

1 BY MR. GOSIOCO:

2 Q. Yes, sir.

3 A. Thank you. 55?

4 Q. Yes, sir.

5 A. Okay. I'm there. Thank you.

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Elizabeth A. Brown
Clerk of Supreme Court

6 Q. And is Bates -- the document appearing on
7 your screen that I'm sharing, does this -- is this
8 Bates stamp 55 of your Exhibit A?

9 A. Yes, sir.

10 Q. And do you recognize what this document is,
11 Mr. Leventhal?

12 A. Yes, sir. It's part of the Metropolitan
13 Police Department's investigation. They input the
14 victims, they input the offenses that they believe
15 that the district attorney's office should charge a
16 defendant with, and that's what this is, or this is a
17 Las Vegas Metropolitan Police Department report.

18 Q. Okay. And in -- based on your experience in
19 these arrest reports or detective reports, if an item
20 is alleged to have been stolen, are those items
21 specifically listed in the arrest report?

22 A. Generally somewhere, yes, sir.

23 Q. Okay. Thank you. Now scrolling down to
24 Bates stamp 56, are you on that page, Mr. Leventhal?

25 A. Yes, sir.

1 Q. At the bottom of Bates stamp 56, and it's
2 being shown on the screen, which I'm sharing, to the
3 left-hand column it says "arrestees, witnesses, other
4 entities and properties"; is that right?

5 A. That's correct.

6 Q. So under the "property" section, based on
7 your experience, if an item is alleged to have been
8 stolen, is this the section where Metro officers
9 would typically list alleged stolen items?

10 MR. CLARK: Objection. Speculation, lacks
11 foundation.

12 MR. GOSIOCO: And I was asking based on
13 Mr. Leventhal's experience.

14 CHAIRMAN EDWARDS: Overruled.

15 MR. CLARK: You haven't established his
16 experience as to arrest records.

17 MR. GOSIOCO: Sorry, was that objection
18 overruled, Mr. Chairman?

19 CHAIRMAN EDWARDS: Yes.

20 MR. GOSIOCO: Thank you.

21 THE WITNESS: Sorry, what was -- the
22 question is in my experience is this where they would
23 put stolen property?

24 BY MR. GOSIOCO:

25 Q. Yes, sir.

1 A. Yeah. So if you -- if you go to page 57,
2 the next page.

3 Q. Okay.

4 A. Okay. If you look down, see "type," where
5 it says "miscellaneous," and then there's "computers,
6 office equipment, stolen." And if you go to the next
7 one, "miscellaneous," and you see "cellphone"?

8 Q. Yes, sir.

9 A. "Bicycle, worthless docs and items not
10 listed stolen, Home Depot card used." So that would
11 be where they would generally put what was stolen.
12 So that would -- that's where I became aware that an
13 iPhone was stolen. And, again, cellphones, bikes,
14 clothing, glasses. If you keep going, "type:
15 Overnight bag, hat, glasses, contacts, miscellaneous
16 stolen with Discover red card, bicycle, worthless
17 docs, cellphones." So that's where it would.

18 And then if you go down, the automobile of
19 Mr. Bowman, I believe he -- it was his automobile.
20 Then it would go list into the automobile, Dodge
21 pickup registered to Dean Bowman, what was taken.

22 So to answer your questions, yes, generally
23 that's where they list the items, but they don't -- I
24 mean, you know, whether -- I don't know how deep and
25 involved they get. They're still Metro officers that

1 have a lot of things to do, so, you know, but there
2 are things listed here.

3 Q. Thank you. Now, I want to go back to the
4 top -- the bottom of page 56 where the property
5 section starts.

6 A. Yes, sir.

7 Q. The highlighted portion on my screen, can
8 you see that properly?

9 A. Yes, sir.

10 Q. Now, in the highlighted portion, does it
11 mention anywhere an iPhone, a Louis Vuitton purse or
12 wallet, or a diamond ring?

13 A. In that section, no, sir.

14 Q. Thank you. Scrolling down to Bates stamp
15 57, the next type of alleged stolen property, I am
16 highlighting that portion on my screen now. Can you
17 see that portion, Mr. Leventhal?

18 A. Yes, sir.

19 Q. Now, anywhere in that highlighted portion
20 does it mention an iPhone, a Louis Vuitton purse or
21 wallet, or a diamond ring?

22 A. It mentions an Apple iPad, but not the
23 iPhone.

24 Q. Okay. Thank you. And as far as a Louis
25 Vuitton purse or wallet or a diamond ring, is there

1 any mention of that in that highlighted portion?

2 A. No, sir.

3 Q. Thank you. And showing you the next
4 highlighted portion right here, for the "type," can
5 you see that properly, Mr. Leventhal?

6 A. Yes, sir.

7 Q. Now, in that highlighted portion, is there
8 any mention of an iPhone, Louis Vuitton purse or
9 wallet, or diamond ring?

10 A. It says cellphone. It doesn't specify, but,
11 no, it doesn't say -- it doesn't say iPhone, if
12 that's your question.

13 Q. Okay. And as far as the type, and I'm
14 comparing, for example, you did mention at the bottom
15 of Bates stamp 58 the Dodge pickup that was
16 registered to Dean Bowman; is that right?

17 A. Yes. That's what it says.

18 Q. And under the "type" at the very top of that
19 highlighted portion on my screen it says "automobile,
20 parenthesis, not stolen or recovered"; is that right?

21 A. Where I am? I don't know where I'm looking.
22 Am I still on at 58?

23 Q. Yes, sir. Towards the bottom of 58. It's
24 on my screen.

25 A. At the bottom. I'm sorry. Yes, I see --

1 oh, "type: Automobile, not stolen or recovered."

2 Yes, I see that.

3 Q. And was there -- is there a description
4 included in that underneath the "type"?

5 A. I don't know. "Type: Automobile, not
6 stolen or recovered."

7 Q. And if you go down two more lines.

8 A. Okay. "Dodge pickup registered to Dean
9 Bowman."

10 Q. Okay. And that's the description of the
11 type of alleged stolen item, correct, or?

12 A. No, sir. The automobile wasn't stolen. The
13 automobile was broken into and stuff was taken out of
14 it from Dean Bowman.

15 Q. Okay.

16 A. So, no, she never stole it. That's why it
17 says it's not stolen, they didn't need to recover it.
18 What they're saying here is that's the automobile
19 that was parked when Miss Sosa went in and broke the
20 glass and took stuff out of the vehicle. Does that
21 make sense?

22 Q. Yes, sir. Thank you for clarifying.

23 A. Yeah.

24 Q. But under the "type" it does says
25 "automobile, parenthesis, not stolen or recovered,"

1 correct?

2 A. That's correct.

3 Q. And under the description it states, "Dodge
4 pickup registered to Dean A. Bowman"; is that right?

5 A. That's correct.

6 Q. Okay. So going back up to Bates stamp 57,
7 and I'm highlighting a portion on my screen.

8 MR. CLARK: 57?

9 MR. GOSIOCO: Yes, 57.

10 BY MR. GOSIOCO:

11 Q. And do you see the portion I'm referring to,
12 Mr. Leventhal?

13 A. Yes, sir.

14 Q. And under "type," as you had testified, the
15 "type" states miscellaneous parenthesis, cellphones,
16 bicycles, worthless doc, items not included; is that
17 right?

18 A. Am I on fifty -- oh, yeah, you're down
19 there. Yes.

20 Q. Okay. An under the "description," am I
21 reading this correctly, the description is listed as
22 Home Depot credit card which was used, the info was
23 in the details?

24 A. That's what it says, yes, sir.

25 Q. Okay. But as far as this highlighted

1 portion is concerned, there is no mention of an
2 iPhone, Louis Vuitton purse or wallet, or diamond
3 ring; is that right?

4 A. It doesn't say iPhone, it says cellphone.

5 Q. Okay. And that is the type, but as far as
6 the description is concerned, there's no mention of
7 an iPhone, Louis Vuitton purse or wallet, or a
8 diamond ring; is that right?

9 A. That's correct, but it also doesn't say what
10 type of bicycle it is either. I mean, it just says
11 bicycle, cellphone. But, no, it doesn't -- it
12 doesn't say exactly what it is. You're correct.

13 Q. Thank you. Going to the top of Bates stamp
14 58, I'm highlighting a portion now on my screen. Can
15 you see that properly, Mr. Leventhal?

16 A. Yes, sir.

17 Q. And under the type, what does the "type"
18 state for that highlighted portion?

19 A. "Clothing, belts, glasses, purses/wallets."

20 Q. And the description please?

21 A. Description is "overnight bag, had my
22 glasses and contacts."

23 Q. Now, in that highlighted portion is there
24 any mention of an iPhone, Louis Vuitton purse or
25 wallet, or diamond ring?

1 A. It doesn't specifically say which one, it
2 just says purses, wallets.

3 Q. For the clothing, the type of item, correct.
4 But as far as the description, is there any mention
5 of an iPhone, Louis Vuitton wallet or purse, or
6 diamond ring?

7 A. No.

8 Q. Thank you. And I'm scrolling. We already
9 discussed the automobile on the bottom of page 58.
10 Okay, and showing you the narrative on Bates stamp
11 59, I'm highlighting that portion right now. Can you
12 see that clearly, Mr. Leventhal?

13 A. Yes, sir, I can.

14 Q. Can you read that to yourself quietly and
15 let me know when you're finished?

16 A. Okay. I've read it.

17 Q. Thank you. Now, in that narrative,
18 Mr. Leventhal, is there any mention of an iPhone,
19 Louis Vuitton wallet or purse, or diamond ring?

20 A. No, sir.

21 Q. Thank you. I'm scrolling to Bates stamp 60.
22 Do you recognize this document, Mr. Leventhal?

23 A. Yes, sir.

24 Q. Was this included as discovery in the
25 criminal case for Miss Sosa-Avila?

1 A. Yes, sir, it was.

2 Q. Scrolling down a bit further, I'm going to
3 be highlighting -- does this look like a receipt from
4 Home Depot?

5 A. Yes, sir, it does.

6 Q. And I'm going to be highlighting the portion
7 to the left with an itemized list. Do you see the
8 highlighted portion on my screen, Mr. Leventhal?

9 A. Yes, sir, I do.

10 Q. Could you read that quietly to yourself and
11 let me know when you're done?

12 A. I'm done.

13 Q. Now, in that itemized list of this Home
14 Depot receipt, is there any mention of a Louis
15 Vuitton purse or wallet, or iPhone, excuse me, or
16 diamond ring?

17 A. No, sir.

18 Q. Thank you. Now, Bates stamp -- I'm looking
19 at Bates stamp 62, and does this also appear to be a
20 receipt image from Home Depot?

21 A. Yes, sir.

22 Q. And I'm highlighting a portion to the left
23 of my screen with an itemized list. Do you see that
24 clearly, Mr. Leventhal?

25 A. Yes, sir, I do.

1 Q. And can you take -- read it quietly to
2 yourself and let me know when you're finished?

3 A. I'm done.

4 Q. And does an iPhone, a Louis Vuitton purse or
5 wallet, or diamond ring appear anywhere in the
6 itemized list?

7 A. No, sir.

8 Q. Thank you. Now, showing you what looks like
9 another receipt from Home Depot on Bates stamp 64, do
10 you see that on my screen, Mr. Leventhal?

11 A. I do.

12 Q. And I'm highlighting a portion to the left
13 with an itemized list on the receipt. Could you read
14 that quietly to yourself and let me know when you're
15 finished?

16 A. I'm finished.

17 Q. And in that itemized list, is there any
18 mention of an iPhone, Louis Vuitton purse or wallet,
19 or diamond ring?

