mitigating circumstances, as well as the case law and the standards, this court concludes disbarment is appropriate to protect the public and to preserve public confidence in the profession.

RECOMMENDATIONS

Discipline - Disbarment

It is recommended that Matthew Alexander Wilson, State Bar Number 160341, be disbarred from the practice of law in California and that his name be stricken from the roll of attorneys.

Restitution

Respondent must make restitution in the amount of \$47,625.03² plus 10 percent interest per year from March 23, 2015, to Thomas Lasota or such other recipient as may be designated by the Office of Probation or the State Bar Court (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).

² This amount constitutes the \$49,459.30 Shasta County Superior Court judgment minus the \$1,834.27 garnishment of Respondent’s bank account.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter.³

Costs

It is further recommended that 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.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT


In accordance with Business and Professions Code, section 6007(c)(4), it is ordered that Matthew Alexander Wilson, State Bar No. 160341, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after service of this decision and order by mail. (Rules Proc. of State Bar, rule 5.111(D)(1).⁴

³ 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. (*Athearn 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).)

⁴ An inactive member of the State Bar of California cannot lawfully practice law in this state. (Bus. & Prof. Code, § 6126, subd. (b); see also Bus. & Prof. Code, § 6125.) It is a crime for an attorney who has been enrolled inactive (or disbarred) to practice law, to attempt to practice law, or to even hold himself or herself out as entitled to practice law. (*Ibid.*) Moreover,

Respondent's inactive enrollment will terminate upon (1) the effective date of the Supreme Court's order imposing discipline; (2) as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar, or (3) as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: April 15, 2019



CYNTHIA VALENZUELA
Judge of the State Bar Court

an attorney who has been enrolled inactive (or disbarred) may not lawfully represent others before any state agency or in any state administrative hearing even if laypersons are otherwise authorized to do so. (*Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61, 66-73.)

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 15, 2019, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

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

Ashley K. Kagasoff
16330 Bake Pkwy
Irvine, CA 92618-4667

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

Dina E. Goldman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 15, 2019.



Paul Songco
Court Specialist
State Bar Court