

# Public Matter

**FILED** <sup>AD</sup>

**NOV 14 2023**

**STATE BAR COURT  
CLERK'S OFFICE  
SAN FRANCISCO**

1 STATE BAR OF CALIFORNIA  
2 STACIA LAGUNA, No. 292446  
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THE STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

10 In the Matter of: ) Case No. **SBC-23-O-30973**  
11 DAVID JONATHAN COHEN, )  
12 State Bar No. 145748, ) NOTICE OF DISCIPLINARY CHARGES  
13 An Attorney of the State Bar. ) (OCTC Case No. 21-O-13539 and  
 ) OCTC Case No. 22-O-3336)

**NOTICE - FAILURE TO RESPOND!**

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

- 17 **(1) YOUR DEFAULT WILL BE ENTERED;**
- 18 **(2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 19 **(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;**
- 20 **(4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
21 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
22 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
23 **ORDER RECOMMENDING YOUR DISBARMENT AND MAY**  
**RECOMMEND THE IMPOSITION OF MONETARY SANCTIONS**  
**WITHOUT FURTHER HEARING OR PROCEEDING. (SEE RULES**  
**PROC. OF STATE BAR, RULES 5.80 ET SEQ. & 5.137.)**

24 The State Bar of California, through the Rule 2201 Special Deputy Trial Counsel  
25 Administrator, alleges:  
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JURISDICTION

1. David Jonathan Cohen ("respondent") was admitted to the practice of law in the State of California on January 22, 1990. Respondent was a licensed attorney at all times pertinent to these charges, and is currently a licensee of the State Bar of California.

COUNT ONE

Case No. 21-O-13539  
Business and Professions Code section 6106  
[Moral Turpitude - Misappropriation]

2. On or about September 8, 2018, respondent received on behalf of his incarcerated client, Joshua Galang Gamos ("Gamos"), to whom respondent owed a contractual, statutory, or other legal duty, advanced attorney fees, in the form of a cashier's check from the client's wife, Elaine Gamos, in the amount of \$50,000. Respondent did not deposit the \$50,000 into a client trust account.

3. On or about September 10, 2018, respondent received on behalf of Gamos, additional advanced attorney fees, in the form of a cashier's check from the client's spouse, Elaine Gamos, in the sum of \$27,580.20. On or about September 11, 2018, respondent deposited the \$27,580.20 into respondent's client trust account at Wells Fargo Bank, account number xxxxxx0213.

4. On or about September 12, 2018, respondent willfully and intentionally misappropriated at least \$4,725.00 that belonged to respondent's client, and thereby committed an act involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code section 6106.

5. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with committing an intentional misappropriation. However, should the evidence at trial demonstrate that respondent misappropriated funds as a result of grossly negligent conduct, respondent must still be found culpable of violating 6106 because misappropriation through gross negligence is a lesser included offense of intentional misappropriation.

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COUNT TWO

Case No. 21-O-13539  
Rules of Professional Conduct, rule 1.15(a)  
[Failure to Deposit Funds in Client Trust Account]

6. On or about January 11, 2019, respondent accepted the appointment as the successor trustee of The Joshua G. Gamos Revocable Living Trust.

7. On or about January 15, 2019, respondent received on behalf of The Joshua G. Gamos Revocable Living Trust, to whom respondent owed a contractual, statutory, or other legal duty, funds in the amount of \$562,429.34, in the form of a check from Investment Property Exchange Services, Inc. Respondent failed to deposit the \$562,429.34 check in a bank account identified as respondent’s client trust account, in willful violation Rules of Professional Conduct, rule 1.15(a).

COUNT THREE

Case No. 21-O-13539  
Business and Professions Code section 6106  
[Moral Turpitude - Misappropriation]

8. On or about January 11, 2019, respondent accepted the appointment as the successor trustee of The Joshua G. Gamos Revocable Living Trust.

9. On or about January 15, 2019, respondent received, on behalf of The Joshua G. Gamos Revocable Living Trust, a check from Investment Property Exchange Services, Inc. (IPX1031), in the approximate sum of \$562,435.

10. On or about January 25, 2019, respondent opened a bank account in the name of the Gamos’s living trust, and deposited the approximate sum of \$562,435 into the account at Wells Fargo bank, account number xxxxxx4349 (hereinafter “Living Trust Account”).