20 A. No, sir.

21 Q. Thank you. Showing you yet another Home
22 Depot receipt on Bates stamp 65, I'm highlighting a
23 portion to the left of my screen with an itemized
24 list from that receipt. Do you see where I'm at,
25 Mr. Leventhal?

1 A. Yes, I do.

2 Q. And could you read that quietly to yourself
3 and let me know when you're finished?

4 A. Yes, I'm done.

5 Q. And is there any mention of an iPhone, Louis
6 Vuitton purse or wallet, or diamond ring in here?

7 A. No, sir.

8 Q. Thank you. Let's see. Give me one second.
9 Let me -- now, did you also, this was case number
10 20 -- I apologize. Showing you what's been
11 previously marked and admitted as Exhibit 8, and this
12 appears to be your motion to withdraw from attorney,
13 as attorney of record for Miss Sosa-Avila in Case
14 Number 19F03827B; is that right?

15 A. That's correct.

16 Q. And I'm looking for the criminal complaint.
17 It doesn't look like there was a criminal complaint
18 attached to that case, but give me one moment. I'm
19 looking at Bates stamp, in your exhibit, looks like
20 Exhibit B. And showing you your Exhibit B, starting
21 on Bates stamp 75, let me know when you've found that
22 document --

23 A. I found it.

24 Q. -- Mr. Leventhal.

25 You have it?

1 A. Yes, sir.

2 Q. Thank you. And I'm highlighting a portion
3 in the details for probable cause on Bates stamp 75.
4 Do you see that clearly on my screen, Mr. Leventhal?

5 A. Yes, sir, I do.

6 Q. Can you read that to yourself quietly and
7 let me know when you're finished?

8 A. Yes, sir.

9 Yes, sir, I'm done.

10 Q. Now, in that highlighted portion, is there
11 any mention of an iPhone, Louis Vuitton purse or
12 wallet, or diamond ring?

13 A. No, sir.

14 Q. And to the best of your knowledge in this
15 report is there any mention of an iPhone, Louis
16 Vuitton purse or wallet, or diamond ring?

17 A. In this entire report? You want me to look
18 through it?

19 Q. If you wouldn't mind, yes, sir.

20 A. Okay. Well, because I know how this
21 happened. When the undercover detective, the
22 Detective Haynes in this, what he did was he started
23 communication with Miss Sosa because he was trained
24 to get the goods, the stuff that was stolen back for
25 Mr. Bowman. And in his course of his investigation,

1 through what's called, an app called OfferUp,
2 Miss Sosa told him that she had the Louis Vuitton
3 purse. It's -- if you go to number 83. Are you
4 there?

5 Q. Yes, sir.

6 A. So right there, stop. Do you see where it
7 says "Louis Vuitton wallet" at the top right, and
8 underneath it said \$650?

9 Q. Yes, sir, I do.

10 A. Okay. Can you highlight that? And so --
11 and so that's what she was trying to sell. Thank
12 you. That's what she was trying to sell the officer.
13 That's where I found out that there was, in fact, a
14 Louis Vuitton wallet that was stolen, that was --
15 that she had given to me as collateral. And that's
16 when I decided that I couldn't -- and then she also
17 admitted to it.

18 So it is in the report, the Louis Vuitton
19 wallet. It's not just -- it's just not listed as a
20 stolen item, but it is in the report. And when she
21 was confronted about it in her interview down at
22 Metropolitan Police Department, she then again
23 admitted to it because the officer said, what about
24 the Louis Vuitton wallet that you were trying to sell
25 me, and she said, Oh, I found it in a car, or

1 something along those lines. So, yes, there is --
2 there is mention of a Louis Vuitton wallet in that
3 report.

4 Q. Okay. But and how about the iPhone or
5 diamond ring. Is that mentioned anywhere in the
6 report?

7 A. Well, the iPhone -- okay, the phone was
8 mentioned in the report as something that was stolen
9 out of the vehicle. The -- and the ring, like I
10 said, was admitted to, I don't remember if I saw
11 anywhere in the ring. The Louis Vuitton was
12 obviously the big one that popped out. And then
13 when -- and then, like I said, she admitted to it
14 when she came in. So I don't know if it's in the
15 report.

16 Q. Okay. Thank you. I'd like to move on to
17 Case Number OBC20-0706 pertaining to a grievance
18 submitted to the State Bar by Zan Mitrov. Are you
19 familiar with that grievance?

20 A. Yes, sir.

21 MR. CLARK: Mr. Chairman, is this -- are we
22 at a good time to take a comfort break? Unless...

23 CHAIRMAN EDWARDS: Sure. That's fine. Five
24 minutes?

25 MR. CLARK: Five minutes?

1 CHAIRMAN EDWARDS: Yep.

2 MR. CLARK: Is that all right?

3 CHAIRMAN EDWARDS: Recess.

4 MR. CLARK: Thank you.

5 (A recess was taken.)

6 CHAIRMAN EDWARDS: Back on the record.

7 State Bar, your witness.

8 MR. GOSIOCO: Thank you, Mr. Chairman.

9 MR. CLARK: Can we have the record reflect
10 that I guess Mr. Hooge has joined us.

11 CHAIRMAN EDWARDS: Sure.

12 MR. CLARK: Okay.

13 MR. GOSIOCO: May I proceed, Mr. Chairman?

14 CHAIRMAN EDWARDS: Yes, please.

15 MR. GOSIOCO: Thank you, sir.

16 BY MR. GOSIOCO:

17 Q. Mr. Leventhal, just a few more questions
18 pertaining to Miss Sosa-Avila. You testified
19 previously that the iPhone, the drone, not even --
20 the iPhone, the drone, the Louis Vuitton purse and
21 wallet, and the diamond ring were dropped off to your
22 office, correct?

23 A. Correct.

24 Q. And it's your position that the iPhone, the
25 Louis Vuitton purse or wallet, and the diamond ring

1 were dropped off as collateral; is that right?

2 A. Until she -- yes. Yes, that's correct.

3 Q. Okay. And you accepted those items as
4 collateral; is that right?

5 A. Yes.

6 Q. And you had stated that those items you had
7 discovered through the discovery that was associated
8 with Miss Sosa-Avila's case, that you discovered
9 those items were stolen; is that correct?

10 A. That's correct.

11 Q. And in the discovery that we have just
12 reviewed, was there any mention of an iPhone or the
13 diamond ring?

14 MR. CLARK: Objection. Asked and answered.

15 CHAIRMAN EDWARDS: Overruled.

16 BY MR. GOSIOCO:

17 Q. Mr. Leventhal, in that discovery that we had
18 just went over, was there any mention of an iPhone or
19 diamond ring in that discovery?

20 A. What we went through, no, I don't believe
21 so. I mean, I -- you asked me to go through it
22 rather quickly, but there's -- in the first discovery
23 there was something like Bates stamp 70 through 85,
24 and I didn't review it all, and the other one. So I
25 haven't reviewed it all to answer that specific

1 question.

2 I don't believe, knowing what I know, is
3 that there was any mention of a diamond ring, and I
4 don't believe that it was specific as to what type of
5 phone it was. But I do know that, again, when I told
6 her she can't give me stolen, she admitted to it.
7 So, I mean, with everything that was in here, coupled
8 with the fact that she orally admitted to and I told
9 her I was going to turn in it, I had to.

10 MR. GOSIOCO: And I would object to those
11 statements as hearsay.

12 THE WITNESS: Sorry.

13 CHAIRMAN EDWARDS: Overruled.

14 BY MR. GOSIOCO:

15 Q. But as far as the items that we've been
16 talking about, the iPhone and the diamond ring, you
17 didn't learn that those items were stolen through the
18 discovery, right?

19 A. Not specifically as to especially the
20 diamond ring, but the iPhone, I assumed that when it
21 said cellphone that it was stolen that that was what
22 that was.

23 Q. Okay. Thank you. Now, I'd like to move on
24 to Case Number OBC20-0706 with Mr. Mitrov. You are
25 familiar with that grievance submitted by Mr. Mitrov,

1 correct?

2 A. I am, sir. Yes.

3 Q. Thank you. And, Mr. Leventhal, who is
4 Mr. Zan Mitrov?

5 A. Who -- what do you mean who is he? Was
6 he -- I considered him like, you know, I knew him
7 before. I had represented him years ago. I knew him
8 during and then when he picked up a new case, I
9 represented him again. So he was a client in a I
10 guess a roundabout, he was, I don't want to say
11 friend, I never went out with him, but we had mutual
12 friends in common.

13 Q. Thank you. But at some point you have had
14 an attorney-client relationship with Mr. Mitrov; is
15 that right?

16 A. That's correct. Once I want to say about
17 ten years ago where he was charged with stealing
18 something, some big heavy, heavy equipment out of a
19 gold mine, and then -- then on this one where he was
20 charged with stealing and doing and having meth,
21 possessing meth and consuming methamphetamine on a
22 vehicle, I represented him again. So that would be
23 twice I represented him in over probably ten years.

24 Q. Okay. And you testified that you were
25 actively practicing law in the state of Nevada in

1 2019 and 2020; is that right?

2 A. Yes, sir.

3 Q. Now, in 2019 or 2020 were you ever -- were
4 you ever in an attorney-client relationship with
5 Mr. Mitrov?

6 A. I believe that that's around the time that
7 he picked up the new charges, yes, sir.

8 Q. Okay. Do you recall approximately when
9 Mr. Mitrov had retained you again as his attorney?

10 A. No, sir. And I apologize for dates. I
11 mean, COVID, the whole year last year threw me off on
12 dates, so I apologize. I'm not trying to be evasive
13 on dates, but I've lost track of time for the last
14 year or two because of everything that happened last
15 year. So I don't specifically know when I was
16 retained on his case recently, whether it was '18 or
17 '19 or '20. I would agree with you that I did
18 represent him.

19 Q. Okay. And showing you what's been -- one
20 second. Showing you what's been previously admitted
21 as Exhibit 22, give me one moment to share my screen.
22 Mr. Leventhal, do you recognize this document?

23 A. Yes, sir.

24 Q. Is this your letterhead up at the top?

25 A. Yes.

1 Q. And is this your signature right here?

2 A. Yes, sir.

3 Q. It looks like this was dated July 29, 2020;
4 is that correct?

5 A. Yes, sir.

6 Q. And was this your response to the State
7 Bar's letter of investigation pertaining to the
8 grievance submitted by Mr. Mitrov?

9 A. It appears to be, yes, sir.

10 Q. Thank you. Now, I'm going to be
11 highlighting a portion of my screen briefly. The
12 first paragraph, do you see the highlighted portion
13 on my screen, Mr. Leventhal?

14 A. Yes, sir, I do.

15 Q. Could you read that to yourself quietly and
16 let me know when you're finished?

17 A. Yes, sir. I'm done.

18 Q. Thank you.

19 A. I apologize, it says eight. I've known him
20 for eight years. I was off by two years. I said
21 ten, so I apologize.

22 Q. That's not a problem. But as far as when
23 the attorney-client relationship between you and
24 Mr. Mitrov began again, did that help refresh your
25 recollection as to when that attorney-client

1 relationship started over?

2 A. Yeah, it was July 17, 2019.

3 Q. Okay. And do you know approximately how
4 long you were Mr. Mitrov's attorney for those
5 matters?

6 A. No, sir, I don't.

7 Q. And do you recall how many cases Mr. Mitrov
8 retained you on?

9 A. Specifically, no, because he had -- what
10 happened on this case, if I remember correctly, is he
11 had, he had purchased a stolen vehicle from a female
12 who the Metropolitan Police Department did not know
13 whether or not she had committed suicide or she was
14 killed. She basically fell off of the Turnberry
15 Towers.

