

1 MR. CLARK: No objection.

2 CHAIRMAN EDWARDS: Okay. Exhibit 12 is
3 admitted.

4 (Thereupon Complainant's Exhibit
5 12 was admitted into evidence.)
6

7 MR. GOSIOCO: Thank you, Mr. Chair.

8 BY MR. GOSIOCO:

9 Q. Now, Mr. Mitrov, briefly, I did see at the
10 bottom of this grievance you attached some documents
11 to the State Bar; is that right?

12 A. Yes. Yes, I did.

13 Q. Okay. And I see right here it looks like
14 you submit some text messages?

15 A. Uh-huh.

16 Q. And is that correct?

17 A. That's right, yes.

18 Q. Thank you. Now, I'm showing you what's been
19 previously marked as Exhibit 19 of the State Bar's
20 exhibits. Now, Mr. Mitrov, does this document look
21 familiar to you?

22 A. Yeah. It brings back memories.

23 Q. And can you describe to me what this
24 document shows?

25 A. Communication between me and Mr. Leventhal,
text messages.

Electronically Filed
Jul 21 2021 08:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 Q. Okay. And are these -- does this look like
2 the documents you submitted with your grievance to
3 the State Bar?

4 A. Yeah, that's right.

5 Q. Okay. And it looks like, let's see -- and
6 did you alter these text messages in any way, shape
7 or form before submitting this to the State Bar?

8 A. No, those are just snapshots from my
9 cellphone, sir.

10 Q. Okay. So when you took these snapshots, you
11 didn't do anything to change the contents of it,
12 correct?

13 A. No, I did not, no.

14 Q. And these are your text messages with
15 Mr. Leventhal?

16 A. Yes.

17 MR. GOSIOCO: Okay. At this point,
18 Mr. Chairman, the State Bar would move to admit
19 Exhibit 19 into evidence.

20 MR. CLARK: I would ask to be more
21 foundation as to how he got them off his screen and
22 how they were reproduced. I mean --

23 CHAIRMAN EDWARDS: I think he's testified --

24 MR. CLARK: Are they copied? Are they sent
25 electronically?

1 CHAIRMAN EDWARDS: I think the testimony
2 that he took these. These are screenshots of his
3 text messages. So the objection is overruled and
4 Exhibit 12, or, excuse me, Exhibit 19 will be
5 admitted.

6 (Thereupon Complainant's Exhibit
7 19 was admitted into evidence.)

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

9 BY MR. GOSIOCO:

10 Q. Now, Mr. Mitrov, you had testified earlier
11 that you had asked Mr. Leventhal a few times to pick
12 up the Dodge Viper from him, correct?

13 A. Yes.

14 Q. And briefly, let me start at the very top.
15 This looks like July 2020. It doesn't state a year.
16 Do you recall which year this was, these text
17 messages were from?

18 A. Yeah, those are in on the beginning when I
19 hired him in 2019.

20 Q. Okay. So it looks like right at the top
21 over here it says July -- Monday, July 22 at
22 10:22 a.m. Your testimony is that this is July 22 of
23 2019?

24 A. Yes. But the messages, yes.

25 Q. Thank you.

1 A. I did have no communication in 2020, in
2 July.

3 Q. Okay. Thank you, sir.

4 A. You're welcome.

5 Q. Now, let me scroll down just a little bit.
6 And right here, the first page of these text messages
7 that you provided to the State Bar, and just for my
8 own edification, this message right here that's being
9 highlighted, do you see what I'm highlighting,
10 Mr. Mitrov?

11 A. Half of it, yeah.

12 Q. Was that a text, your text message you sent
13 or was that Mr. Leventhal?

14 A. That's mine.

15 Q. Okay. And so on the left-hand side of this
16 document, is that your text message or is that
17 Mr. Leventhal's text message?

18 A. Mr. Leventhal.

19 Q. Okay. So, correct me if I'm wrong, but all
20 the messages on the right-hand side are yours; is
21 that correct?

22 A. That's how it should be, yes.

23 Q. And all the messages on the left were text
24 messages you received from Mr. Leventhal, correct?

25 A. Yeah.

1 Q. Thank you, sir. Let me scroll down just a
2 little bit. This looks like -- this looks like
3 Tuesday, July 23 at 9:12 a.m. Does that appear to be
4 accurate, Mr. Mitrov?

5 A. Yeah. I mean, I guess, yes.

6 Q. And right below that there's a text message
7 from Mr. Leventhal to yourself that says, "Bring car
8 to office brother." Is that right?

9 A. Uh-huh.

10 Q. And, Mr. Mitrov, if I may ask, what car
11 is -- was being referred to?

12 A. The Dodge Viper.

13 Q. Okay. And it looks like this was July 23 of
14 2019, correct?

15 A. Yes.

16 Q. Okay. Let me scroll down just a little bit
17 more, and right here, bottom of page five of
18 Exhibit 19, this looks like January 15. Is that in
19 2019 or 2020?

20 A. 2020.

21 Q. Okay. And this text message from
22 Mr. Leventhal states, "Brother. You bringing the
23 car?" Does that appear accurate, Mr. Mitrov?

24 A. Yeah. Yes.

25 Q. Now, what car was this in reference to,

1 Mr. Mitrov?

2 A. The Maserati.

3 Q. Thank you. I'm scrolling down a little bit
4 more, and is this a -- what is this a picture of,
5 Mr. Mitrov?

6 A. I can see half of it, but from my memory I
7 think that's the picture of the Maserati.

8 Q. Okay. And you had testified that you did in
9 fact allow Mr. Mitrov -- I apologize, Mr. Leventhal
10 to borrow your Maserati?

11 A. Yeah, I did. Yes.

12 Q. Thank you. Now, showing you, this looks
13 like page 9 of Exhibit 19.

14 A. Uh-huh.

15 Q. It looks like a text message from
16 February 21 at 10:38 a.m. Was that in 2019 or 2020?

17 A. 2020.

18 Q. 2020. And I'm highlighting the text message
19 right after that on February 21, 2020. Do you recall
20 sending this text message?

21 A. Yeah, I send it.

22 Q. And what exactly were you asking
23 Mr. Leventhal in that text message?

24 A. From what I can see, it's just when can I go
25 and pick up the Viper.

1 Q. Okay. And to the best of your ability do
2 you believe that this is the first time you asked
3 Mr. Leventhal to pick up the Viper?

4 A. Yes. My assumption was that when Nate took
5 the Maserati that he was going to bring the Viper
6 back.

7 Q. Okay. And --

8 A. And when he didn't -- when he didn't, then
9 that was first time after that I asked him, like,
10 when can I go and pick up the Viper.

11 Q. Thank you, Mr. Mitrov. I'm scrolling down
12 just a little bit. It looks like six days after
13 February 27. Is that also in 2020?