11. Between approximately January 25, 2019 and July 18, 2019, respondent made several disbursements from the Living Trust Account, and each time, he transferred the funds into his operating accounts, as follows.

- On or about February 4, 2019, respondent transferred \$200,000 from the Living Trust Account to respondent’s client trust account, at Wells Fargo Bank, account number xxxxxx0213 (hereinafter “CTA”). On the same date, on or

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about February 4, 2019, respondent transferred \$200,000 from his CTA to his business operating account.

- On or about March 5, 2019, respondent transferred \$40,000 from the Living Trust Account to respondent's CTA. On the same date, on or about March 5, 2019, respondent transferred \$40,000 from his CTA to his business operating account.
- On or about March 13, 2019, respondent transferred \$320,000 from the Living Trust Account to respondent's CTA. On the same date, on or about March 13, 2019, respondent transferred \$320,000 from his CTA to his business operating account.
- On or about April 9, 2019, respondent transferred \$10,000 from the Living Trust Account to respondent's CTA. On the same date, on or about April 9, 2019, respondent transferred \$10,000 from his CTA to his business operating account.
- On or about July 17, 2019, respondent transferred \$1,000 from the Living Trust Account to respondent's CTA. On or about July 18, 2019, respondent transferred \$1,000.00 from his CTA to his business operating account.

12. On or about April 30, 2019, the balance in respondent's CTA dropped to \$180.80.

13. Between approximately February 4, 2019 and July 18, 2019, respondent willfully and intentionally misappropriated a minimum of \$276,741.00 that belonged to respondent's client, and thereby committed an act involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code section 6106.

14. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with committing an intentional misappropriation. However, should the evidence at trial demonstrate that respondent misappropriated funds as a result of grossly negligent conduct, respondent must still be found culpable of violating 6106 because misappropriation through gross negligence is a lesser included offense of intentional misappropriation.

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COUNT FOUR

Case No. 21-O-13539  
Rules of Professional Conduct, rule 1.15(a)  
[Failure to Maintain Funds in Trust Account]

15. Between approximately February 4, 2019, and July 18, 2019, respondent deposited at least five installments of payments totaling approximately \$571,000.00, into respondent’s client trust account at Wells Fargo Bank, account number xxxxxx0213 (CTA), purportedly as advanced fees on behalf of respondent’s client, Joshua Galang Gamos. Between approximately February 4, 2019, and July 18, 2019, the CTA balance fell below the amount that belonged to the client on several occasions, including but not limited to the following:

<u>Date</u>	<u>Approx. Amount Required in CTA</u>	<u>CTA Balance</u>
02/04/19	\$ 60,319	\$ 1,280.80
03/05/19	\$ 2,041	\$ 1,280.80
03/13/19	\$ 278,022	\$ 1,280.80
04/09/19	\$ 254,215	\$ 1,280.80
04/30/19	\$ 237,293	\$ 180.80
07/18/19	\$ 163,772	\$ 1,265.80

16. Respondent repeatedly failed to maintain a balance that belonged to respondent’s client, in respondent’s client trust account, in willful violation of Rules of Professional Conduct, rule 1.15(a).

COUNT FIVE

Case No. 21-O-13539  
Rules of Professional Conduct, rule 1.15(d)(4)  
[Failure to Render Accounts of Funds]

17. Between approximately September 8, 2018 and January 15, 2019, respondent received on behalf of respondent’s incarcerated client, Joshua Galang Gamos, the sum of over \$632,000 (“entrusted funds”), which included cash assets in the amount of \$562,429.34 that belonged to the Joshua G. Gamos Living Trust.

1 18. Between January 25, 2019, and April 9, 2019, respondent collected from the entrusted  
2 funds the sum of at least \$562,000, and transferred the sum into his firm's business operating  
3 account.

4 19. Respondent did not account in writing to Joshua Galang Gamos nor to the Joshua G.  
5 Gamos Living Trust, regarding the entrusted funds until on or about August 4, 2020, and thereby  
6 failed to promptly account in writing to a client or other person for whom respondent held funds  
7 or property, in willful violation of the Rules of Professional Conduct, rule 1.15(d)(4).