16 And so he purchased her vehicle, which was a
17 \$150,000 BMW, he bought it for like \$5,000. When
18 they went to go investigate, they got it back. He
19 then repurchased it again from the same people,
20 knowing it was stolen. And then when they went to go
21 pick him up on the second time, they also found
22 methamphetamine on him, and he was driving with
23 methamphetamine on him.

24 So my point is is that he had the possession
25 of the stolen vehicle was one, with a number of

1 charges, but then they kicked out the DUI with
2 methamphetamine to a different ones. Ultimately I
3 don't know exactly whether they had three cases or
4 four cases in the system at that time, but I believe
5 that they all surrounded the same set of certain
6 facts.

7 But then that often happens is when the
8 district attorney charges it, because there's
9 different divisions within the D.A.'s office, i.e.,
10 there's a DUI team, there's a stolen vehicle team, so
11 just to let you know, I don't know specifically how
12 many different cases he had going at the same time as
13 I sit here. Does that answer your question, sir?

14 Q. Yes, sir.

15 A. And can I -- is it, JOE EES CO?

16 Q. GO SHOW CO.

17 A. GOSHY OKO. Sorry. Okay. GOSHY OKO.

18 Q. Not a problem, sir. Now, let's see, do you
19 recall -- give me one second. So I'm showing you
20 what's been previously admitted as Exhibits 17 and
21 18, and I'll start with 17 first. Do you see the
22 document on my screen, Mr. Leventhal?

23 A. Yes, I do.

24 Q. Does this appear to be your header?

25 A. Yes, it is.

1 Q. And the defendant in this case is Zan
2 Mitrov, correct?

3 A. Yes, sir.

4 Q. And does this appear to be a motion to
5 withdraw as attorney of record?

6 A. Yes, sir.

7 Q. And this is for case 19F10566X; is that
8 right?

9 A. That's correct.

10 Q. And is this -- does this appear to be your
11 electronic signature at the bottom of page one?

12 A. Yes, sir.

13 Q. And do you recall to the best of your
14 ability having you or your staff file this with the
15 Justice Court?

16 A. Yes, sir.

17 Q. Thank you. I'm showing you what's been
18 previously admitted as Exhibit 14. Do you recognize
19 this document, Mr. Leventhal?

20 A. Yes. That's the Register of Actions in the
21 felony case for possession of drugs, two counts of
22 possession of drugs, as well as a trafficking in a --
23 in drugs. That's a midlevel trafficking, a 4 to 14
24 grams, and it's a felony.

25 Q. Okay. And this -- and was this the case

1 that you had filed a motion to withdraw on, the one I
2 previously showed you marked as Exhibit 17?

3 A. I have no reason to doubt you. If the case
4 numbers are the case numbers, then yes.

5 Q. And just to briefly verify, showing you
6 what's been previously admitted as Exhibit 17, it
7 looks like the case number is 19F10566, and then
8 previously admitted Exhibit 14, 19F10566X, does that
9 appear to correlate with the motion to withdraw?

10 A. Yes, sir.

11 Q. I'm scrolling down to June 17 of 2020 when
12 that motion was filed in that case. Is that a
13 correct statement that the motion was, in fact, filed
14 on June 17, 2020?

15 A. That's correct, sir.

16 Q. And --

17 A. It was after the judgment was already
18 entered.

19 Q. Okay. And do you recall if that motion to
20 withdraw was granted or denied?

21 A. I believe it was granted.

22 Q. Okay.

23 A. The case -- the case was already finished.
24 If you look up, four lines up it says judgment of
25 conviction, judgment entered on 2-11-2020, judgment

1 entered. That case was already negotiated and
2 finished, so all he had to do was do some, some,
3 either some classes or pay a fine of some sort.

4 Q. Okay. And it does appear on June 22, 2020
5 that that motion was, in fact, granted; is that
6 right?

7 A. That's correct.

8 Q. Okay. So would you agree with me that from
9 about July 17, 2019 through June 22, 2020 that you
10 were in an attorney-client relationship with
11 Mr. Mitrov?

12 A. Correct.

13 Q. Thank you. Now, Mr. Leventhal, for these
14 cases was a retainer agreement executed?

15 A. Was one submitted? I usually get a retainer
16 agreement. I don't know if one was submitted. I
17 don't have any independent knowledge of that right
18 now.

19 Was one submitted?

20 MR. CLARK: I don't think so.

21 BY MR. GOSIOCO:

22 Q. Thank you. Now, turning your attention to
23 your Exhibit D, that would be Bates stamp, I'm going
24 to say 85. Exhibit D starts on Bates stamp -- it
25 doesn't look like it's Bates stamped, but I'm looking

1 at page 84 of 92 in the exhibits that were previously
2 disseminated prior to the commencement of the formal
3 hearing.

4 MR. CLARK: Counsel, I'm not sure what
5 you're referring to. I apologize that the exhibit
6 was not Bates stamped. I thought it was Bates
7 stamped.

8 MR. GOSIOCO: That's not a problem,
9 Mr. Clark. So earlier you had emailed us, along with
10 the panel members, a PDF with your exhibits to the
11 formal hearing, and that contained 92 pages. And I
12 went to page 84. That's started with Exhibit D.

13 MR. CLARK: He has Exhibit D here.

14 MR. GOSIOCO: Okay. Thank you.

15 BY MR. GOSIOCO:

16 Q. Now, I'm scrolling down to the first page of
17 Exhibit D. Mr. Leventhal, do you recognize this
18 document?

19 A. No, sir.

20 Q. It's titled Affidavit of Zan Mitrov. You
21 don't recognize this document?

22 A. No, sir. I had nothing to do with this.

23 Q. Okay. Was this -- at any point during the
24 disciplinary proceedings, did you submit this
25 affidavit, or your counsel submit this affidavit to

1 the State Bar?

2 A. I don't know. It's here. Produced it. I
3 don't know.

4 MR. CLARK: It was part of our motion for
5 summary judgment.

6 BY MR. GOSIOCO:

7 Q. Thank you. I'll scroll down to page -- it
8 looks like Exhibit E, page 88. Let me see. No, I
9 apologize. Exhibit F, page 91. Scrolling down to
10 page 82. Do you recognize this document,
11 Mr. Leventhal?

12 A. This email?

13 Q. Yes, sir.

14 A. From Mr. Mitrov I guess to Miss Watson? I
15 was shown it.

16 Q. Okay. And have you had the chance to review
17 its contents?

18 A. I did.

19 Q. And I just want to point your attention to
20 the -- actually, one second. Turning your attention
21 to what's been previously admitted as Exhibit 22, we
22 discussed this briefly, but this is your letterhead,
23 correct?

24 A. Yes, sir.

25 Q. And this was your response to the State

1 Bar's letter of investigation pertaining to
2 Mr. Mitrov's grievance?

3 A. Yes, sir.

4 Q. And that is your signature at the bottom,
5 correct?

6 A. Yes, sir.

7 Q. Thank you. I'd like to turn your attention
8 to the first paragraph, the second page, and I'm
9 highlighting that portion on my screen. Can you see
10 that portion, Mr. Leventhal?

11 A. Yes, sir.

12 Q. Could you read that quietly to yourself, let
13 me know when you're done?

14 A. Yes, sir, I'm done.

15 Q. Okay. Now, at any point during your
16 representation of Mr. Mitrov between July 17, 2019
17 through September, or through, excuse me, June 22,
18 2020, were you ever in possession of one or more of
19 Mr. Mitrov's vehicles?

20 MR. CLARK: Objection. Compound.

21 BY MR. GOSIOCO:

22 Q. Let me rephrase. Did you ever have
23 possession of any of Mr. Mitrov's vehicles?

24 A. Yes, sir. I don't know the dates, but, yes,
25 I did.

1 Q. Okay. Do you recall how many vehicles you
2 borrowed from Mr. Mitrov?

3 A. Just one.

4 Q. And what kind of a vehicle was that?

5 A. That was the Viper.

6 Q. Okay. And so did Mr. Mitrov allow you to
7 borrow that car?

8 A. Yes, sir. My car broke down, and I needed
9 to get up to Pahrump to go to a jail visit, and
10 Mr. Mitrov was around. He said, Why don't know you
11 borrow one of my cars. And I said, Yeah, thanks,
12 okay, and so I borrowed it.

13 Q. Okay. And approximately, if you recall, how
14 long did you -- were you in possession of the Viper?

15 A. Actual possession was no more than a day or
16 two because it -- when I got back, I parked it, and I
17 live in the Las Vegas Country Club, it was on the
18 street. When I went to go start it back up, it
19 didn't start, so I had a buddy of mine who's a
20 mechanic come over and tow it over to his shop to fix
21 it, and it was over at his shop. So actually in my
22 possession it was two days.

23 Q. Okay. And do you recall approximately when
24 you first had possession of the Viper?

25 A. No, sir, I don't.

1 Q. Do you believe it was approximately 2019 or
2 2020?

3 A. Again, I don't know.

4 Q. Okay.

5 A. I apologize.

6 Q. Not a problem. You had mentioned you had
7 actual possession of the Viper for about one day or
8 so. Do you recall how long you had constructive
9 possession of the Viper?

10 MR. CLARK: Objection. Vague, calls for
11 legal conclusion, lacks foundation.

12 CHAIRMAN EDWARDS: Sustained.

13 BY MR. GOSIOCO:

14 Q. Okay. Let me rephrase. Did Mr. Mitrov ever
15 ask to pick up the Viper?

16 A. Yes, he did.

17 Q. Okay. And how many times did Mr. Mitrov ask
18 to pick up the Viper?

19 A. I don't have that information. I don't
20 know.

21 Q. Okay. To the best of your recollection, I
22 guess how long between the time you had possession of
23 the Viper to the time Mr. Mitrov was able to pick up
24 the vehicle, do you approximately know how long the
25 timeframe that was?

1 A. I don't. I apologize. I really -- I don't.

2 Q. That's not a problem. And showing you
3 what's been previously admitted as your Exhibit F,
4 the email that I was referring to earlier, you had
5 stated that you did have a chance to review that; is
6 that right?

7 A. I did, yeah, I did see that.

8 Q. Okay. And I'm highlighting a portion of
9 that email from Mr. Mitrov, the bottom. Do you see
10 that portion highlighted on my screen, Mr. Leventhal?

11 A. Yes. He stated that -- what does he say?
12 "I have nothing else to seek from Mr. Leventhal. He
13 gave me my vehicle within 48 hours as I asked also he
14 gave me money to cover my rental cost from June 5th
15 to June 30th."

16 Q. Okay. And you previously testified that you
17 filed a motion to withdraw from Mr. Mitrov's case on
18 June 17, 2020; is that right?

19 A. That's correct.

20 Q. Now, there's some reference to a rental
21 cost. Do you know what that's in reference to?

22 A. No.

23 Q. Okay. So is it your testimony that you
24 never gave Mr. Mitrov money to cover Mr. Mitrov's
25 rental car from June 5 to June 30, 2020?

1 A. Yeah, I'm not going to lie to you. No, I
2 never gave him any money for a rental car. I never
3 knew that he suggested that he had a rental car. He
4 has multiple cars. He owns like a car lot with a
5 bunch of cars. He has two Escalades there now.

6 I mean, I never knew that he even suggested
7 to the State Bar that I gave him money. That's a
8 lie. I never gave him money for a rental car because
9 I never knew that he said that he needed to rent a
10 car. So, no, that's not true.

11 Q. Thank you, Mr. Leventhal.

12 A. Thank you.

13 MR. GOSIOCO: And, Mr. Chairman, I'll pass
14 the witness for now.

15 CHAIRMAN EDWARDS: The respondent?

16 MR. CLARK: Okay.

17 CHAIRMAN EDWARDS: Can the State Bar take
18 the screen share off please.

19 MR. CLARK: Actually, Mr. Gosioco, if I can
20 beg the State Bar's indulgence. If yours are up on
21 my exhibits, than using mine than me having to
22 finagle them up there, is it acceptable that we, that
23 we keep them up there with your assistance?

