


FILED

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DEPT. OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE
 STATE OF CALIFORNIA

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<p>In the Matter of the Accusation of:</p> <p style="text-align: center;">ALON DARVISH,</p> <p style="text-align: center;">Respondent.</p>	<p>No. H-42346-LA</p> <p style="text-align: center;"><u>ACCUSATION</u></p>
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The Complainant, Jason Parson, a Supervising Special Investigator for the Department of Real Estate (“Department”) of the State of California, for cause of Accusation against ALON DARVISH (“Respondent”), is informed and alleges in his official capacity as follows:

1. The Complainant, Jason Parson, acting in his official capacity as a Supervising Special Investigator, makes this Accusation against Respondent.
2. Respondent presently has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (“Code”), as a real estate broker (License ID 01430233).

CAUSE OF ACCUSATION

(LICENSE DISCIPLINE BY STATE BAR AND SUPREME COURT)

3. On April 7, 2021, the Hearing Department of the State Bar Court of California (“State Bar Court”) filed an Actual Suspension in *In the Matter of ALON DARVISH*, California State Bar Court Case Nos. 17-O-00800, 17-O-01634, SBC-19-O-30680, SBC-20-O-00020, SBC-

ACCUSATION

1 21-J-30031, and SBC-21-O-30047 (“Actual Suspension”), recommending to the California
2 Supreme Court that an Actual Suspension “And Until” Rehabilitation be ordered as follows: that
3 Respondent be suspended from the practice of law for three (3) years, with the execution of that
4 suspension stayed, and that Respondent be placed on probation for three (3) years with the
5 following conditions:

6 Respondent must be suspended from the practice of law for a minimum of
7 the first two (2) years of Respondent’s probation and until Respondent
8 provides proof to the State Bar Court of Respondent’s rehabilitation,
9 fitness to practice, and present learning and ability in the general law.
(Citation omitted.)

9 The State Bar Court also recommended that additional conditions of probation and other
10 requirements negotiated by the parties be imposed, as detailed in the Actual Suspension.

11 4. The Actual Suspension found the following two (2) aggravating circumstances:

12 (8) **Harm:** Respondent’s misconduct harmed significantly a client, the
13 public, or the administration of justice.

14 (12) **Pattern:** Respondent’s current misconduct demonstrates a pattern of
15 misconduct.

15 5. The Actual Suspension also found the following mitigating circumstances:

16 a. No Prior Record.

17 b. Extreme Emotional Difficulties.

18 c. Pretrial Stipulation.

19 d. Good Character.

20 6. In an Attachment to the Actual Suspension, Respondent and Deputy Trial Counsel
21 for the State Bar (collectively “parties”) executed a Stipulation Re Facts, Conclusions of Law and
22 Disposition (“Stipulation”) on March 9, 2021, in which Respondent admitted that certain material
23 facts are true and that Respondent is culpable of violations of the specified statutes and/or Rules of
24 Professional Conduct, including, but not limited to:

25 a. Violations of rule 3 110(A) of the former Rules of Professional Conduct by
26 recklessly failing to: file court documents, move for an extension of time, dismiss and
27 refile a bankruptcy action, oppose a motion to lift a bankruptcy stay, supplement a
28 bankruptcy petition with additional documentation, to serve a bankruptcy plan, to respond

1 to objections to the bankruptcy plan, and to set forth a reasonable schedule and time period
2 of payment of arrearages;

3 b. Failing to respond promptly to clients' reasonable status inquires in willful
4 violation of Code section 6068(m);

5 c. Failing to promptly refund client fees in willful violation of rule
6 3-700(D)(2) of the former Rules of Professional Conduct;

7 d. Failing to provide substantive responses to State Bar letters and inquiries in
8 willful violation of Code section 6068(i);

9 e. Failing to take any substantive action on a client's behalf in willful violation
10 of rule 3-700(A)(2) of the former Rules of Professional Conduct;

11 f. Failing to comply with courts' orders in willful violation of Code section
12 6103;

13 g. Failing to take reasonable steps to avoid reasonably foreseeable prejudice to
14 a client following Respondent's constructive withdrawal from employment in willful
15 violation of rule 1.16(d) of the Rules of Professional Conduct;

16 h. Violation of rule 9011(b)(1) of the Federal Rules of Bankruptcy Procedure
17 by filing a bankruptcy petition for an improper purpose in violation of an order prohibiting
18 Respondent from filing emergency bankruptcy petitions.

19 7. In the Stipulation, Respondent also admitted that certain material facts are true and
20 that Respondent is culpable of violations of the specified statutes and/or Rules of Professional
21 Conduct, in proceedings before the U.S. Bankruptcy Court for the Central District of California,
22 including, but not limited to:

23 a. By failing to pay \$5,000 in sanctions, Respondent disobeyed or violated an
24 order of the court; and by filing 22 deficient bankruptcy petitions, Respondent disobeyed
25 or violated an order of the court;

26 b. By failing to (1) participate in a mentoring program regarding potential
27 bankruptcy filings, and (2) complete six hours of CLE courses in ethics and six hours of

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1 CLE courses in law office management, Respondent disobeyed or violated an order of the
2 court.