14 A. Yes.

15 Q. And you sent that, this message, "Brother.
16 You bringing the Viper?" to Mr. Mitrov on
17 February 2020?

18 A. I apologize. Again, sir, please.

19 Q. Yeah, no problem. So on February 27, 2020
20 it looks like you sent Mr. Leventhal a text message;
21 is that correct?

22 A. Yeah.

23 Q. And the text message says, "Brother. You
24 bringing the Viper?" Is that an accurate statement?

25 A. Yeah.

1 Q. Thank you. Scrolling down just a little bit
2 more, it looks like March 4. Is that in 2019 or
3 2020?

4 A. '20.

5 Q. 2020?

6 A. 2020, yes, sir.

7 Q. Thank you, sir. And it looks like this is
8 a -- the bottom of this, or this message looks like
9 it was cut off and it looks like this was the same
10 text messages on March 4, 2020. I'm going to
11 highlight this portion for you. Did you send this
12 text message to Mr. Leventhal on March 4, 2020?

13 A. Yes, I did.

14 Q. And that states, "Brother I need someone to
15 bring me Viper to my office I have no car I'm using
16 Lyft. I don't like it to many crazy drivers. Thank
17 you." Is that an accurate text message from you to
18 Mr. Leventhal?

19 A. Yes, it is.

20 Q. Thank you. Okay. And it looks likes
21 there's a conversation here right after you told
22 Mr. Leventhal that you would be -- you wanted the
23 Viper and you'd been using Lyft. I'm going to
24 highlight four messages. It looks like two from
25 Mr. Leventhal and two from you; is that correct?

1 A. Yes.

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

4 A. Okay. I'm done.

5 Q. Okay. And what was that conversation
6 pertaining to, those messages?

7 A. Well, he said that there's no problem, but
8 that he needs money. And I just responded that,
9 yeah, I got him. And then I ask him what time to go
10 to the office, and he told me around 10:00 a.m. and
11 then I said, okay, I'll be there.

12 Q. Okay. And just to clarify, this last
13 message on March 4th, it says, "Ok I'll be there I'll
14 take Viper first and will see you next week for
15 Maserati." Is that an accurate text message from you
16 to Mr. Leventhal?

17 A. Yes.

18 Q. Thank you. Scrolling down just a little bit
19 more, this looks like a text message from May 21 at
20 9:48 a.m. Was that in 2019 or 2020?

21 Mr. Mitrov?

22 MS. FAUST: Girard, it looks like we lost
23 him, but he's coming in again. Just one moment.

24 MR. GOSIOCO: Okay. Thank you so much.

25 THE WITNESS: My phone died so I'm

1 connecting with another phone.

2 BY MR. GOSIOCO:

3 Q. That's not a problem. Can you hear me and
4 see my screen properly, Mr. Mitrov?

5 A. Yes. Yes, I can.

6 Q. Okay. And I scrolled down just a little bit
7 from that last text message conversation, but it
8 looks like this text message conversation started on
9 May 21 at 9:48 a.m. Was this conversation in 2019 or
10 2020?

11 A. 2020.

12 Q. Thank you. And it looks look this is a text
13 from you that I'm highlighting; is that correct?

14 A. Yes. Yes, it is.

15 Q. And this states, "Brother I will need to
16 pick up Viper today. Is it to much to ask to have it
17 at office today? Thank you." Was that an accurate
18 text message you sent to Mr. Leventhal?

19 A. Yes.

20 Q. Thank you. Scrolling down a little bit
21 more, and this looks like a text message from May 27
22 at 10:48 a.m. Was that message in 2019 or 2020?

23 A. 2020.

24 Q. Okay. And it states, "Good morning brother.
25 When can I pick up Viper." Was that a text message

1 you sent to Mr. Leventhal?

2 A. That's right.

3 Q. Thank you. Scrolling down some more, and
4 I'm highlighting a portion from June 2. It looks
5 like 2:35 p.m. Was that a text messages from you in
6 2019 or 2020?

7 A. 2020.

8 Q. Okay. And the messages say, "Todd I need
9 the Viper...today." "Wife not happy...I have trouble
10 at home." Were those text messages you sent to
11 Mr. Leventhal?

12 A. Yes, I did.

13 Q. Thank you. And it looks like the same day
14 you sent another text message that states, "My
15 daughter is saying daddy you are not telling me the
16 truth you sold the Viper...common brother." Is that
17 a text message you sent to Mr. Leventhal?

18 A. Yes.

19 Q. Thank you. And it looks like right here, it
20 looks like this is a text from June 6 at 1:43 p.m.
21 Was that also in 2020?

22 A. Yes, it is.

23 Q. Okay. And I'm scrolling down. I don't see
24 any dates between this area and this area, but it
25 looks like you also sent another message to

1 Mr. Leventhal saying, "I have no car." Was that a
2 text message you sent to Mr. Leventhal?

3 A. Yes.

4 Q. And, again, that was in June of 2020?

5 A. Uh-huh.

6 Q. I'm scrolling down just a little bit more,
7 and I'm not sure what the date is here because it
8 says -- it looks like yesterday at 1:11 p.m. The
9 previous message is from Monday, June 15th. Was that
10 a message you sent in 2019 or 2020?

11 A. 2020.

12 Q. And so is it your recollection that this
13 message right here, it says yesterday, I believe it
14 says 1:11 p.m., that was also sent in 2020, around
15 June of 2020?

16 A. Yes.

17 Q. Okay. And just reading this out loud, so it
18 says, Brother, how much money you think I owe by your
19 numbers. I send you a list of how much I gave so
20 far. Give me a number and I'll have it to -- I'll
21 have it for you tomorrow or today if you have time to
22 meet. Did the agents call you. I have them your
23 number to call you and talk to you if they have any
24 questions. I need my car it's been a year that you
25 have it. Thank you for your understanding and

1 apologies if I did something wrong. Now, was that a
2 text message you sent to Mr. Leventhal?

3 A. Yes.

4 Q. Thank you. That looks like the end. And as
5 you had previously stated -- testified, you had
6 stated that Mr. Leventhal withdrew from your case
7 around June 22 of 2020; is that right?

8 A. That's right.

9 Q. Now, at any point between July of 2019 and
10 June 22 of 2020, did you rent a car?

11 A. Yes, I did.

12 Q. And why did you rent a car, Mr. Mitrov?

13 A. Because -- because I didn't have no vehicle.
14 The Maserati wasn't in good shape, so I did rent a
15 car on June 5th, I believe.

16 Q. Okay. And June 5th, that was prior to
17 Mr. Leventhal withdrawing as your attorney, correct?

18 A. Yes.

19 Q. Okay. Give me one moment. I'm showing you
20 what has been previously marked as State Bar Exhibit
21 Number 2020 -- Exhibit 20. And, Mr. Mitrov, can you
22 see my screen correctly?