24 MR. GOSIOCO: Absolutely, Mr. Clark.

25 MR. CLARK: Okay. Because otherwise we'll

1 be here a long, long time.

2 CROSS-EXAMINATION

3 BY MR. CLARK:

4 Q. Let me go to Exhibit D, as in "David," page
5 one of two, and then towards the bottom.

6 Mr. Leventhal, directing your attention to paragraph
7 four at the bottom there where it states, I operate a
8 freight shipping broker business. In the past, I
9 have owned and operated an automobile body shop. I
10 also buy and sell (sic) vintage cars. Is that your
11 understanding of what Mr. Mitrov does?

12 A. Yes.

13 Q. Okay. The next page, paragraph five, it
14 states, "I let Mr. Leventhal use a Dodge Viper as a
15 favor, not as payment or collateral for payment of
16 fees. After Mr. Leventhal withdrew as my counsel, I
17 picked up the Viper at the repair shop that
18 Mr. Leventhal had it towed to for repairs. I did not
19 pay him for its return." Do you agree with that
20 statement?

21 A. Yes, I do.

22 Q. So there was no discussion with Mr. Mitrov,
23 you never said to him, I'll take the Viper or use the
24 Viper for fees?

25 A. No, I never did.

1 Q. When it was towed to the repair shop, do you
2 know whether or not -- do you know whether or not
3 Mr. Mitrov was prevented from going to the repair
4 shop and picking it up?

5 A. He was not.

6 Q. Do you know, and you may not, whether or not
7 the repair shop had some sort of like garage lien on
8 it?

9 A. No, they did not.

10 Q. Okay. Did you assert any lien on it?

11 A. No, sir, I did nothing.

12 Q. Okay. The complaint also talks about a
13 Maserati. Do you recall that in the complaint, the
14 State Bar complaint?

15 A. I recall it, yes.

16 Q. Going to paragraph six there, "As for the
17 Maserati mentioned in the State Bar complaint,
18 Mr. Leventhal never took the vehicle to California,
19 never received title to it from my nor drove to my
20 knowledge. In fact, I had considered giving it to
21 him outright before he indicated to me he needed
22 money for restitution. I did not pay him for its
23 return as alleged in paragraph 31 of the State Bar
24 complaint." My question to you is what were your
25 dealings with Mr. Mitrov regarding the Maserati?

1 A. None. I saw it. I never sat in it. I
2 never drove it. I didn't want it. It was news to me
3 that he indicated that he was going to give it to me.
4 I wouldn't have taken it. I didn't want his
5 Maserati.

6 Q. Did you ever ask for title to it?

7 A. No.

8 Q. Did you ever say you wanted to give it to
9 your wife?

10 A. My wife drives a little Fiat. She wouldn't
11 even know how to drive a Maserati.

12 Q. Okay. We can move on to Sosa-Avila. Might
13 as well stick with our exhibits. Let's scroll up to
14 Exhibit C, as in "Clark." I'll show you what's been
15 admitted as Exhibit C. Do you recognize this?

16 A. Do I?

17 Q. Yes.

18 A. It looks -- yes. This is the portion of the
19 interview between Detective Haynes and Miss Sosa.
20 It's what's called a Voluntary Statement. Miss Sosa
21 was arrested on this, and then was questioned at the,
22 down at the Metropolitan Police Department.

23 Q. Do you know if this was part of the
24 discovery?

25 A. I don't know if this was part of the first

1 pack, because sometimes I get an initial pack of
2 discovery and then this might have come in
3 afterwards. So it is part of the discovery, I just
4 don't know when I got it, when I received it. But it
5 was part of her case. This was an event number, so
6 they hadn't generated a district, a district case
7 yet, so this would be the event number, 191299999832.

8 Q. Let me direct your attention to Bates stamp
9 Leventhal 112.

10 A. Okay.

11 Q. Counsel, I thank you for manipulating the
12 exhibit. I appreciate that.

13 A little farther down at the bottom half of
14 the page. Okay, do you see about almost halfway up
15 where there's a question, What about the (sic) --
16 what about that?

17 A. Yes.

18 Q. It says "what about that, uh, Louis Vuitton
19 purse? Where'd that one come from?" Do you see
20 that?

21 A. Yes, sir.

22 Q. Does that -- did that -- did you read that?
23 Do you recall reading that?

24 A. Yes, sir, I did.

25 Q. And did that add to your belief that the

1 Louis Vuitton purse you had may have been stolen?

2 A. Yes, sir, it did.

3 Q. And she answers as, "Well the purse."

4 "Question: The one you were selling
5 today?

6 "Answer: Uh, it was a wallet."

7 You referred to earlier the fact that
8 Miss Sosa was caught trying to sell a Louis Vuitton
9 purse?

10 A. Yes, sir.

11 Q. Is that consistent with this?

12 A. Yes, sir.

13 Q. And then the final answer she was, "Uh, that
14 honestly, I don't know, but it was just there in my
15 car."

16 "Question: It was there?"

17 Answer: It was -- "and I was told to get
18 rid of it."

19 A. Yes, sir.

20 Q. You testified earlier that she had that
21 story about the Louis Vuitton purse?

22 A. Yes, sir.

23 Q. Okay. And when you spoke to her and told
24 her that it appeared the Louis Vuitton purse that you
25 had that she had given you was stolen, did she

1 disagree with you?

2 A. No, sir, she did not.

3 Q. And, in fact, going to Leventhal page 114,
4 right there at the top there it appears to be some
5 sort of screen catch. "Samantha - Louis Vuitton
6 wallet." Do you see that?

7 A. Yes, sir.

8 Q. And that was also something you reviewed in
9 the discovery?

10 A. I did.

11 Q. Let me go to Leventhal 115. In your review
12 of this discovery, are you familiar with a reference
13 to a person named "Shorty"?

14 A. Yes, sir.

15 Q. What is your familiarity with that?

16 A. Shorty is the person that Miss Sosa claimed
17 that she got the credit cards from. In the beginning
18 of the statement, if I remember correctly, she was
19 scared to even talk to the police because of Shorty.

20 Her husband told the officer, or, yeah, her
21 husband told the officer that she was not going to be
22 talking to him, they were -- because they were in
23 conspiracy with Shorty to steal things in the valley
24 and then sell them.

25 Q. And Leventhal 115 towards the bottom.

1 "Question: So -- so he told you that he
2 burglarized the car. What did he say?

3 "Answer: It came up on these."

4 And then question at the very bottom,
5 "okay, and then what? And then he handed -- handed
6 you those cards?"

7 And then top of page 116, "And then he said
8 if you guys need to, you guys can go ahead and, you
9 know, go." Do you see that?

10 A. Yes.

11 Q. Is that referencing to what her story was
12 about coming into possession of the cards?

13 A. Yes.

14 Q. Let me draw your attention to Leventhal 120.

15 A. Yes, sir.

16 Q. The first question at the top.

17 "Question: The neighbors watched him
18 break into somebody else's car right outside of the
19 house after you guys got evicted.

20 "Answer: No way.

21 "Question: Yeah. The -- the one of the
22 Realtors' cars. They filed a police report. And
23 then." Do you see where I'm reading along?

24 A. Yes, sir.

25 Q. Two lines down, a question from the

1 detective, "Well then there was a couple complaints
2 'cause they were stolen from the house.

3 "Answer: Like he went way before then.
4 What?

5 "Question: Yeah. It's not my case
6 though. I'm just curious about it. That's all."

7 Did you have any understanding that there
8 were other investigations that may have implicated
9 Amalia Sosa-Avila?

10 A. Yes, there were multiple investigations.

11 Q. And page 121, Leventhal.

12 A. Yes, sir, I'm there.

13 Q. Just at about the middle.

14 "Question: So -- all right. Well this
15 is how -- this is what it looks like right now. I
16 mean, you -- you just told me too like this Shorty
17 dude, I mean, he told you he came up on some..."

18 And she goes, "Answer: Sporty."

19 He goes, "Question: Sporty, sorry. He came
20 up on some stuff.

21 "Answer: After.

22 "Question: And then he gave it to you.
23 I mean, so you're tellin' me you received stolen
24 property from this dude knowing full well he stole
25 it?"

1 Answer: No, I found out afterwards.

2 Do you know whether or not that -- did you
3 discuss that exchange with your client specifically?

4 A. I don't believe I did. I don't know if I
5 did. I don't know if we got into the meat and into
6 the weeds of this Voluntary Statement.

7 But it was after I read this Voluntary
8 Statement that I knew that -- that's when I went back
9 and I looked at what was in the box, and so that's
10 when I found out, and then she came in and we had
11 that conversation. I don't know how many -- how deep
12 I got into it with her.

13 Q. Okay. And then I'm going backwards just a
14 moment, Leventhal 122.

15 A. Okay, I'm there.

16 Q. Top of the page.

17 "Question: You knew straight up that it
18 was stolen. You knew that. You just told me you
19 did, right?

20 "Answer: I was kind of hoping it wasn't,
21 I guess."

22 A. Yes.

23 Q. "Question: Right. You knew though. I
24 mean, you just told me you knew. You just explained
25 to me what it means. So you guys received stolen

1 property from some dude that apparently owes you
2 money and you went and used the stolen property to
3 make a bunch of purchases knowing it was stolen.
4 That's another felony."

5 Do you see that?

6 A. Yes.

7 Q. Did I read that correctly?

8 A. You did.

9 Q. Okay. Did that information cause you any
10 concern about the ownership of the property you had
11 as collateral?

12 A. That, along with the fact that she was
13 selling the Louis Vuitton purse and she admitted that
14 it was stolen.

15 Q. Let me go to Exhibit B, as in "Baker."

16 MR. GOSIOCO: What Bates are you on?

17 MR. CLARK: Well, I guess at the end, Bates
18 stamp 86.

19 THE WITNESS: Yes, sir I'm there.

20 BY MR. CLARK:

21 Q. Way towards the bottom with the line that
22 starts with "Offerup" about a third of the way up, or
23 a quarter way up. Do you see that? It's a long,
24 narrative block but it says "Offerup." Do you see
25 that line?

1 A. Yes, I do.

2 Q. After that, "when asked about the other
3 items purchased Sosa-Avila would not answer Detective
4 Haynes when he inquired as to where they were. She
5 repeated that simply (sic) she had simply given them
6 away." Do you see that?

7 A. Yes.

8 Q. Did that cause you concern about the
9 providence of the property you had?

10 A. Yes, sir, along with a lot of other things.

11 Q. And then the prior page, Leventhal 84.

12 A. Yes, sir.

13 Q. And top of that, that is, in fact, another
14 screen shot of the Louis Vuitton wallet, correct?

15 A. That's correct.

16 Q. And that was in the discovery you reviewed?

17 A. That's correct.

18 Q. And finally to Respondent's A.

19 A. Yes.

20 Q. Leventhal 42.

21 A. Yes, sir.

22 Q. End of -- end of the -- under the Probable
23 Cause. I think you read portions of this beforehand,
24 but toward the end it says, "Upon their exit of the
25 business." Do you see where I'm reading?

1 A. Upon --

2 Q. At the end of the first paragraph under
3 "Details for Probable Cause."

4 A. Yes.

5 Q. "They discovered their vehicle had (sic)
6 been burglarized and a number of personal items to
7 include a Home Depot credit card, a Discover Credit
8 Card, a laptop, and an Apple iPad had been taken."