8 COUNT SIX

9 Case No. 21-O-13539  
10 Rules of Professional Conduct, rule 1.5(a)  
[Unconscionable Fee]

11 20. Between approximately September 8, 2018, and January 15, 2019, respondent  
12 purportedly entered into verbal agreements for, charged, or collected several payments of fees  
13 totaling over \$632,000 to perform legal services to defend Joshua Galang Gamos in a criminal  
14 matter. The fees were unconscionable for the following reasons, in willful violation of Rules of  
15 Professional Conduct, rule 4-200(A):

- 16 (a) Respondent engaged in overreaching in negotiating or setting the fee;  
17 (b) Respondent failed to disclose material facts;  
18 (c) The amount of the fee is disproportionate to the value of the services performed;  
19 (d) The client was vulnerable;  
20 (e) The amount involved is disproportionate to the results obtained by respondent;  
21 (f) The client did not give his informed consent to the fee.

22 COUNT SEVEN

23 Case No. 21-O-13539  
24 Rules of Professional Conduct, rule 1.7(b)  
[Actual Conflict - Representing Multiple Clients]

25 21. On or about January 11, 2019, respondent accepted appointment as the successor  
26 trustee to manage the assets of The Joshua G. Gamos Revocable Living Trust. At that time,  
27 Respondent was representing an existing client, Joshua Galang Gamos, in his individual  
28 capacity, regarding a criminal law matter, and there was a significant risk the respondent's

1 representation of the client would be materially limited by his responsibilities to or relationship  
2 with the other client or by the lawyer's own interests because respondent had sole control and  
3 authority over assets of the living trust which he used to pay himself attorney fees and legal costs  
4 incurred in Gamos's criminal law matter. Respondent did not inform both clients of the relevant  
5 circumstances nor of the actual and reasonably foreseeable adverse consequences to the clients,  
6 and he did not obtain the written informed consent from each affected client, in willful violation  
7 of the Rules of Professional Conduct, rule 1.7(b).

8 COUNT EIGHT

9 Case No. 21-O-13539  
10 Business and Professions Code section 6106  
[Moral Turpitude – Breach of Fiduciary Duty]

11 22. On or about January 15, 2019, respondent received funds in the amount of  
12 \$562,429.34, belonging to The Joshua G. Gamos Revocable Living Trust. Between  
13 approximately January 25, 2019 and April 9, 2019, respondent, in his capacity as successor  
14 trustee of the living trust, disbursed the entire amount from the Living Trust as payment of  
15 attorney fees and legal costs to himself. In so doing, respondent breached the terms of the living  
16 trust, he failed to safeguard the funds for the benefit of the beneficiaries of the trust, and he failed  
17 to avoid self-interest transactions, thereby breaching respondent's fiduciary duties owed to the  
18 trust. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption  
19 in willful violation of Business and Professions Code section 6106.

20 COUNT NINE

21 Case No. 21-O-13539  
22 Business and Professions Code section 6068(a)  
[Failure to Comply With Laws - Breach of Common Law Fiduciary Duty as a Trustee]

23 23. On or about January 14, 2019, respondent received funds in the amount of  
24 \$562,429.34, belonging to The Joshua G. Gamos Revocable Living Trust. Between  
25 approximately January 25, 2019 and April 9, 2019, respondent, in his capacity as successor  
26 trustee of the living trust, disbursed the entire amount as payment to himself of legal fees and  
27 legal costs. In so doing, respondent breached the terms of the living trust, he failed to safeguard  
28 the funds for the benefit of the beneficiaries of the trust, and he failed to avoid self-interest

1 transactions, thereby breaching respondent's fiduciary duties owed to the trust. By breaching  
2 common law fiduciary duties owed to the trust, respondent failed to support the Constitution and  
3 laws of the United States and of this state, in wilful violation of Business and Professions Code  
4 section 6068(a).

5 COUNT TEN

6 Case No. 21-O-13539  
7 Rules of Professional Conduct, rule 1.15(b)(1)  
8 [Failure to Give Written Disclosure to Client Re: Flat Fee Payment]

9 24. On or about February 4, 2019, respondent received \$200,000 purportedly as advanced  
10 flat fees for the benefit of a client, Joshua Galang Gamos, for representation in a certain criminal  
11 case.

12 25. On or about February 4, 2019, respondent deposited the \$200,000 into respondent's  
13 business operating account at Wells Fargo Bank, without notifying the client, in writing, of the  
14 client's right to require the flat fee be deposited in a Client Trust Account until the fee is earned,  
15 in willful violation Rules of Professional Conduct, rule 1.15(b)(1).