23 A. Yeah, I can.

24 Q. Okay. Now, do you know what this document
25 is, Mr. Mitrov?

1 A. That is the receipt from the, from the, from
2 the rental place where I rented the car at the
3 airport.

4 Q. And did you include this receipt in the
5 grievance you submitted to the State Bar?

6 A. Yes, I did. Yes.

7 Q. And it looks -- I'm scrolling down just a
8 little bit to the bottom of this first page. It
9 looks like you rented it from June 5 to June 30 of
10 2020; is that right?

11 A. That's right, yes.

12 Q. And again you testified that you rented this
13 car because you didn't have the Maserati or the
14 Viper; is that right?

15 A. That's right, yeah.

16 Q. Thank you.

17 A. Mr. Leventhal, he did -- he did take care of
18 me on this. After that he did give me the money for
19 the rental.

20 Q. Okay. And do you recall approximately when
21 that was when you gave -- when Mr. Leventhal gave you
22 money for the car rental?

23 A. It is somewhere like in August, end of
24 August of 2020.

25 Q. Okay. Now, I did note that -- let me see.

1 So you submitted your grievance to the State Bar
2 regarding Mr. Leventhal on or about June --

3 A. June.

4 Q. -- 24 or 28 I believe; is that right?

5 A. Something -- something like that. Yeah,
6 after he withdrew as counsel, whatever you call that,
7 as a lawyer.

8 Q. Okay. And do you have your Viper currently?

9 A. I have in front of my garage. Yes, I do.

10 Q. Okay. And do you recall when you were
11 finally able to pick up your Viper from
12 Mr. Leventhal?

13 A. I'll say like beginning of July I believe or
14 end of June.

15 Q. Beginning of July, end of June of which
16 year, Mr. Mitrov?

17 A. 2020, sir.

18 Q. Okay. So you had let Mr. Leventhal borrow
19 your car in July of 2019, correct?

20 A. Yes.

21 Q. And you didn't receive that Viper back until
22 approximately a year later; is that right?

23 A. That's right. I mean, when I -- when I
24 picked it up, it looked like the car was never
25 driven. I picked it up at a shop in North Las Vegas.

1 Q. Okay. Thank you, Mr. Mitrov. And because
2 you didn't have the Viper for about a year, that's
3 the reason you rented a rental car from Hertz; is
4 that right?

5 A. No. I mean, I had -- I have multiple cars
6 because the Maserati, to be precise, it's -- it
7 didn't have no A/C and it was starting to getting
8 hot, and I rented the, you know, the car beginning of
9 June.

10 Q. Okay. But did you rent that car because you
11 didn't have the Viper?

12 A. Because it was hot, and I was thinking if I
13 have the Viper maybe I can drive it. I don't know.

14 Q. Okay. But the reason for your -- I guess --
15 I'll move on. And you had testified that
16 Mr. Leventhal did, in fact, give you money for the
17 rental car?

18 A. Yes, he did. He did take care of me. Yes,
19 sir.

20 Q. Okay. And do you -- did Mr. Leventhal give
21 you that money before or after you got the Viper
22 back?

23 A. After I got the Viper back.

24 Q. Okay. And so you stated that you got the
25 Viper back probably around June or July of 2020; is

1 that right?

2 A. That's right, yeah.

3 Q. Okay. But this receipt right here is,
4 again, a receipt you submitted to the State Bar with
5 your grievance?

6 A. Yes, it is.

7 MR. GOSIOCO: Mr. Chairman, at this point
8 the State Bar moves to admit Exhibit Number 20 into
9 evidence.

10 CHAIRMAN EDWARDS: Mr. Clark?

11 MR. CLARK: There's foundation. No -- no
12 objection.

13 CHAIRMAN EDWARDS: Exhibit 20 will be
14 admitted.

15 (Thereupon Complainant's Exhibit
16 20 was admitted into evidence.)

17 MR. GOSIOCO: Thank you. I'll pass the
18 witness.

19 CHAIRMAN EDWARDS: Okay. Mr. Clark?

20 CROSS-EXAMINATION

21 BY MR. CLARK:

22 Q. Mr. Mitrov, just so I'm clear, you rented
23 the vehicle because it was hot?

24 A. Because, yeah, the car didn't have no A/C,
25 the Maserati, so I needed to -- I needed something

1 with A/C, so I just rented the car, yes.

2 Q. Okay. But you had a Maserati to drive?

3 A. I did have, yeah.

4 Q. And you said, you testified you have
5 multiple cars, correct?

6 A. Yes, sir.

7 Q. So you weren't forced to rent the vehicle
8 because you didn't have the Viper, you just chose to
9 rent the vehicle?

10 A. I choose, correct.

11 Q. Okay. And it's your testimony that
12 Mr. Leventhal paid you for that rental? He paid --
13 he reimbursed you for the cost of the rental?

14 A. He did, yes.

15 Q. How did he make that payment?

16 A. Cash.

17 Q. And when did he make that payment, according
18 to you?

19 A. It was somewhere like end of August, I
20 believe.

21 Q. You submitted the rental agreement, or the
22 rental bill to the State Bar -- let me get this
23 right -- in June saying that you were out this
24 \$5,000?

25 A. That's right.

1 Q. Okay. And in your grievance you said you're
2 out this \$5,000 because of Mr. Leventhal?

3 A. Yeah. Yes, I did.

4 Q. It's your testimony now that he paid you.
5 Did you ever tell the State Bar, "He paid me"?

6 A. No, I did not have no chance to, to say
7 that.

8 Q. Okay.

9 A. After -- after I got the car back, I
10 withdrew my complaint back in I believe in August.

11 Q. Okay. Why did you --

12 A. Go ahead, sir. Say again.

13 Q. Why did you withdraw your complaint?

14 A. Why? Because -- because my matter with
15 Mr. Leventhal was handled. I got my car back. He
16 take care of me for the, for the rental so there's
17 nothing for me to seek no more from him. It was
18 misunderstanding I guess between me and him.

19 Q. Okay. So it's your position it was a
20 misunderstanding?

21 A. Correct.

22 MR. CLARK: Okay. Can I bring up state --
23 Respondent's Exhibit D, as in "David"?

24 MR. GOSIOCO: Just give me one moment to
25 open that up.

1 MR. CLARK: I appreciate your efforts.

2 Thank you.

3 MR. GOSIOCO: And, Mr. Clark, you said
4 Exhibit D?

5 MR. CLARK: D as in "David," yeah.

6 BY MR. CLARK:

7 Q. Mr. Mitrov, can you see the document on the
8 screen?

9 A. Yes, I can.

10 Q. And it has -- if you scroll through both
11 pages, do you recognize this document?

12 A. Yes. Yes, I do.

13 Q. At the end of page two, is that your
14 signature?

15 A. Yes, it is.

16 Q. Dated December 30th, 2020 in Las Vegas. Do
17 you see that?

18 A. Yes. Yeah.

19 Q. And you state right above it, I declare
20 under penalty of perjury of the laws of the state of
21 Nevada that the foregoing is true and correct to the
22 best of your knowledge; is that correct?