9 A. Yes.

10 Q. Do you see that there's now a Discover card
11 also taken?

12 A. That's correct. If you go further down it
13 shows an extensive criminal history.

14 Q. Okay. Leventhal 48. Very, very, very, very
15 bottom. I'll read it. "Detective Haynes proceeded
16 to conduct online searches and investigations and was
17 able to find a current Facebook post by Sosa-Avila,
18 Amalia on 12/27/2019 to the personal Facebook
19 account" of, and it's a URL, "looking to sell a Louis
20 Vuitton wallet." Do you see that?

21 A. Yes, sir.

22 Q. And then again you already testified on
23 Bates stamp 51, and there appears to be a screen grab
24 of a Louis Vuitton wallet?

25 A. 51, yes, sir, there is.

1 Q. Leventhal page 53, just below the halfway
2 part. "As the interrogation went on," do you see
3 where I'm reading? It's right after "Wesly Avila
4 approximately 2,000 dollars." Do you see that part?

5 A. Yes.

6 Q. Right below that it says, "As the
7 interrogation went on," do you see where I'm reading?

8 A. Yes, sir.

9 Q. "Sosa-Avila admitted to Detective Haynes
10 that she knew the card she claimed to have received
11 from a man named Sporty was stolen."

12 A. Yes, sir.

13 Q. And this is a Home Depot card, they made a
14 claim they made -- gave away most of the purchase?

15 A. Yes, sir.

16 Q. Toward the bottom, when asked about the
17 other items purchased, "Sosa-Avila would not answer
18 Detective Haynes when he inquired as to where they
19 were. She repeated that she had simply given them
20 away."

21 A. Yes, sir.

22 Q. Were you concerned that you were one of the
23 recipients of those items that were given way?

24 A. Yes, sir.

25 Q. And then to confirm filing for Exhibit A is

1 Leventhal 57. Entry toward the bottom, "Type:
2 Miscellaneous, cellphones." Do you see that?

3 A. Yes, sir.

4 Q. Okay. And one of them she had given you was
5 an iPhone cellphone?

6 A. Correct.

7 Q. Now, with respect to Miss Sosa, she retained
8 you on February 12th -- or February 13th to quash a
9 warrant --

10 A. Correct.

11 Q. -- was your testimony earlier?

12 A. Yes.

13 Q. And you, in fact, quashed the warrant?

14 A. Yes, I did.

15 Q. And she had not paid you anything at that
16 point?

17 A. That's correct.

18 Q. But she had signed a retainer agreement you
19 testified to earlier, State Bar's 7. Show you State
20 Bar's 7.

21 A. Yes.

22 Q. And that is your retainer agreement,
23 correct?

24 A. Yes, sir.

25 Q. And at the bottom, toward the bottom.

1 A. Yes.

2 Q. Okay. Above the signature line there's a
3 boldface paragraph, and then right above that is a
4 paragraph in italicized text. Do you see that?

5 A. Yes, sir.

6 Q. Can you read that out loud?

7 A. Yes, sir. It says, "Client understands that
8 he/she has the right to seek a second opinion
9 regarding his/her attorney fees as well as any other
10 aspect in this agreement with another attorney, and
11 by signing below he/she has either in fact spoke with
12 another attorney about this retainer agreement and
13 he/she is satisfied and understands the terms or
14 Client fully understands the terms and waives his or
15 her right. In addition, Clients signature
16 constitutes informed consent."

17 Q. And below that is her signature?

18 A. That's correct.

19 Q. And you would agree that that is a written
20 retainer agreement?

21 A. It is. You asked me about that. Go ahead.

22 Q. Did she ever pay you any cash?

23 A. No.

24 Q. Did you ever have an agreement with her that
25 you would take property in lieu of payment?

1 A. No.

2 Q. Did she tell you ahead of time what she was
3 dropping off?

4 A. No.

5 Q. On April 30th it was indicated that she was
6 supposed to make a payment for a thousand dollars but
7 she brought in something -- she brought in more
8 property. At that point were you expecting her to
9 bring in property or a payment?

10 A. Payment. Again, I want to be clear, I
11 wasn't there when she came in, so I just want to make
12 that clear that it was expected that she was coming
13 in to pay.

14 Q. What was your understanding of the status of
15 the property she brought in, the ring, the iPhone,
16 and the wallet when she brought them in? What --
17 what were they supposed to be when she gave them to
18 you?

19 A. To be honest with you, I didn't even look at
20 the items that she gave me because I had -- I had --
21 I never moved them from my office. I never took them
22 home. I never even looked at them. I was told that
23 she came in and it -- there's a place that we
24 store -- I actually receive -- I actually have a lot
25 of guns in my office that I hold for clients that are

1 put on pretrial services or probation, and they
2 can't -- they can't have a gun, so they -- we store
3 them in a secure location in my office. That's all
4 that happened in this as well. So I didn't actually
5 look at it until later on down the road, I looked at
6 it, and then that's when I -- then I read the
7 discovery, that's when I linked it up.

8 Q. When you accepted those items, was it your
9 intent that she would use -- that those would be
10 payment for your services?

11 A. No.

12 Q. If she had paid you for the services, what
13 were you going to do with the items?

14 A. They were hers. Well, had I not known that
15 they were stolen, then she would have taken them
16 back.

17 Q. Okay. If she had asked for them back, would
18 you have given them to her, before you knew they were
19 stolen?

20 A. Yes.

21 Q. Okay.

22 A. But after I learned that they were stolen,
23 no.

24 Q. Okay. Yeah, let's go back to 7. You
25 pointed out on page one of the retainer agreement.

1 A. Correct.

2 Q. Towards the bottom. "Client understands
3 that all funds used as payment are derived from a
4 legal source. All payments including cash will be
5 reported to the Internal Revenue Service. All monies
6 due and owing are preferred by ways of" cash --

7 A. No, "check."

8 Q. "By check, money order, cashier's check or
9 credit card." Is that part of your agreement?

10 A. That's part of my agreement, yes. And it
11 may seem odd, it's just I guess the world I live in.

12 Q. Now, it's your testimony that the drone was
13 a gift from her and her husband?

14 A. That's correct. He was extremely thankful
15 that I did this without them having to come up with
16 money right away, because they couldn't do it.

17 Q. Let me touch briefly on State Bar's 11,
18 which was your response to the State Bar. Yeah, the
19 bottom paragraph of this page it says, "On April 30,
20 2020, Mrs. Sosa was supposed to drop off \$1,000 but
21 she instead dropped off a Louis Vuitton wallet and a
22 ring as collateral. My office continued to call
23 Mrs. Sosa about payment and she would say that she
24 was going to come in but never showed up."

25 My question to you is prior to April 30th,

1 2020, did you have an agreement with her that she
2 would, in fact, drop off the Louis Vuitton wallet and
3 ring rather than cash?

4 A. No, I wanted the cash. I mean, cash or
5 money. I mean, I get paid by that way. I didn't --
6 I don't need a Louis Vuitton wallet and a ring.

7 Q. So when she dropped it off, you had no idea
8 what she was dropping off?

9 A. I did not, no.

10 Q. In fact, you had no idea she was dropping
11 anything off because you were expecting cash?

12 A. I was, yes.

13 Q. Okay.

14 A. But it was not like it was top of my mind.
15 I mean, I have a lot of clients, and I'm in court
16 every day, so it wasn't like I was -- my staff deals
17 with that sort of thing.

18 Q. You said you gave -- you confirmed with her
19 that the items were stolen?

20 A. Correct.

21 Q. You confirmed with her that you were going
22 to turn them over to the police?

23 A. Correct.

24 Q. You turned them over anonymously?

25 A. I did.

1 Q. Why anonymously?

2 A. Like I said before, I've done that before
3 where I've got to keep my client's confidentiality,
4 so no names are given and it's anonymous. So, you
5 know, it's still to this day is anonymous so they
6 can't link her into it. But yet if somebody looks at
7 it and then looks at a report, then hopefully it will
8 go back to its rightful owner.

9 And, again, I've done that. I received a
10 painting as a gift. I did that. The guy was very
11 happy. So that's what I do. That's my policy is to
12 do that, and it saves my client and it gets the stuff
13 back to its rightful owner. That's what I would
14 teach my kids. I think that's the right thing to do.

15 Q. I believe -- hang on. As I'm reading
16 through the complaint, I just want to reiterate that
17 you never took the property in lieu of monetary
18 payment; is that correct?

19 A. That's correct.

20 MR. CLARK: I'll pass the witness.

21 CHAIRMAN EDWARDS: The State Bar?

22 MR. GOSIOCO: Mr. Chairman, could I request
23 a brief five- to ten-minute recess to get some more
24 water and use the rest room?

25 CHAIRMAN EDWARDS: Certainly. Be back in

1 five please.

2 MR. GOSIOCO: Thank you.

3 (A recess was taken.)

4 CHAIRMAN EDWARDS: We are back on the
5 record. State Bar, your witness.

6 REDIRECT EXAMINATION

7 BY MR. GOSIOCO:

8 Q. Just briefly. Mr. Leventhal, throughout the
9 course of these proceedings and the underlying
10 grievance, did you have a chance to correspond with
11 Louise Watson, an investigator with our office?

12 A. Orally? I mean, on the phone? I don't know
13 if I've ever spoken to her. I know I never met her.
14 I think communications were either email and that's
15 it. She did -- I believe she contacted -- she might
16 have contacted me once and indicate that she had
17 looked up at least Zane Mitrov's criminal hearings,
18 and then she -- there was a question to me regarding,
19 because I had written in my response that he was
20 charged with possession of a stolen vehicle and other
21 things, but when she looked it up, it wasn't there.

22 So I have -- I sent her a copy of the
23 discovery. I don't believe if I spoke to her or it
24 was just done by email. Does that answer your
25 questions? I'm not sure what you're getting at or

1 what specifically would I have spoken to her about.

2 Q. Yes. I just wanted to know if, aside from
3 the written responses you provided to the State Bar's
4 letters of investigation, if you had any opportunity,
5 aside from those responses, to speak with
6 Miss Watson?

7 A. Again, I don't believe -- I don't know if I
8 ever spoke to her. And outside of the initial back
9 and forth with the complaint and my answer, the only
10 other thing that I can remember in speaking to her is
11 I was helping her out with her investigation
12 specifically with what Mr. Mitrov was being charged
13 with.

14 MR. GOSIOCO: Thank you. No further
15 questions from the State Bar for now.

16 CHAIRMAN EDWARDS: Okay. State Bar, do you
17 have another witness?

18 MR. GOSIOCO: Yes, Mr. Chairman. The State
19 Bar would like to call Miss Louise Watson to the stand.

20 CHAIRMAN EDWARDS: Can we please swear in
21 the witness.
22 Thereupon--

23 LOUISE WATSON
24 was called as a witness by the Complainant, and
25 having been first duly sworn, testified as follows:

1 MR. GOSIOCO: May I proceed, Mr. Chairman?

2 CHAIRMAN EDWARDS: Yes, please.

3 MR. GOSIOCO: Thank you, sir.

4 DIRECT EXAMINATION

5 BY MR. GOSIOCO:

6 Q. Good morning, Miss Watson. How are you
7 doing?

8 A. Good.

9 Q. Now, Miss Watson, how are you employed?

10 A. I'm a paralegal investigator with the Office
11 of Bar Counsel.

12 Q. And how long have you been employed in that
13 capacity?

14 A. In that role, about 11 years.

15 Q. And, Miss Watson, are you familiar with the
16 underlying grievances that brought us here today?

17 A. Yes.

18 Q. And it looks like there are two underlying
19 cases: One regarding Miss Amalia -- from Miss Amalia
20 Sosa-Avila and Mr. Zan Mitrov. Were you assigned to
21 those cases?

22 A. Yes.

23 Q. And it looks like as to Miss Sosa-Avila
24 there was a grievance submitted by her regarding
25 Mr. Todd Leventhal on June 28, 2020; is that correct?