3 8. In the Stipulation, Respondent also admitted that:

4 a. Respondent committed performance, communication, and withdrawal
5 violations in eight client matters over a span of approximately three years, causing the
6 clients significant harm by resulting in the dismissal and non-prosecution of their matters.

7 b. Respondent's misconduct also involved repeated violations of court orders,
8 including orders that Respondent disgorge fees to his clients and show cause regarding
9 misconduct before the court.

10 9. The Stipulation also provided that because Respondent did not have a prior record
11 of discipline in twelve years of practice before the misconduct, it indicated that discipline less
12 severe than disbarment was appropriate on the ground that Respondent may conform his conduct
13 to meet basic duties to clients and courts, and successfully resume the practice of law.

14 10. The Stipulation recommended a three-year stayed suspension with two years' actual
15 suspension, rather than disbarment, as sufficient to protect the courts, the public, and the legal
16 profession, on the conditions that Respondent continue participating in the Lawyer Assistance
17 Program and establish rehabilitation from the misconduct under Standard 1.22(c)(1), Standards for
18 Attorney Sanctions for Professional Misconduct, before resuming the practice of law.

19 11. On April 5, 2021, the State Bar Court issued an Actual Suspension Order in the
20 aforementioned State Bar Cases against Respondent, in which the State Bar Court found the
21 Stipulation to be fair to the parties and that it adequately protected the public, and ordered that the
22 stipulated facts and disposition were approved with minor modifications as described in the Actual
23 Suspension Order.

24 12. On May 19, 2021, the Record of the State Bar in the aforementioned State Bar
25 Cases against Respondent was filed in the California Supreme Court.

26 13. On August 2, 2021, in *In re ALON DARVISH*, California Supreme Court Case No.
27 S269314, the California Supreme Court imposed the discipline recommended by the State Bar
28 Court and filed an Order that Respondent DARVISH be suspended from the practice of law in

1 California for three (3) years, with execution of that period of suspension stayed, and placed
2 Respondent on probation for three (3) years subject to the following conditions:

3 a. Respondent is suspended from the practice of law for a minimum
4 of the first two years of probation, and Respondent will remain suspended until
5 providing proof to the State Bar Court of rehabilitation, fitness to practice and
present learning and ability in the general law.

6 b. Respondent must also comply with the other conditions of
7 probation recommended by the Hearing Department of the State Bar Court in its
Order Approving Stipulation filed on April 7, 2021.

8 c. At the expiration of the period of probation, if Respondent has
9 complied with all conditions of probation, the period of stayed suspension will be
satisfied and that suspension will be terminated. (Citations omitted.)

10 14. The Supreme Court also ordered Respondent to, among other things: provide to the
11 State Bar's Office of Probation proof of taking and passing the Multistate Professional
12 Responsibility Examination ("MPRE") as recommended by the Hearing Department in its Order
13 Approving Stipulation filed on April 7, 2021; comply with California Rules of Court, rule 9.20,
14 and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar
15 days, respectively, after the effective date of the Court's Order. The Court advised that failure to
16 provide proof of taking and passing the MPRE may result in suspension, and failure to comply
17 with rule 9.20 and perform the acts specified in subdivisions (a) and (c) of rule 9.20 so may result
18 in disbarment or suspension.

19 15. Respondent's acts and/or omissions discussed above as found by the State Bar
20 Court and the California Supreme Court, and admitted by Respondent in the Stipulation, if done
21 by a real estate licensee, would be grounds for the suspension or revocation of a California real
22 estate license for breach of fiduciary duties and under Code sections 10176(m) and 10177(d)
23 and/or 10177(g).

24 16. The prior license action against Respondent, as alleged in Paragraphs 3 through 14
25 above, constitutes cause for the suspension or revocation of the license or license rights of
26 Respondent under Code section 10177(f).

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1 (COSTS OF INVESTIGATION AND ENFORCEMENT)

2 17. California Business and Professions Code section 10106, provides, in pertinent
3 part, that in any order issued in resolution of a disciplinary proceeding before the Department of
4 Real Estate, the Commissioner may request the administrative law judge to direct a licensee found
5 to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the
6 investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
8 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action
9 against all the licenses and license rights of Respondent ALON DARVISH under the Real Estate
10 Law, for the costs of investigation and enforcement as permitted by law, and for such other and
11 further relief as may be proper under other applicable provisions of law.

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13 Dated at Los Angeles, California this 15th day of August, 2022.

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16 
17 Jason Parson
18 Supervising Special Investigator

19 cc: ALON DARVISH
20 Jason Parson
21 Sacto.