23 A. Correct.

24 Q. And you submitted this affidavit in support
25 of Mr. Leventhal's motion for summary judgment in the

1 State Bar matter?

2 A. Yes.

3 Q. Okay. At the end of page one, paragraph
4 four, it says, "I operate a freight shipping broker
5 business. In the past, I have owned and operated an
6 automobile body shop. I also buy and drive vintage
7 cars." Do you see that?

8 A. Yes, I do.

9 Q. Did I read that correctly?

10 A. Yes, you do.

11 Q. Okay. So at the time you buy and drive
12 vintage cars, correct?

13 A. Go ahead again, sir.

14 Q. So it's correct that you drive, that you buy
15 and drive vintage cars?

16 A. That's right.

17 Q. Okay. So during 2019 and two thousand --
18 from 2019 to 2020, July to June, how many vintage
19 cars did you own?

20 A. Those two that -- those two that we talking
21 about, the Viper and the Maserati.

22 Q. Do you own any other cars?

23 A. I mean, yes, that -- I did have other cars,
24 yes.

25 Q. And did you drive those other cars?

1 A. I drove my Mercedes S550.

2 Q. Okay.

3 A. Like towards the end of 2019.

4 Q. All right. Paragraph five, the next page,"
5 I let Mr. Leventhal use a Dodge Viper as a favor, not
6 as payment or collateral for payment of fees." Do
7 you see that?

8 A. That's right, yes.

9 Q. And that's a correct statement?

10 A. That's right.

11 Q. After he withdrew I picked up the Viper at
12 the repair shop there Mr. Leventhal had it towed to
13 for repairs. I did not pay him for its return. Is
14 that correct?

15 A. That's right.

16 Q. Okay. You testified on response to State
17 Bar's questions that when you picked up the Viper, it
18 looked like it had never been driven?

19 A. To my knowledge, yeah.

20 Q. So it looked like that?

21 A. It looked like that, yeah.

22 Q. Okay. To your knowledge do you know how
23 often he drove it at all?

24 A. I have no idea, sir.

25 Q. Next paragraph, number six, "As for the

1 Maserati mentioned in the State Bar complaint,
2 Mr. Leventhal never took the vehicle to California,
3 never received title to it from me nor drove to my
4 knowledge." Do you see that?

5 A. Yes.

6 Q. Is that a true statement?

7 A. Yes, it is.

8 Q. In fact I considered giving it to him
9 outright before he indicated to me he needed money
10 for restitution. Do you see that?

11 A. Yes, I do.

12 Q. What do you mean by that statement?

13 A. Go ahead again with your question, sir.

14 Q. What did you mean when you said that?

15 A. No, no, what was the question again? Which
16 paragraph? Five or six?

17 Q. Six.

18 A. Six. Well, what I mean is because as
19 appreciation to be my lawyer, I want to give him the
20 car as a gift.

21 Q. You say, "I did not pay him for its return
22 as alleged in paragraph 31 of the State Bar
23 Complaint." Do you see that?

24 A. Yes.

25 Q. Did you ever tell the State Bar

1 investigator, or anyone at the State Bar, that you
2 had to pay for its return?

3 A. No, I did not. No.

4 Q. You say, "I believe this is a
5 misunderstanding between Mr. Leventhal and me and I
6 again request that my complaint be withdrawn." Do
7 you see that in paragraph seven?

8 A. Yes, I do.

9 Q. What do you mean by "misunderstanding"?

10 A. What I mean is on the payments.

11 Q. On what payment?

12 A. On the whatever fees I had to pay towards
13 him.

14 Q. So the attorney fees you had to pay him?

15 A. Uh-huh.

16 Q. Or the restitution?

17 A. On both. I didn't know I have a
18 restitution, like on the, on one of the cases because
19 it was never given to me as written, so I guess
20 that's where the misunderstanding was.

21 Q. But you understood that you had agreed to
22 pay restitution to the victim of the car you, of the
23 stolen car you bought?

24 A. In words, yes. Yes, I did.

25 Q. Okay. And did you ever pay that

1 restitution?

2 A. No, I did not.

3 Q. Although you agreed to do so?

4 A. With Mr. Leventhal, yes. Yes, I did.

5 Q. Okay. The next page, Mr. Mitrov, final page
6 of this exhibit, this was attached to your affidavit.

7 This appears to be a copy of an email from you to
8 Mrs. Watson saying that you'd like to withdraw the
9 complaint against Mr. Leventhal. Do you see that?

10 A. Yeah, I see it.

11 Q. I believe it is -- it was sent in September
12 of 2020?

13 A. Possible.

14 Q. Okay. Would that have been after you state
15 that Mr. Leventhal paid you for the car rental?

16 A. Yes.

17 Q. Is there a reason why you didn't mention
18 that in your grievance?

19 A. Because when I file, it was in June and I
20 did not have the car back, nor the payment for the
21 rental.

22 Q. Why didn't -- why didn't you inform the
23 State Bar in this grievance that Mr. Leventhal had
24 paid you for the car rental?

25 A. Why I didn't mention, sir?

1 Q. Yeah.

2 A. Because I did not have chance to
3 communicate, I just say that I withdraw the
4 complaint. So in my -- in my world I thought like
5 it's everything is done. After I withdrew the
6 complaint, everything is understandable, like that's
7 how I got it.

8 Q. Okay. Because as part of your complaint --

9 A. Uh-huh.

10 Q. -- you allege that Mr. Leventhal caused you
11 to spend \$5,000 for a rental?

12 A. No, that was my choice. I could have spent
13 \$500 for rental. I choose to get the car over to be
14 that expensive.

15 Q. Then why did you -- I'm sorry, I didn't mean
16 to cut you off. Then why did you include it in your
17 grievance against Mr. Leventhal?

18 A. So I get -- I can get his attention.

19 Q. I don't understand. What do you mean "get
20 his attention"?

21 A. So as you can see on the messages, like I
22 was asking for my car, and I -- he wasn't responding
23 to me, so I had to do something to get my car back,
24 and therefore comes to the complaint.

25 Q. Okay. Even though you admit that he wasn't

1 responsible for the \$5,000?

2 A. No, that was my choice.

3 Q. So if we go to respondent's Exhibit F, as in
4 "Frank." Mr. Leventhal, can you see the screen? I'm
5 sorry, Mr. Mitrov?

6 A. I can -- I can see it, yeah.

7 Q. There appears to be an email from you to
8 Mrs. Watson dated Wednesday, May 12, 2010 -- 2021 at
9 2:44 p.m. Do you see that?