1 A. Yes.

2 Q. And as to Mr. Mitrov, it looks like he
3 submitted a grievance against Mr. Leventhal on
4 June 24th, 2020; is that right?

5 A. Yes.

6 Q. Thank you. And did you have a chance to
7 review those grievances?

8 A. I did.

9 Q. Thank you. Now, Miss Watson, could you
10 describe for me the steps you take once you receive a
11 grievance?

12 A. Typically we review the grievance to get a
13 kind of idea of what the issues are. We will then
14 send that to the respondent attorney with a letter of
15 investigation asking for a response, and if we want
16 them to address any specific issues, provide any
17 specific documents related to the grievance, we will
18 ask them in the letter of investigation.

19 Q. Thank you, Miss Watson. And, let's see,
20 pertaining to the grievance of Miss Sosa-Avila, did
21 you send a letter of investigation regarding
22 Miss Sosa-Avila's grievance to Mr. Leventhal?

23 A. I did.

24 Q. Okay. I'm showing you what's been
25 previously admitted as Exhibit 10. Let me share my

1 screen. Miss Watson, do you recognize this document?

2 A. That is the letter I sent, yes.

3 Q. Okay. And is that your electronic signature
4 at the bottom?

5 A. Yes.

6 Q. It looks like this letter was dated July 29,
7 2020; is that right?

8 A. Correct.

9 Q. Now, Miss Watson, you had stated that when
10 you send a letter of investigation to a respondent,
11 you typically ask them to respond to your letter; is
12 that right?

13 A. Yes.

14 Q. And in this letter dated July 29, 2020
15 regarding Miss Sosa-Avila's grievance, what type of
16 information did you ask Mr. Leventhal to provide?

17 A. To respond generally to the grievance
18 allegations that Miss Avila had raised. I believe I
19 had requested a copy of his retainer agreement, and
20 explanation or an accounting of the fees or
21 merchandise that she may have given him, and I think
22 there was a motion to withdraw that I had requested
23 as well.

24 Q. Thank you. Now, did -- regarding this
25 letter of investigation, did Mr. Leventhal in fact

1 provide a response to your letter of investigation?

2 A. He did.

3 Q. I'm showing you what's been previously
4 admitted as Exhibit 11. Miss Watson, do you
5 recognize this document?

6 A. Yes. That's Mr. Leventhal's response.

7 Q. Okay. And this was the response, just to
8 clarify, this was the response pertaining to
9 Miss Sosa-Avila's grievance; is that right?

10 A. Correct.

11 Q. Okay. And you had testified that you had
12 asked him to provide a copy of the retainer or, you
13 know, fee agreement. Did Mr. Leventhal, in fact,
14 provide a copy of the retainer?

15 A. He did.

16 Q. Okay. And did he explain the nature of the
17 fee agreement between Miss Sosa-Avila and himself?

18 A. Well, I believe there were -- there were two
19 cases. The one that the retainer agreement is in
20 relation to, I think it was a \$6,000 total fee with
21 \$3,000 -- or half down and payments thereafter.

22 Q. Okay. Now, in Mr. Leventhal's response, did
23 he at any point describe how Miss Sosa-Avila would be
24 paying for the \$6,000 in the retainer agreement.

25 A. I believe he mentioned that she didn't have

1 cash available, so he agreed to accept merchandise as
2 a collateral until she could come up with cash to pay
3 him.

4 Q. Thank you. Now, did Mr. Leventhal, in his
5 response, at any point mention whether
6 Miss Sosa-Avila did, in fact, drop off items for
7 collateral?

8 A. I believe there was a drone, and a -- I
9 think it was an iPhone in around February of 2020,
10 and then I think sometime later she gave him a
11 wallet, a Louis Vuitton, if I'm saying that
12 correctly, wallet and some kind of ring.

13 Q. Thank you. Now, turning your attention to
14 grievance with Mr. Mitrov, did you send Mr. Leventhal
15 a letter of investigation pertaining to Mr. Mitrov's
16 grievance?

17 A. I did.

18 Q. Okay. And showing you what's been
19 previously admitted as Exhibit 21, Miss Watson, do
20 you recognize this document?

21 A. Yes. That is the letter of investigation I
22 sent him on the Mitrov case.

23 Q. And is this your electronic signature at the
24 bottom of the page?

25 A. Yes.

1 Q. Okay. Now, Miss Watson, it looks like
2 you -- so you did send Mr. Leventhal a letter of
3 investigation. What type of information did you ask
4 Mr. Leventhal to provide in his response?

5 A. I believe, again, it was the retainer
6 agreement, an accounting of the fees that he had
7 received from Mr. Mitrov both for representation, and
8 there was a mention of a restitution owed to a victim
9 of some sort; and then Mr. Mitrov had also made
10 allegations that he had let Mr. Leventhal drive a
11 Viper, and I had asked him the status of returning
12 the vehicle.

13 Q. Okay. Now, did Mr. Leventhal submit a
14 response to your letter of investigation pertaining
15 to Mr. Mitrov's grievance?

16 A. He did.

17 Q. I'm showing you what's been previously
18 marked and admitted as Exhibit 22. Miss Watson, do
19 you recognize this document?

20 A. Yes. That is Mr. Leventhal's response to
21 Mr. Mitrov's grievance.

22 Q. Okay. Now, you had testified that you asked
23 Mr. Mitrov -- I'm sorry, I apologize, Mr. Leventhal
24 to provide a copy of the retainer agreement
25 pertaining to Mr. Mitrov. Did Mr. Leventhal provide

1 a retainer agreement for Mr. Mitrov?

2 A. You know, I don't recall off the top of my
3 head. If it was attached to this correspondence,
4 then, yes, he did.

5 Q. Okay. And I'm briefly going to go through
6 the pages of his response. So this is page one of
7 Mr. Leventhal's response, page two, Exhibit 1,
8 Exhibit 2, Exhibit 3, and Exhibit 4.

9 A. So, no, we didn't receive a retainer
10 agreement. And it could possibly be that there
11 wasn't one.

12 Q. Okay. And to the best of your recollection,
13 Miss Watson, was that the, was that the entirety of
14 Mr. Leventhal's response to your letter of
15 investigation?

16 A. Yes.

17 Q. Okay. You had also asked -- you had
18 testified that you had asked Mr. Leventhal to provide
19 an accounting of funds received from Mr. Mitrov. Did
20 Mr. Leventhal, in fact, provide an accounting?

21 A. Well, he provided an explanation of the
22 funds that he had received from Mr. Mitrov.

23 Q. Okay. Miss Watson, you had also testified
24 that you had asked Mr. Leventhal regarding the status
25 of returning the Viper to Mr. Mitrov; is that

1 correct?

2 A. Correct.

3 Q. And in his response did Mr. Leventhal
4 mention anything about a Viper?

5 A. At the time of his response, he had returned
6 the Viper, or Mr. Mitrov had I believe picked it up
7 from a mechanic's shop at that point, but Mr. Mitrov
8 did have the vehicle at the time of Mr. Leventhal's
9 response.

10 Q. Okay. Now, to the best of your knowledge I
11 guess let me ask, why did you ask Mr. Leventhal about
12 the status of the Viper?

13 A. Because it was --

14 MR. CLARK: Mr. Chairman, I'm going to
15 object at this point in the case. The question calls
16 for inadmissible hearsay by Mr. Mitrov.

17 CHAIRMAN EDWARDS: Sustained.

18 MR. GOSIOCO: I'll move on.

19 BY MR. GOSIOCO:

20 Q. And do you recall when that grievance was
21 submitted by Mr. Mitrov?

22 A. I believe it was the end of June of 2020.

23 Q. Okay. And do you recall when Mr. Leventhal
24 provided a response to your letter of investigation?

25 A. I think it was sometime in early August.

1 Q. Okay. You had testified that at the time of
2 Mr. Leventhal's response, he no longer had possession
3 of the Viper?

4 A. Correct.

5 Q. Okay. And Mr. Leventhal had stated that at
6 that point Mr. Mitrov has picked up his Viper at the
7 time of Mr. Leventhal's response?

8 A. Correct.

9 MR. GOSIOCO: I'll pass the witness.

10 CHAIRMAN EDWARDS: Okay. For the
11 respondent?

12 MR. CLARK: Mr. Chairman, I can -- I have --
13 I can either stay within the scope of this and then
14 reserve the right to recall her at our case in chief
15 or I could -- well, if I reserve the right to recall
16 her, would she be available?

17 THE WITNESS: I'm here all day.

18 MR. CLARK: Okay. Then I'll just stick to
19 the cross.

20 CROSS-EXAMINATION

21 BY MR. CLARK:

22 Q. Miss Watson, did you ever get an indication
23 that Mr. Mitrov wanted to withdraw his grievance?

24 A. He did withdraw his grievance I believe
25 sometime toward the end of September 2020.

1 Q. At the time that he communicated that by an
2 email, correct?

3 A. Correct.

4 Q. At the time you received that email, at what
5 stage of the State Bar's processing of this grievance
6 was it at? Where was it in the investigative
7 prosecution stage?

8 A. It was still in the investigation stage.

9 Q. This was -- I'm sorry.

10 A. As in it hadn't yet been assigned to one
11 attorney to review.

12 Q. Okay. So it hadn't been assigned to an
13 attorney and it hadn't been presented to a screening
14 panel?

15 A. Correct.

16 Q. Okay. One moment.

17 Mrs. Watson, when the grievant indicated
18 they wanted to withdraw his grievance, was it
19 withdrawn?

20 A. The notation that they want to withdraw a
21 grievance is added to the file and then any
22 investigation memo. That doesn't necessarily mean we
23 don't move forward with concluding the investigation
24 or move forward with prosecuting the file. And I
25 believe there's a Supreme Court rule that says we

1 don't have to do so.

2 Q. In the course of your investigation, did you
3 ever conclude that Mr. Leventhal had violated Rule
4 1.5, fees, by failing to have a written retainer
5 agreement with Mr. Mitrov?

6 A. As an investigator, my interpretation of the
7 rule is a written retainer agreement is not required
8 by the rule.

9 Q. Mrs. Watson, during the course of your
10 investigation and any communications with
11 Mr. Leventhal, did you form the conclusion that he
12 failed to respond to a lawful request for
13 information?

14 A. I'm sorry, you broke up. Can you --

15 Q. I apologize. In the course of your
16 investigation and your communications with
17 Mr. Leventhal, did you ever form the opinion that he
18 had failed to respond to a lawful request for
19 information from the State Bar?

20 A. No.

21 MR. CLARK: Okay. I have no further
22 questions for this witness at this time but I reserve
23 the right to recall.

24 CHAIRMAN EDWARDS: State Bar?

25 MR. GOSIOCO: No redirect.

1 CHAIRMAN EDWARDS: Okay. And I apologize to
2 the panel members, I should have done this last time
3 around when Mr. Leventhal was being examined but I
4 forgot to ask if they have questions.

5 Mr. Moore, do you have any questions for
6 Miss Watson?

7 COMMISSIONER MOORE: No. No questions.

8 CHAIRMAN EDWARDS: Mr. Lee, any questions
9 for Miss Watson?

10 COMMISSIONER LEE: The only question I have
11 is did the screening panel elect to proceed with a
12 formal hearing after it went to them?

13 THE WITNESS: I'm assuming it did because --

14 MR. CLARK: Mr. Chairman, I'm going to
15 object to the question because the panel, screening
16 panel's deliberations are non-discoverable. So if
17 there's evidence offered regarding it, I've not had a
18 chance to cross-examine that evidence or see it
19 beforehand.