16 COUNT ELEVEN

17 Case No. 21-O-13539  
18 Rules of Professional Conduct, rule 1.15(b)(1)  
19 [Failure to Give Written Disclosure to Client Re: Flat Fee Payment]

20 26. On or about March 13, 2019, respondent received \$320,000 purportedly as advanced  
21 flat fees for the benefit of a client, Joshua Galang Gamos, for representation in a certain criminal  
22 case.

23 27. On or about March 13, 2019, respondent deposited the \$320,000 into respondent's  
24 business operating account at Wells Fargo Bank, without notifying the client, in writing, of the  
25 client's right to require the flat fee be deposited in a Client Trust Account until the fee is earned,  
26 in willful violation Rules of Professional Conduct, rule 1.15(b)(1).

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COUNT TWELVE

Case No. 21-O-13539  
Rules of Professional Conduct, rule 1.15(b)(2)  
[Failure To Obtain Client’s Written Agreement To Deposit Flat Fee  
Exceeding \$1,000 in Operating Account]

28. On or about February 4, 2019, Respondent received \$200,000.00 purportedly as advanced flat fees for the benefit of a client, Joshua Galang Gamos, for representation in a certain criminal case.

29. On or about February 4, 2019, Respondent deposited the \$200,000.00 into respondent’s operating account at Wells Fargo Bank, without obtaining the client’s signed, written agreement to deposit the funds in the respondent’s operating account, in willful violation Rules of Professional Conduct, rule 1.15(b)(2).

COUNT THIRTEEN

Case No. 21-O-13539  
Rules of Professional Conduct, rule 1.15(b)(2)  
[Failure To Obtain Client’s Written Agreement To Deposit Flat Fee  
Exceeding \$1,000 in Operating Account]

30. On or about March 13, 2019, Respondent received \$320,000.00 purportedly as advanced flat fees for the benefit of a client, Joshua Galang Gamos, for representation in a certain criminal case.

31. On or about March 13, 2019, Respondent deposited the \$320,000.00 into respondent’s business operating account at Wells Fargo Bank, without obtaining the client’s signed, written agreement to deposit the funds in the respondent’s operating account, in willful violation Rules of Professional Conduct, rule 1.15(b)(2).

COUNT FOURTEEN

Case No. 21-O-13539  
Rules of Professional Conduct, rule 1.2(b)  
[Limited Scope of Representation without Client Consent]

32. In or about December 2018, respondent purportedly entered into a legal services verbal agreement with a client, Joshua Galang Gamos, which limited the scope of his

1 representation, without obtaining the client's informed consent to his limited scope of  
2 representation, in willful violation of Rules of Professional Conduct, rule 1.2(b).

3 COUNT FIFTEEN

4 Case No. 21-O-13539  
5 Rules of Professional Conduct, rule 1.16(e)(2)  
6 [Failure to Refund Unearned Fees/Expenses]

7 33. Between approximately September 8, 2018 and July 19, 2019, respondent received  
8 advanced fees and advanced expenses totaling approximately \$651,200 for the benefit of an  
9 incarcerated client, Joshua G. Gamos, for purposes of representing the client in a criminal case.

10 34. Respondent did not earn all of the advanced fees paid.

11 35. Respondent failed to refund promptly, upon respondent's termination of employment  
12 on or about September 9, 2020, any part of the \$651,200 that was unearned, in willful violation  
13 of Rules of Professional Conduct, rule 1.16(e)(2).

14 COUNT SIXTEEN

15 Case No. 22-O-3336  
16 Rules of Professional Conduct, rule 1.15(b)(2)  
17 [Failure To Obtain Client's Written Agreement To Deposit Flat Fee  
18 Exceeding \$1,000 in Operating Account]

19 36. Between approximately July 3, 2019, and April 10, 2020, respondent received a sum  
20 of \$14,550 as a flat fee payment for the benefit of a client, Muhammad Khan, as advanced fees for  
21 representation in a connection with a petition for habeas corpus. Respondent deposited the fee into  
22 respondent's operating account without obtaining the client's signed, written agreement to deposit  
23 the flat fee in the respondent's operating account, in willful violation Rules of Professional  
24 Conduct, rule 1.15(b)(2).

25 COUNT SEVENTEEN

26 Case No. 22-O-3336  
27 Rules of Professional Conduct, rule 1.15(a)  
28 [Failure to Deposit Funds in Client Trust Account]

37. On or about December 9, 2020, respondent received for the benefit of respondent's  
client, Muhammand Khan, funds in the amount of \$924.82. Respondent failed to deposit the

1 funds in a bank account identified as respondent's client trust account, in willful violation Rules  
2 of Professional Conduct, rule 1.15(a).