10 A. I see it, yes.

11 Q. You say, "Miss Watson, I will hire a lawyer
12 for this matter. Reasoning for that decision is that
13 I want to be left alone so I can continue doing my
14 daily activities with the business. Again I have
15 nothing else to seek from Mr. Leventhal, he gave me
16 my vehicle within 48 hours as I asked also he gave me
17 money to cover my rental costs from June 5th to
18 June 30th." Do you see that?

19 A. I see it.

20 Q. Did I read that correctly?

21 A. Yes, you do.

22 Q. When you made the statement, "He gave me my
23 vehicle within 48 hours as I asked," what were you
24 referring to?

25 A. To the Viper.

1 Q. So 48 hours of you asking for it, he gave it
2 to you?

3 A. After -- yes, after the complaint, yes, he
4 did, sir.

5 Q. Okay. You said "after I asked," but you
6 testified earlier that you had been asking several
7 times throughout the year and he never gave it to
8 you?

9 A. Well, what I meant is after the, after the
10 complaint I did call him and he said, Okay, I will
11 bring it to you. Then after that he said the car is
12 not drivable, it's at the shop, can you go pick it
13 up. I said yes. He send me the address and I went
14 and picked it up. That was somewhere like the end of
15 July I believe, 2020.

16 Q. And you said, "He also gave me money to
17 cover my rental cost from June 5th to June 30th"?

18 A. Yes. He was kind enough and he did that,
19 yes.

20 Q. Is that the first time you've ever told the
21 State Bar that?

22 A. Yes, I did. First time, correct.

23 Q. Which was last week?

24 A. Which was last week.

25 Q. You said, "I will hire a lawyer for this

1 matter." Why did you make that statement to
2 Mrs. Watson?

3 A. Because -- because I thought I'm finished
4 with this because I withdrew the complaint, and
5 that's what I said, you know, I will hire a lawyer.
6 I didn't know, like, what I have to do else, and then
7 I couldn't operate daily activities. And also I
8 didn't want to, like, ignore the State's, you know,
9 not answering my calls or not responding to whatever
10 needs they have from me.

11 Q. Okay. I did not understand that last
12 statement. Could you please repeat it?

13 A. All right. So I was receiving daily phone
14 calls that, you know, just I explain them that I
15 withdraw my complaint and then I wanted to be done
16 with this matter from my side. But like again I
17 received two, three other calls and then I just send
18 this email that, you know, if I have to hire a
19 lawyer, I will hire a lawyer so he can deal with this
20 matter.

21 Q. How often did you -- how many times did you
22 speak to the State Bar in this past month?

23 A. Talk only one time, I believe. Miss phone
24 calls and voicemails two or three.

25 Q. And the voicemails were left by you or by

1 the State Bar?

2 A. By the State Bar. And one time I called, I
3 think I left a voicemail because after that it was
4 after hours.

5 Q. And what did the State Bar ask you when they
6 left voice messages, or what did they say?

7 A. They were just ensuring that I, you know,
8 that I can be like at, what do you call that?
9 Whenever the court date is.

10 Q. Okay. Which is today?

11 A. Which is today.

12 Q. Let me go back to Exhibit E, as in "Edward."
13 Mr. Mitrov, I'll represent to you that this is a
14 declaration from Louise Watson.

15 A. Okay.

16 Q. Can you see it on your screen?

17 A. I can see it.

18 Q. Paragraph nine, do you see paragraph nine
19 there? Scroll down a bit. "Mr. Mitrov confirmed
20 that he submitted the grievance and the documents
21 attached thereto." Did you have that conversation
22 with Mrs. Watson?

23 A. Yes, I did. Yes.

24 Q. And she indicates it was on or about
25 May 12th, 2021?

1 A. That's right.

2 Q. Is that correct?

3 A. Uh-huh.

4 Q. Paragraph ten, "Mr. Mitrov confirmed that he
5 retained Mr. Leventhal as his attorney, that he let
6 Mr. Leventhal borrow his Viper, that he asked
7 Mr. Leventhal multiple times via text to return the
8 Viper, and he had to pay over \$5,000 to rent a
9 vehicle as he didn't have his Viper." Did you tell
10 her that?

11 A. I cannot recall that, sir.

12 Q. That specific part, that you had to pay
13 \$5,000 to rent a vehicle because you didn't have the
14 Viper, did you tell her that?

15 A. I cannot recall that. I don't remember
16 saying that.

17 Q. Okay. It was last week. You don't recall
18 any of it?

19 A. I don't recall, no.

20 Q. Paragraph 11, "Mr. Mitrov agreed to sign a
21 declaration regarding certain facts in this case."
22 Do you see that?

23 A. I see it.

24 Q. In your conversation with Mrs. Watson on
25 May 12th, 2021, did you agree to sign a declaration

1 regarding certain facts in this case?

2 A. I don't remember talking that, sir, no.

3 Q. You don't remember that?

4 A. No, I don't.

5 Q. Did you two discuss a declaration?

6 A. No, we didn't. No.

7 Q. Do you have any -- do you know of any reason
8 why she would put that in a sworn declaration if you
9 two didn't discuss it?

10 A. You should ask her, sir. I don't know.

11 Q. Paragraph 12, I have emailed a proposed
12 declaration to Mr. Mitrov and am awaiting his
13 response. Did you receive a declaration from
14 Mrs. Watson?

15 A. I might, sir. I don't know. I need to
16 check my email. Maybe.

17 Q. Maybe. Did you receive it on or about
18 May 12th?

19 A. Not as far as I remember, no. Maybe she did
20 send it. I don't know.

21 Q. We looked at your email at 2:44 p.m. that
22 same day where you said, "I'm going to hire a
23 lawyer." Do you recall that?

24 A. That's what I send an email, yes. Probably.

25 Q. Okay. But you recall talking about it?

1 A. I spoke to her and then after I came back I
2 just went into my email from my phone and then draft
3 the email, I mean send the email back.

4 Q. Okay. So you sent an email to her that we
5 talked about earlier after your conversation with
6 her?

7 A. Yes.

8 Q. Do you recall how long after the conversation
9 with her on May 12th that you sent the email?

10 A. Within ten to -- within half an hour to an
11 hour.

12 Q. And just so I'm clear, it's your testimony
13 that when you said, "He gave me the Viper within 48
14 hours of me asking for it," that was after the
15 grievance was filed?

16 A. Correct.

17 Q. Okay. Mr. Mitrov, are you -- have you ever
18 been convicted of a felony?

19 A. Convict, no.

20 Q. You have no felony convictions?

21 A. No, sir.

22 Q. Were you facing a felony charge when --

23 MR. GOSIOCO: Objection. Relevance.

24 BY MR. CLARK:

25 Q. -- Mr. Leventhal represented you?

1 A. I was facing a felony, yeah, but it was
2 denied by the, by the, by the State.

3 Q. Okay. Did he --

4 MR. GOSIOCO: I'm going to object as to
5 relevance.

6 CHAIRMAN EDWARDS: Sustained.

7 THE WITNESS: Was there a question for me?

8 BY MR. CLARK:

9 Q. No.

10 A. Okay.

11 Q. What -- it's your testimony that the car,
12 the Viper, was never a part of any payment deal
13 between you and Mr. Leventhal?