20 CHAIRMAN EDWARDS: Sustained.

21 COMMISSIONER LEE: I'll withdraw the
22 question. I have no other questions then.

23 CHAIRMAN EDWARDS: Okay. Thank you,
24 Miss Watson.

25 And I guess would counsel now like me to

1 open up to the panel questions for Mr. Leventhal or
2 would you rather save that for later in the hearing?

3 MR. GOSIOCO: I prefer to open it up to
4 questioning now, Mr. Chairman.

5 CHAIRMAN EDWARDS: Mr. Clark, any objection?

6 MR. CLARK: He's passed the witness. I know
7 it's not his bailiwick to see if the panel has
8 questions. Yeah, he's here. We'll answer questions.
9 That's what he's here for, so we have no objection.

10 CHAIRMAN EDWARDS: Mr. Moore, do you have
11 any questions for Mr. Leventhal?

12 COMMISSIONER MOORE: No, sir, I don't.

13 CHAIRMAN EDWARDS: Mr. Lee, any questions
14 for Mr. Leventhal?

15 EXAMINATION

16 BY COMMISSIONER LEE:

17 Q. Yeah. First question is what's your office
18 policy related to receiving collateral from a client?

19 A. It's rare that I do it, and there is really
20 no policy. I did this because she was in my office
21 crying that she was in warrant, she needed to get out
22 of warrant because she had kids and she had a job.

23 And I rarely do this. I don't take
24 collateral. I don't take stuff. I want to get paid.
25 It never -- it's never worked out for me, so my

1 answer is as I -- there is no policy because I don't
2 do it. This was an exception, and I'm sitting here
3 as a reason as to why I won't do it every again, and
4 I won't. I mean, you know, so I have no policy, sir.

5 Q. All right. So it was this issue and then
6 the prior issue was with the painting. Was that also
7 a collateral issue?

8 A. No, sir. That was a gift to me for my
9 office. The person dropped it off because they
10 thought it would look nice in my office. When I
11 looked it up online, it showed that it was a stolen
12 painting, so I then turned it over to Metro
13 anonymously.

14 They were able to track it down, get it back
15 to the owner who told me, wrote me a nice thank you
16 and told me that it was his father's painting, he
17 brought it to Las Vegas for a show and it was stolen
18 at McCarran International Airport. And he was
19 thankful that he got it back and he sent me a
20 lithogram of the painting.

21 COMMISSIONER LEE: Mr. Clark, can you turn
22 the camera so we can see --

23 MR. CLARK: I apologize. Certainly. My
24 mistake. Sorry about that.

25 COMMISSIONER LEE: I enjoy watching you

1 drink water, but...

2 BY COMMISSIONER LEE:

3 Q. Okay. So I'm a little confused. Are you
4 disputing that you accepted this as a collateral from
5 the grievant or not?

6 A. I don't know what you mean by "accepted."
7 She brought it into my office and it was at my
8 office. When you say "accepted as collateral,"
9 she -- it was her idea to bring it, so to show me
10 that she was going to pay. That's what -- that was
11 the point to her suggesting it.

12 Q. The ultimate point was you wanted \$6,000 in
13 cash. That's fair, right, or payment?

14 A. Payment. Yeah, let's say payment. Yes.
15 Yeah, that's what I wanted for two cases, felony
16 cases.

17 Q. All right. And then she brought the,
18 basically as collateral security to show that she was
19 going to pay; is that fair?

20 A. Yes, sir.

21 Q. Okay. Then so I'm clear, the first time
22 that she brought something, it was in a box that you
23 didn't look at, right?

24 A. That's correct.

25 Q. Okay. Did your staff tell you that there

1 was a box there? You know, where was the box at?

2 A. I don't remember specifically. But, like I
3 said, we do keep for safekeeping, we do have a place
4 at my office where we keep stuff that people, for
5 example guns. I use that example because I've got
6 like 20 of them there from people who can't have
7 them, so they give them to me to store, safekeeping.

8 So when -- if they're not felons, they can
9 get them back, and if they -- if they're just on some
10 type of a pretrial or probation where they can't hold
11 them for a little bit, then I've got them there.

12 Q. Then when you had contacted Aaron Perez at
13 Metro about the stolen items, did you ever ask him to
14 provide you with like an affidavit or anything
15 related to how you turned in those items?

16 A. Mr. Clark and I spoke to him last week, two
17 weeks ago, and he was going to get us the event
18 number, but there was a special way that we have to
19 subpoena him because it has to go through Metro
20 because he took the merchandise during his course of
21 work, he indicated.

22 So we needed to subpoena, if I'm right,
23 Metropolitan, the police department, but he was going
24 to provide us with the event number, but I don't
25 believe he -- I don't believe he did.

1 Q. Okay. Even like -- did you ever ask him if
2 he wanted to appear as a witness today?

3 A. He did, but we needed to subpoena him
4 through Metropolitan Police Department because of the
5 fact this was a --

6 THE REPORTER: I'm sorry, somebody just
7 pinged. "Because of the fact"?

8 BY COMMISSIONER LEE:

9 Q. The painting issue, how did the owner know
10 that you had returned the painting if it was supposed
11 to be anonymous?

12 A. I'm sorry, what painting, sir? The one from
13 a couple years ago?

14 Q. Yeah, the lithograph or whatever.

15 A. Yeah. So what happened was was that I
16 returned -- I gave the painting over to Metro, they
17 then looked through and found out who the owner was
18 through the police report, sent it to him, and I
19 was -- I was anonymous. And then he reached out to
20 the detective at the time and asked the detective if
21 it was okay if he would send me a letter.

22 So he ended up sending -- and the detective
23 told him that I'm an attorney and I received this,
24 and so the detective gave him my -- asked me if it
25 was okay to give him my name and number, and I did

1 so. The client's name is what was confidential.
2 The -- he reached out to me to thank me, but I never
3 told him who gave me the painting, nor was I ever
4 asked, he was just happy to get it back.

5 Q. In the context of the items you returned
6 here, is it your understanding that the stolen items
7 are confidential or known to the police as to, say,
8 the Louis Vuitton wallet?

9 A. So right now I contacted -- when I gave them
10 back, I contacted Detective Aaron Perez. The reason
11 I did that was because obviously if I had contacted
12 Detective Haynes, who was in the report who spoke to
13 Miss Sosa, he would have been able to connect the
14 dots, obviously, right.

15 So I didn't contact Haynes to keep it
16 confidential, I did it through Aaron Perez, and he
17 doesn't know the connection with Haynes. So it's
18 in -- it's at Metro right now under an event number.
19 It might be in their lost and found. I don't know
20 where he put it, but there is an event number that is
21 associated with it, but it's not associated with me
22 nor with Miss Sosa so there will never be a
23 connection.

24 But if it's -- it could be connected to a
25 case because when Metro inputs their reports that you

1 looked at that we went through, there's a team there
2 just in burglaries, per se, and they'll go through
3 reports and look to see, oh, hey, we've got in --
4 over here we've got a Louis Vuitton wallet that's
5 connected to this vehicle break-in, and then they'll
6 connect it that way. They can do that. It's like
7 guns but with serial numbers, and it would be the
8 same way that they connect cases with items and
9 merchandise.

10 But the fact is that Mr. -- Detective Perez
11 never put my name or associated with my name. Just
12 like the painting, my name was not associated. The
13 gentleman who I -- we sent it back to requested my
14 name so that he could thank me. But there's no
15 connection here, so Mrs. Sosa-Avila will never be
16 connected to that merchandise.

17 MR. CLARK: Well, you don't know.

18 THE WITNESS: Well, not -- not anything that
19 I would do.

20 COMMISSIONER LEE: Mr. Clark, please don't
21 interject.

22 MR. CLARK: I apologize. I apologize for
23 that.

24 BY COMMISSIONER LEE:

25 Q. So with Exhibit 11, which is the State Bar's

1 exhibit, which is the August 13, 2020 letter that you
2 had drafted, I think the State Bar may have already
3 asked this, but did you draft this letter?

4 A. I don't -- I don't think I did because, to
5 be honest with you, I wouldn't have known the dates
6 and the times and that stuff. So, you know, I
7 reviewed it before I signed it, obviously.

8 And so I take -- I take responsibility for
9 its contents, but whether I drafted it or not, I
10 don't remember because, like I said, you know, when
11 I'm in court all day every day, its hard for me to
12 understand and know dates and times specifically.

13 So I don't think that I, I would have
14 outlined it. I wouldn't have put in the dates and
15 times, I know that. But I take full responsibility
16 for it and its contents.

17 Q. Okay. So that's like a live signature
18 that's on page SBN Exhibit 11 page 002?

19 A. Yes, that is my signature.

20 Q. It's a live signature or is something that
21 you just --

22 A. No, that's not -- that's a -- that would be
23 a live -- that would be a live signature. My stamp
24 signature doesn't look like that.

25 Q. Do you know in your office who would have

1 drafted this if it wasn't you?

2 A. I'm trying to think who my paralegal was.
3 I've gone through a couple different paralegals back
4 then.

5 Q. That's fine if it's just a paralegal that
6 was at your office. I don't care about who the
7 actual person was.

8 A. Oh, yeah, it would have been -- in the last
9 two years I think I've gone through three or four
10 paralegals. It would have been a paralegal. And I
11 don't have one now. I'm looking for one, so it would
12 have been a paralegal that did it.

13 Q. So you understand that the point of this
14 letter was to respond to the grievance from the State
15 Bar; is that fair?

16 A. Yes, sir. Absolutely.

17 Q. And I suppose you reviewed -- well, we know
18 you reviewed it. So you wanted to make -- yeah, you
19 wanted to make sure it was as accurate as possible;
20 is that right?

21 A. Absolutely. And, again, I take full
22 responsibility for its contents. I just -- I signed
23 it. I reviewed it. I read it before I signed it.
24 So, yeah, but I do take responsibility for its
25 contents, and I did want to be as accurate as

1 possible, yes, sir.

2 Q. Okay. So when it lists, you know, the
3 acceptance of the drone as collateral and not a gift,
4 I mean, how did this happen?

5 A. My mistake. It was not part of the
6 collateral. As a matter of fact, it's the only
7 thing -- we spoke about my son's birthday. He came
8 in -- he asked, he even asked me about it afterwards,
9 you know, what did your son think about the drone.
10 It's not a -- it's a kid's drone, but he, you know,
11 he -- the guy was into drones and he, he wanted -- he
12 said he wanted my son to have one, so it was not
13 collateral.

14 Q. Okay. So, I mean, the reason why I find
15 this problematic is that, you know, it's drafted
16 August 13th, 2020. And then the sentence, the
17 sentence says that she dropped it off as collateral
18 on February 19, 2020 and then, you know, you asked
19 for more collateral. February 27, she dropped off
20 the drone and the iPhone as collateral. So it's just
21 like -- let me break my question first. You knew
22 that this letter would be used for the grievance
23 process, right?

24 A. Yes.

25 Q. And then at no point was there ever a

1 correction that, you know, it wasn't, the drone
2 wasn't collateral, it was actually a gift until let's
3 call it Mr. Clark's grievance; is that fair?

4 A. I'm sorry, I didn't hear the question, sir.

5 Q. Yeah, my question is that there was never a
6 correction from August 13, 2020 until Mr. Clark filed
7 his respondent's trial brief around May 6th -- was it
8 May 6, 2020 or May 6, 2021? I think it's probably
9 2021.

10 A. No, I had not actually gone back to review
11 it, sir. I apologize.

12 Q. And then this other issue that says here,
13 the last one, I know Bar Counsel talked about it, but
14 since the withdrawal date, so after you withdrew, is
15 it your understanding that after you withdrew, that's
16 when you started going through the discovery for the
17 grievant?

18 A. No, I -- that's -- no, I was going through
19 the discovery while I was on the case, and then I
20 withdrew after I went through the discovery. I know
21 he asked -- he asked me about that, but that doesn't
22 make sense.