3 COUNT EIGHTEEN

4 Case No. 22-O-3336  
5 Rules of Professional Conduct, rule 1.15(a)  
6 [Failure to Deposit Funds in Client Trust Account]

7 38. On or about January 24, 2022, respondent received for the benefit of respondent's  
8 client, Muhammand Khan, funds in the amount of \$3,000.00. Respondent failed to deposit the  
9 funds in a bank account identified as respondent's client trust account, in willful violation Rules  
10 of Professional Conduct, rule 1.15(a).

11 COUNT NINETEEN

12 Case No. 22-O-3336  
13 Rules of Professional Conduct, rule 1.15(d)(4)  
14 [Failure to Render Accounts of Funds]

15 39. Respondent did not account in writing to Muhammad Khan regarding the advanced  
16 fees respondent received between July 2019 and April 2020, for services related to habeas  
17 representation, until approximately March 2023, and respondent thereby failed to promptly  
18 account in writing to a client for whom respondent held funds, in willful violation of the Rules of  
19 Professional Conduct, rule 1.15(d)(4).

20 COUNT TWENTY

21 Case No. 22-O-3336  
22 Rules of Professional Conduct, rule 1.15(d)(4)  
23 [Failure to Render Accounts of Funds]

24 40. Respondent did not account in writing to Muhammad Khan regarding the advanced  
25 fees and/or advanced costs that respondent received between December 2020 and January 2022,  
26 for services related to remand and diversion proceedings, until approximately March 2023, and  
27 respondent thereby failed to promptly account in writing to a client for whom respondent held  
28 funds, in willful violation of the Rules of Professional Conduct, rule 1.15(d)(4).

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COUNT TWENTY-ONE

Case No. 22-O-3336  
Rules of Professional Conduct, rule 1.5(a)  
[Unconscionable Fee]

41. On or about December 9, 2020, respondent entered into an agreement for payment of advanced fees of \$8,000 to perform legal services to represent Muhammad Khan in diversion proceedings. The fees were unconscionable for the following reasons, in willful violation of Rules of Professional Conduct, rule 1.5(a):

- (a) Respondent engaged in overreaching in negotiating or setting the fee;
- (b) Respondent failed to disclose material facts;
- (c) The client was vulnerable;
- (d) The client did not give his informed consent to the fee.

COUNT TWENTY-TWO

Case No. 22-O-3336  
Rules of Professional Conduct, Rule 1.8.6  
[Accepting Fees From a Non-Client]

42. On or about December 9, 2020, respondent accepted \$924.82 from Faryal Shahid as compensation for representing a client, Muhammad Khan, without obtaining the client's informed written consent to receive such compensation in willful violation of Rules of Professional Conduct, rule 1.8.6.

**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 ATTORNEY 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**


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**INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

**NOTICE – MONETARY SANCTION!**

**IN THE EVENT THIS MATTER RESULTS IN ACTUAL SUSPENSION, DISBARMENT, OR RESIGNATION WITH CHARGES PENDING, YOU MAY BE SUBJECT TO THE PAYMENT OF A MONETARY SANCTION NOT TO EXCEED \$5,000 FOR EACH VIOLATION, TO A MAXIMUM OF \$50,000 PER DISCIPLINARY ORDER, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.13. SEE RULE 5.137, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

Respectfully submitted,  
THE STATE BAR OF CALIFORNIA

DATED: November 14, 2023 By:   
RIZAMARI GONZAGA SITTON  
Special Deputy Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): 21-O-13539, 22-O-3336

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))

[x] By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

[ ] By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

[ ] By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

[ ] By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[ ] (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

[x] (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article at San Francisco, addressed to: (see below) No.:

[ ] (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking 9414 7266 9904 2204 7188 30 addressed to: (see below) No.:

Table with 4 columns: Person Served, Business Address, Fax Number, Courtesy Copy to. Row 1: David Jonathan Cohen, Bay Area Criminal Lawyers, PC, 7567 Amador Valley Blvd Ste 302, Dublin, CA 94568-2443, Electronic Address.

[ ] 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.

DATED: November 14, 2023

SIGNED:

Handwritten signature of Yadira Medina over a horizontal line.

Yadira Medina
Declarant