14 A. It was never, no.

15 Q. Okay. And you testified that the Maserati,
16 he never sat in it, as far as you knew?

17 A. He never did what, sir?

18 Q. He never sat in it, as far as you knew?

19 A. I don't understand this question, sir.

20 Q. Do you know whether or not Mr. Leventhal
21 ever drove the Maserati?

22 A. I don't know. I don't know if he drove it
23 or if he didn't. When we picked up the Maserati, it
24 was me, him and also we got it at the shop.

25 Q. I'm sorry, I didn't quite hear that.

1 A. The Maserati, me and Todd Leventhal, we went
2 together and we picked it up on around March 11th, I
3 believe. Together we picked it up at the shop, so
4 I -- I don't know if he drove it or if he didn't
5 before.

6 Q. The Maserati or the Viper?

7 A. The Maserati.

8 Q. It was at the shop?

9 A. It was at the shop on Spring Mountain and
10 Jones I believe somewhere.

11 Q. In the State Bar complaint, I'll read it to
12 you, it says, "On or about March 4, 2020,
13 Mr. Leventhal contacted Mr. Mitrov stating that he no
14 longer wanted the Maserati but rather needed money."
15 Does that sound correct to you?

16 A. Uh-huh, yes.

17 Q. "Mr. Mitrov stated that he received the
18 Maserati back after giving respondent an additional
19 \$900." Do you agree with that statement?

20 A. Yes, I do.

21 Q. Okay. Although you submitted your
22 declaration saying you didn't pay anything for the
23 return of the Maserati?

24 A. That was -- like the \$900 was like towards
25 his, the fees that I had owed to him, not goes to the

1 payment of the Maserati, no. That was at the same
2 time when we were going to pick up the Maserati, I
3 did gave him the money towards the payment for his
4 fees, not because to pick up the car.

5 Q. In your grievance you complained that you
6 had paid Mr. Leventhal a lot of money; is that
7 correct?

8 A. A lot of money? I don't know. I don't
9 remember saying, "a lot of money."

10 Q. Do you recall how much you claimed in your
11 grievance that you had paid to him?

12 A. Around \$17,000.

13 Q. Okay. And you said you had receipts but you
14 don't have receipts for that?

15 A. No, I don't.

16 Q. Okay. Did you give Mr. Leventhal a receipt
17 for the \$5,000 you say he paid you for the car?

18 A. No, I didn't.

19 Q. During this time that he represented you,
20 were you using methamphetamine?

21 A. No, I didn't.

22 Q. You never told Mr. Leventhal, Hey, I've got
23 a thousand dollars, I'll pay you 900, otherwise I'll
24 just spend it on partying and methamphetamine?

25 MR. GOSIOCO: Objection. Relevance.

1 THE WITNESS: No, I didn't.

2 BY MR. CLARK:

3 Q. What charges were you facing that
4 Mr. Leventhal represented you on?

5 A. Possession of a stolen vehicle and
6 possession of a substance.

7 Q. What was the substance?

8 A. Methamphetamine.

9 Q. Did you also later have a driving under the
10 influence of methamphetamine?

11 A. I got a DUI.

12 Q. Is that for methamphetamine?

13 A. No, it's from alcohol.

14 Q. Oh, alcohol.

15 A. I mean, I don't know if there was a
16 methamphetamine, but it was for alcohol.

17 Q. You don't know if there was methamphetamine
18 in the charge or whether you were under the influence
19 of methamphetamine?

20 A. No, that case not closed.

21 Q. That case is open?

22 A. Yes, it is.

23 MR. CLARK: Okay. Chair's indulgence to
24 have a moment with my client.

25 CHAIRMAN EDWARDS: Certainly.

(Discussion off the record.)

BY MR. CLARK:

Q. Mr. Mitrov, can you hear me?

A. Yes, I can.

Q. You testified to a series of text messages between you and Mr. Leventhal. Do you recall that testimony?

A. I testified what, sir?

Q. You testified that the text messages you submitted with this grievance were between you and Mr. Leventhal?

A. Uh-huh. Yes, I did.

Q. And in there you call each other "brother"?

A. Yes, we did.

Q. Why do you do that?

A. Because he mention that I remind him of his brother, and that's how we start calling each other.

Q. Okay. Now, these text messages, were they the only communications between you and Mr. Leventhal?

A. No, we saw each other in person, too.

Q. Did you also talk on the telephone?

A. Few times we did, yes.

Q. Okay. In response to your text messages that you listed here in State Bar's Exhibit 19, did

1 he ever call you back rather than text you back?

2 A. Did he ever call me back or text me back?

3 Q. Meaning you sent him a text?

4 A. Uh-huh.

5 Q. And in responding would he sometimes call
6 you rather than text you in response to that text?

7 A. Yeah, text. Most times he was texting.

8 Q. But he called you as well?

9 A. Maybe. I don't -- I don't remember.

10 Probably. I don't know. But mostly messages.

11 Q. Did he ever respond to your request for the
12 Viper by calling you and saying, Your car is in the
13 shop, go get it?

14 A. I don't remember, sir. I don't remember.
15 Like, maybe he call me. I have no -- I don't
16 remember as of now.

17 Q. Okay. You texted him saying, you know, I
18 need my Viper --

19 A. Uh-huh.

20 Q. -- at various times, correct?

21 A. Uh-huh.

22 Q. And in any of those -- in response to those
23 texts did you ever receive a telephone call from him
24 where he said your Viper's in the shop, go get it, or
25 words to that effect?

1 A. I have to double-check if he text me or he
2 call, sir. I don't remember as of now, like. But I
3 know he told me that the car is at the Viper, I mean
4 at the shop, and he gave me the address.

5 Q. He told you that either in person or by
6 telephone?

7 A. I don't remember how he did it. I'm trying
8 to think for a moment. You can go on a second,
9 please.

10 Q. Well, Mr. Mitrov, I just want your memory,
11 because if you're going to go to documents, then I
12 need to see the documents.

13 A. My memory doesn't give me clear picture of
14 was it a phone call or it was a text message.

15 Q. Okay. But it could have been a phone call?

16 A. It could have been, yes.

17 Q. And he -- wherein he informed you that the
18 Viper's in the shop, go get it; is that correct?

19 A. Yes.

20 Q. Okay. Do you recall how many times he
21 communicated that to you?

22 A. It was one day communication.

23 Q. It was what?

24 A. It was in one day, one, like maybe one time,
25 maybe two times. I don't know if we went back and

1 forth, you know, for the address or for whatever,
2 like.