23 It said something like since I withdrew, but
24 I believe that I -- I know I went through the
25 discovery before because we had that conversation.

1 We had a conversation about it. So and the
2 conversation was when I represented her.

3 Q. Why didn't you put in this letter that
4 going through the discovery there was several
5 issues that noted the stolen property, et cetera,
6 et cetera?

7 A. I don't know.

8 MR. CLARK: I'll object as vague.

9 THE WITNESS: I don't know why I -- I don't
10 know.

11 COMMISSIONER LEE: Okay. That's all the
12 questions I have. All right, thanks.

13 EXAMINATION

14 BY CHAIRMAN EDWARDS:

15 Q. I have one question. Hopefully just one
16 question. Mr. Leventhal?

17 A. Yes.

18 Q. In your retainer agreement with Miss Avila
19 Sosa, does it address the taking of collateral?

20 A. I don't believe it does.

21 CHAIRMAN EDWARDS: Okay. Nothing further.
22 All right. State Bar your --

23 COMMISSIONER MOORE: I have a question.
24 Mr. Moore here. I have a question.

25 CHAIRMAN EDWARDS: Please.

EXAMINATION

BY COMMISSIONER MOORE:

Q. Good morning, Mr. Leventhal. Who dropped the drone off to you?

A. I apologize?

Q. Who dropped the drone off to your office?

A. I wasn't there, but I was told that it was the -- her husband.

Q. Well, in these documents it says she dropped it off with the iPhone. So who was it? I don't understand. I mean, your --

A. Well --

Q. -- story is your story, but I'm not sure who dropped the drone off to you, because in these documents it says she did, and you're telling me he did and how happy he was to give it to your son and to thank you?

A. Well, I don't want to split hairs, but they came in together quite a bit. And when I say he did it's because it was the -- I never had a conversation with her about giving my son a drone, it was him. He was the one who wanted to give it to me to give to my son.

So they came in together. So when I say he did, I'm not -- I guess specifically who did it, I

1 wasn't there, and I was told that he did, but they
2 always -- they were a husband -- they always came
3 into the office together.

4 COMMISSIONER MOORE: Okay. No further.
5 Thank you.

6 CHAIRMAN EDWARDS: All right. State Bar,
7 your next witness please.

8 MR. CLARK: I have some recross, if I could
9 in response to the questions by the panel.

10 CHAIRMAN EDWARDS: Okay.

11 RECROSS-EXAMINATION

12 BY MR. CLARK:

13 Q. Okay. Mr. Leventhal, you filed a verified
14 answer in this complaint -- in this matter?

15 A. Yes.

16 Q. I've got to find it. Paragraph 9 of the
17 State Bar's complaint says, On or about February 27
18 Miss Sosa-Avila gave respondent a DJI Mavic 2 Zoom
19 wifi quadcopter drone and a 256 gigabyte iPhone 11
20 Pro Max in lieu of monetary payment to go toward the
21 retainer, and the verified answer you denied that.

22 A. That's correct. That's not true.

23 Q. We filed a motion for summary judgment in
24 this matter on December 31st, and you submitted an,
25 you submitted a declaration. Do you recall that?

1 A. Yes.

2 Q. In the pleading you state at paragraph five,
3 "I had no prior knowledge or agreement as to what
4 items she would drop off to my office. As to the
5 drone, I mentioned to Mrs. Sosa and her husband that
6 it was my son's birthday. Unsolicited they returned
7 the next day and gave the drone as a gift for him."
8 So as a December 31st of last year, that was your
9 statement, correct?

10 A. Correct.

11 Q. And that was a declaration submitted under
12 oath?

13 A. Yes.

14 Q. You were asked why you didn't elaborate on
15 the stolen items in your response to the State Bar.
16 Do you recall that question?

17 A. Yes.

18 Q. Was there a reason you were not speaking in
19 detail about the stolen items?

20 A. I -- honestly I hated just now going through
21 all this stuff. I don't judge my clients. You know,
22 I'm not here -- I understand that they're stolen.
23 People do what they do, I just didn't want to be a
24 part of it.

25 And so I wasn't going to go get into the

1 weeds on who she is and what she's about. The point
2 was was when I found out that this was stolen and I
3 thought I did the right thing by turning them into
4 Metro. That's all that there was to it.

5 Q. You agree that this is a public hearing?

6 A. Yes.

7 Q. And that it is not public that those are the
8 items that Mrs. Sosa-Avila admitted to you she stole?

9 A. Correct.

10 MR. CLARK: No further questions.

11 CHAIRMAN EDWARDS: Okay. State Bar, your
12 next witness please.

13 MR. GOSIOCO: And, Mr. Chairman, the state
14 Bar would respectfully request a recess for lunch.
15 We've been going for about almost three hours. If
16 you would allow us to, I would like to break for
17 lunch and give us an opportunity to locate our other
18 witnesses.

19 CHAIRMAN EDWARDS: That's fair. How much
20 time would you like for lunch?

21 MR. GOSIOCO: Whatever the Chairman decides.
22 30, 45 minutes, an hour.

23 MR. CLARK: I'm sorry, was that for purposes
24 to locate his other witnesses? Does the State Bar
25 have other witnesses?

1 MR. GOSIOCO: We have witnesses that we
2 listed in our disclosures, and we're hoping that they
3 sign onto Zoom.

4 MR. CLARK: Oh, okay.

5 CHAIRMAN EDWARDS: My preference would be a
6 30-minute lunch so we can -- I guess a little more
7 than 30 minutes be back at 12:30. Does that work for
8 everybody?

9 MR. CLARK: Yes.

10 MR. GOSIOCO: Yes, sir.

11 CHAIRMAN EDWARDS: Okay. See you then.
12 Thank you.

13 (A lunch recess was taken.)

14 CHAIRMAN EDWARDS: All right. It is 12:33.
15 We are back on the record. State Bar, your next
16 witness please.

17 MR. GOSIOCO: Thank you, Mr. Chairman. The
18 State Bar would like to call Mr. Zan Mitrov to the
19 stand.

20 MR. MITROV: Hello?

21 CHAIRMAN EDWARDS: Good morning, sir. We're
22 going to have you sworn in.

23 MR. MITROV: Okay. Do I have to put video?

24 CHAIRMAN EDWARDS: We'd prefer if you did.

25 MR. MITROV: Okay. Give me one second

1 please. I haven't -- I haven't done that, so it's my
2 first time.

3 CHAIRMAN EDWARDS: Perfect. We can see you.

4 MR. MITROV: Okay. Good.

5 CHAIRMAN EDWARDS: Okay. Can we please
6 swear in the witness.

7 MR. MITROV: Yes. Yes, you can.

8 Thereupon--

9 ZAN MITROV

10 was called as a witness by the Complainant, and
11 having been first duly sworn, testified as follows:

12 CHAIRMAN EDWARDS: State Bar, your witness.

13 MR. GOSIOCO: Thank you, Mr. Chairman.

14 DIRECT EXAMINATION

15 BY MR. GOSIOCO:

16 Q. Good afternoon, Mr. Mitrov. How are you
17 doing, sir?

18 A. Good afternoon, sir. Doing good. How 'bout
19 you?

20 Q. I'm doing well. Thank you for asking.
21 First off, thank you so much for joining us. I know
22 this is taking time out of your day.

23 A. Yeah.

24 Q. Now, as far as my questions, Mr. Mitrov, do
25 you know an individual by the name of Todd Leventhal?

1 A. Yes, I do.

2 Q. And how do you know Mr. Leventhal?

3 A. I know him since two thousand -- 2013.
4 Friend of mine, he was in trouble, and he was his
5 lawyer, so that's how I, that's how I met him in
6 2013.

7 Q. Okay. And at any point since 2013, did you
8 retain Mr. Leventhal as an attorney for yourself?

9 A. Yes. Yes. Back in 2019, I did have a
10 little trouble with the law, and I had a lawyer by
11 the name of Pandullo, and he did have some kind of
12 issue with, I believe he lost his license and he
13 didn't, he didn't show up at court so I got a warrant
14 issue. And I was back home, when I got back, I hired
15 Todd Leventhal be my lawyer back in July 2019.

16 Q. Okay. Now, you testified that around July
17 of 2019 you had hired Mr. Leventhal as your attorney?

18 A. Correct, yes. July 23rd to be precise.

19 Q. Okay. And do you recall when Mr. Leventhal
20 stopped being your attorney?

21 A. June, he file motion to withdraw as a
22 counsel June 22nd of 2020.

23 Q. Thank you, Mr. Mitrov. Now, turning your
24 attention to the instant matter, did you file a
25 grievance against Mr. Leventhal with the State Bar of

1 Nevada?

2 A. Yes, I did.

3 Q. And was that -- and give me one moment. I
4 want to share my screen. And I'm showing you what's
5 been previously marked as Exhibit 12.

6 A. Okay.

7 Q. Give me one moment. Let me share my screen.
8 And, Mr. Mitrov, can you see my screen clearly?

9 A. Yes, I can. Yes.

10 Q. And is that your name up top right here
11 where I'm highlighting?

12 A. Yes, that -- uh-huh.

13 Q. And it looked like you submit this form
14 online; is that correct?

15 A. That's right.

16 Q. And did you submit it at around June 24 of
17 2020?

18 A. Yes. Yes, I did.

19 Q. And do you recall, and I'm just briefly
20 scrolling through your grievance, do you recall
21 writing all of this?

22 A. Yes, but I did that, yes.

23 Q. Okay. And so you were the one who wrote
24 this grievance and nobody else did?

25 A. Correct, yes.

1 Q. Okay. And I'm scrolling all the way to the
2 bottom. It looks like you submitted some files as
3 well to your grievance; is that right?

4 A. Uh-huh.

5 Q. Okay. And when you submit this grievance,
6 the facts that you wrote in this section right here
7 with all this print, are all of these facts true?

8 A. Yes.

9 Q. Thank you, Mr. Mitrov. Now, you had
10 testified that you hired Mr. Leventhal as your
11 attorney around July of 2019, and Mr. Leventhal
12 withdrew as your attorney around June of 2020; is
13 that right?

14 A. That's right.

15 Q. Now, between July 2019 and June 2020, at any
16 point did you allow Mr. Leventhal to borrow one or
17 more of your cars?

18 A. Yes, I did.

19 Q. And what cars did you allow Mr. Leventhal to
20 borrow?

21 A. Well, on -- in July of 2019, I gave him my
22 Dodge Viper. And back in January of, beginning of
23 2020 I let him use a Maserati.

24 Q. Okay. And with reference to the Maserati,
25 did you personally hand over the Maserati to

1 Mr. Leventhal?

2 A. No. Actually I was busy and I sent friend
3 of mine to take it to him.

4 Q. Okay. But to the best of your knowledge did
5 Mr. Leventhal, in fact, take that Maserati?

6 A. Yeah. He left -- he left at his office, my
7 friend. And then I sent him a gift back.

8 Q. Okay. Now, you had testified that around
9 July of 2019 you let Mr. Leventhal borrow your Dodge
10 Viper; is that correct?

11 A. That's right, yeah.

12 Q. At any point between July 2019 and
13 June 2020, did you ask to get to pick up your Viper
14 from Mr. Leventhal?

15 A. Yeah. Towards like February or March of
16 2020, yes. Yes, I did.

17 Q. Okay. Did you ask him one time or how many
18 times did you ask Mr. Leventhal to pick up your Viper
19 from him?

20 A. A couple times or maybe few -- three times.

21 MR. GOSIOCO: Okay. And, Mr. Chairman, the
22 State Bar would move to admit Exhibit 12,
23 Mr. Mitrov's grievance that's being shared on the
24 screen into evidence.

25 CHAIRMAN EDWARDS: Mr. Clark?