

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**  
**SEP 09 2016**  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

9  
 10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

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 13 In the Matter of: ) Case No. 16-O-10498  
 14 RANDY CARROLL WHALEY, )  
 No. 110157, ) NOTICE OF DISCIPLINARY CHARGES  
 15 )  
 16 A Member of the State Bar. )

17 **NOTICE - FAILURE TO RESPOND!**

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

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**  
 21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**  
 22 (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;**  
 23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
 24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
 25 **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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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Randy Carroll Whaley (“respondent”) was admitted to the practice of law in the State  
4 of California on December 12, 1983, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-10498  
8 Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

9 2. Respondent disobeyed or violated an order of the court requiring respondent to do or  
10 forbear an act connected with, or in the course of respondent’s profession, which respondent  
11 ought in good faith do or forbear, by failing to comply with an order dated October 5, 2015,  
12 which respondent had proper notice of, requiring respondent and/or his client, jointly and  
13 severally, to pay sanctions in the amount of \$9,761 to defendant Mischelynn Scarlatelli and her  
14 counsel, within 30 days of the notice of said order, in *Isom v. Scarlatelli, et al.*, Los Angeles  
15 County Superior Court, case no. BC574246, as the sanctions were not paid within 30 days, in  
16 willful violation of Business and Professions Code, section 6103.

17 COUNT TWO

18 Case No. 16-O-10498  
19 Business and Professions Code, section 6068(o)(3)  
[Failure to Report Judicial Sanctions]

20 3. Respondent failed to report to the agency charged with attorney discipline, in writing,  
21 within 30 days of the time respondent had knowledge of the imposition of judicial sanctions, by  
22 failing to report to the State Bar the \$9,761 in non-discovery sanctions the court imposed on or  
23 about October 5, 2015, in connection with *Isom v. Scarlatelli, et al.*, Los Angeles County  
24 Superior Court, case no. BC574246, in willful violation of Business and Professions Code  
25 section, 6068(o)(3).

26 **NOTICE - INACTIVE ENROLLMENT!**

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
28 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
**SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**

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**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.**

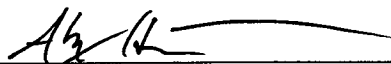
**NOTICE - COST ASSESSMENT!**

**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: September 9, 2016

By:   
Alex Hackert  
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 16-O-10498

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, 845 South Figueroa Street, Los Angeles, California 90017, 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))

- 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 U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

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)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. 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)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Article No.: 7196 9008 9111 6410 7354 at Los Angeles, 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:.

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').

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 Los Angeles, California, on the date shown below.

DATED: September 9, 2016

SIGNED:

Handwritten signature of Kim Wimbish and printed name KIM WIMBISH Declarant.