3 Q. Could it have been more than two times?

4 A. It can be more than two times, but
5 everything was done in one day, is what I'm saying.

6 Q. You say everything is done in one day.

7 Everything --

8 A. All that communication was like in one day.

9 Q. So aside from that one day --

10 A. Uh-huh.

11 Q. -- Mr. Leventhal never communicated to you
12 that your car is in the shop, go get it?

13 A. Before that, no.

14 Q. Can you estimate when that day was?

15 A. The day was Monday.

16 Q. How about a date?

17 A. Don't remember date.

18 Q. How about a year?

19 A. 2020.

20 Q. How about a month?

21 A. July, I believe.

22 Q. Okay. So from your text messages, you
23 testified you started asking for the car. It's your
24 testimony that he never ever responded to your
25 requests to return the Viper until that one day?

1 A. He did say last time when I saw him in May
2 when I gave him check last time, he did say that
3 he'll have the car next week, or something like that.
4 That was in person.

5 Q. Did he say it was in the shop?

6 A. No, he didn't.

7 Q. Do you recall when the first time he -- do
8 you recall him telling you it was in the shop?

9 A. He told me one time and that was like that
10 Monday because our agreement was like to go to his
11 office and pick up the car from there, but after that
12 either he text me or call me, I don't remember. He
13 said the car won't be at the office, it will be at
14 the shop. So I asked which shop, and then he gave me
15 the address in North Las Vegas where I went and
16 picked up the car.

17 Q. And where did you go pick up the Maserati?

18 A. The Maserati, I picked it up like somewhere
19 in March.

20 Q. Where?

21 A. At the shop, Spring Mountain and Jones. He
22 drove me there. I was at his office, and then we
23 went, we got into his car and we drove there towards
24 the shop. At a different shop.

25 Q. Different shop?

1 A. Yes.

2 Q. Do you know why the Maserati was at the
3 shop?

4 A. Why was at the shop? I have no idea.

5 Q. Do you know who took it to the shop?

6 A. Don't know.

7 Q. Do you know if it was Mr. Leventhal?

8 A. I don't know, sir. I don't know.

9 Q. Do you know how he knew the Maserati was at
10 the shop?

11 A. How he knew?

12 Q. Yeah.

13 A. Either he took it or he send somebody to
14 take it there. I don't know.

15 Q. Okay. Your testimony was that your
16 associate dropped it off at his office, correct?

17 A. Correct.

18 Q. Okay. Do you know how the Maserati got from
19 his office to the shop?

20 A. I don't know, sir.

21 Q. Did you ever ask him?

22 A. No, I did not.

23 Q. Did you ever wonder?

24 A. Did I ever wonder?

25 Q. Wonder why it was at the shop?

1 A. No.

2 Q. Do you know if the shop effected any repairs
3 on the Maserati?

4 A. Not that I could tell when I picked it up.

5 Q. What kind of shop was it?

6 A. A car shop, body shop.

7 Q. Do you know if they did any work on the car?

8 A. Didn't look like they did anything, no.

9 Q. It didn't look like they did any work?

10 A. There was nothing changed on the car, so I
11 don't know if they did or they didn't, sir, no.

12 Q. Did you have to pay this shop to get the
13 Maserati?

14 A. No.

15 Q. Do you remember the name of the shop?

16 A. Don't remember the name. I remember it was
17 on Spring Mountain and Jones.

18 Q. And you have no idea why it was there?

19 A. I have no idea. Never asked.

20 Q. You never asked why it was there?

21 A. No.

22 MR. CLARK: One moment.

23 I will pass the witness.

24 CHAIRMAN EDWARDS: Okay. For the State Bar?

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

REDIRECT EXAMINATION

BY MR. GOSIOCO:

Q. Mr. Mitrov, I want to turn your attention to exhibit, let's see, Mr. Leventhal's exhibit, I believe it was D. Give me one second.

Mr. Mitrov, can you see my screen?

A. I can.

Q. Okay. And you had testified that you recognize this document, correct?

A. Yes, I do.

Q. And you had testified that this is your signature right here; is that right?

A. Yes, it is.

Q. Now, Mr. Mitrov, did you write this declaration or affidavit?

A. Write it with a pen, no, I did not with a pen, no.

Q. So all the typed writing over here, you did not write that, correct?

A. I just signed with my writing, yes.

Q. Okay. But it's your testimony that you did not write any of these words above your signature; is that right?

A. I don't understand, sir.

Q. So from page one, this page right here.

1 A. Uh-huh.

2 Q. Did you, yourself, type any of these words?

3 A. I mean, I said -- I read it but not typed
4 it. No, I did not type it.

5 Q. Okay. And on page two, just above your
6 signature, did you type any of these words?

7 A. No, I did not. No.

8 Q. When was the first time you saw this
9 document, Mr. Mitrov?

10 A. Before I sign it, I believe. I mean, like
11 when I, when I talked about it.

12 Q. Okay. Thank you. And turning your
13 attention briefly to Respondent's Exhibit F, and you
14 had testified that this, in fact, was an email you
15 sent to Miss Watson; is that correct?

16 A. Yes, I did.

17 Q. Now, you stated right here that you would
18 hire an attorney for this matter. Did you, in fact,
19 hire an attorney?

20 A. No, I did not. No.

21 Q. Thank you. You stated right here in this
22 email that Mr. Leventhal gave you money to cover your
23 rental cost from June 5 to June 30; is that correct?

24 A. That's right.

25 Q. And it's -- in your opinion why do you

1 believe Mr. Leventhal gave you money for the rental
2 costs?

3 MR. CLARK: Objection. Speculation.

4 CHAIRMAN EDWARDS: Overruled.

5 BY MR. GOSIOCO:

6 Q. And I'll repeat the question, Mr. Mitrov.

7 A. Okay.

8 Q. So you had testified that Mr. Leventhal gave
9 you money to cover your rental costs; is that right?

10 A. That's right.

11 Q. In your opinion why do you think
12 Mr. Leventhal gave you that money for the rental car?

13 A. Just to be kind, I guess. I don't know.

14 Q. Thank you. Now, there was some discussion
15 about an additional -- hold on one second. Just to
16 clarify, when Mr. Clark was asking you questions, you
17 had stated that in one day Mr. Leventhal told you
18 that the Viper was in the shop and that you should go
19 get it; is that right?

20 A. That's right.

21 Q. And just to clarify, that conversation
22 happened after you had filed the grievance with the
23 State Bar, correct?

24 A. Yes.

25 Q. And one more point of clarification. There

1 was some talk about you giving money to Mr. Leventhal
2 when you got the Maserati. Do you recall that?

3 A. I get -- yeah, I gave him -- I gave him
4 \$900, sir.

5 Q. Okay. And it was -- and you testified that
6 that \$900 was not for the return of the Maserati but
7 for fees to Mr. Leventhal, correct?

8 A. For fees, correct.

9 MR. GOSIOCO: No further questions.

10 CHAIRMAN EDWARDS: Okay. Can you take the
11 screen down please.

12 Mr. Moore, do you have any questions for the
13 witness?

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

15 CHAIRMAN EDWARDS: Mr. Lee, any questions
16 for the witness?

17 COMMISSIONER LEE: Just a couple questions.

18 EXAMINATION

19 BY COMMISSIONER LEE:

20 Q. Clearly Mr. Leventhal has been your attorney
21 for a long time. At the time that you let him use
22 your cars, was he your attorney at that time?

23 A. Yes, he was.

24 Q. And, you know, I think he testified that
25 he's known you about eight years. Is it -- is it

1 fair to say that you guys had a friendship during
2 that time?

3 A. Not a friendship, no. Just we knew each
4 other.

5 Q. Okay. So do you consider him or not
6 consider him a friend?

7 A. I'll say I consider him as a friend, yes.

8 Q. Okay. So in terms of him being a friend,
9 like would you have an understanding that you're
10 letting him borrow the vehicles or is it because of
11 his relationship with you as an attorney?

12 A. No, as a friend, not as attorney, no. As a
13 friend.

14 Q. Is it your understanding that you had ever
15 entered into a business transaction with
16 Mr. Leventhal as it pertains to these vehicles?

17 A. Not as a -- no. No.

18 Q. Okay. Is it your understanding that you had
19 ever allowed him to acquire an ownership interest in
20 any of the vehicles?

21 A. I never gave him that kind of understanding,
22 no.

23 Q. Like did you, in terms of the possession
24 that you gave him, was it a temporary possession,
25 like you're just letting him borrow it or like --

1 A. Yes.

2 Q. Okay. Then was it your understanding that
3 these vehicles were security for anything?

4 A. No.

5 Q. Okay.

6 A. No.

7 COMMISSIONER LEE: All right. I don't have
8 any other questions.

9 COMMISSIONER MOORE: I do have a question,
10 if I can ask one.

11 CHAIRMAN EDWARDS: Sure. Please, Mr. Moore.

12 EXAMINATION

13 BY COMMISSIONER MOORE:

14 Q. What is the total time he had both vehicles?

15 A. The total time?

16 Q. Sure.

17 A. Well, he keep the Viper for almost over a
18 year, let's say a year. And then the Maserati say
19 maybe less than a month, or a month mostly.

20 COMMISSIONER MOORE: Thank you.

21 CHAIRMAN EDWARDS: Any follow-up from
22 counsel?

23 RECROSS-EXAMINATION

24 BY MR. CLARK:

25 Q. Yes. David Clark for the respondent.

1 Mr. Mitrov?

2 A. Yes, sir.

3 Q. You said that you let Mr. Leventhal have the
4 cars as a friend, not as your attorney; is that
5 correct?

6 A. That's right.

7 Q. And your occupation involves buying and
8 driving and selling cars, correct?

9 A. That's not my main occupation, no. I like
10 vintage cars, and when I have a chance and when
11 there's a good deal, I buy it.

12 Q. But you're familiar with buying cars and
13 their cost?

14 A. What do you mean "familiar"?

15 Q. I mean, how many cars -- as part of this --
16 you say, "I buy and drive vintage cars." How many
17 times have you done that?

18 A. Well, on those two cars where I bought
19 the -- I got the Viper from a friend for 36,000, and
20 I paid him over two years in partial payments, so
21 that for me is a good deal. It's a good investment.

22 Q. You invested -- when you had this, the Viper
23 with Mr. Leventhal, you had done -- you had purchased
24 other vintage cars, correct, by this time?

25 A. That year, no. No, I did not, no.

1 Q. Prior years?

2 A. I bought the Maserati, yes. Yes, I did.

3 Q. But you said, you testified that you buy and
4 sell -- you buy and drive vintage cars as part of
5 your activities?

6 A. I'll say investment.

7 Q. Investments.

8 A. To me it's a good investment if you pay it
9 for two years. If you have -- if you do partial
10 payments for two years for together Dodge Viper,
11 that's good investment.

12 Q. So other than the Viper and the Maserati,
13 how many other cars have you purchased as
14 investments?

15 A. I got the Mercedes I bought for an
16 investment but I decide to kept it, and I kept it
17 four years. I liked the car.

18 Q. You testified in response to Bar Counsel's
19 questions that it was your opinion that Mr. Leventhal
20 gave you the \$5,000 to be nice, correct?

21 A. Yes.

22 Q. Did you demand that he give it to you or did
23 you ask him to give it to you?

24 A. I mention it to him and he gave me the
25 money. I didn't demand. I demand to get my Viper

1 back.

2 Q. Now, you said that the Viper was -- he had
3 the Viper for about a month. Is that your testimony?

4 A. The Viper, no, he got it for a year.

5 Q. I apologize. I misspoke. I apologize.

6 A. Okay.

7 Q. The Maserati.

8 A. Uh-huh.

9 Q. You said he had it for about a month?

10 A. I believe so, yeah. I believe a month.

11 Q. And you're not aware if he ever even drove
12 it, correct?

13 A. I don't know, sir. No.

14 Q. Did you ever ask for the Maserati back and
15 he refused to give it to you?

16 A. I ask to get one of the cars back because at
17 one point he got two cars of mine at his possession.
18 So I was asking for the Viper, and then he responded
19 that, you know, he don't like the Maserati. And I
20 said, Okay, I'll come and pick it up.

21 So I went to his office. We talked, we got
22 into his car, and we went to pick up the Maserati.
23 And I gave him the \$900 in the car, not as a
24 collateral or payment to get the Maserati, but I gave
25 it to him because of towards the payments, the fees

1 that I owed him.

2 Q. One moment.

3 If we can go to State Bar's Exhibit 19.

4 CHAIRMAN EDWARDS: Mr. Clark, is this
5 exceeding the scope of the questioning from the
6 panel?

7 MR. CLARK: This is follow-up to his -- no,
8 it's in response to his testimony that, from the
9 panel members that he had, that Mr. Leventhal had the
10 Maserati a month.

11 CHAIRMAN EDWARDS: Okay.

12 COMMISSIONER LEE: Was 19 admitted?

13 MS. FAUST: Yes, Mr. Lee, 19 was admitted.

14 COMMISSIONER LEE: Yeah, I don't think we
15 got it. But, I'm sorry.

16 MS. FAUST: I can email. I believe that
17 there were two -- three, excuse me, that were
18 admitted during his testimony. I will email those to
19 you.

20 Is that all right, Mr. Edwards?

21 CHAIRMAN EDWARDS: Yes, please.

22 BY MR. CLARK:

23 Q. Mr. Mitrov, are you there?

24 A. I'm here, yeah.

25 Q. I'll just ask you. Do you recall when your

1 associate delivered the Maserati to Mr. Leventhal's
2 office?

3 A. Nate Savino, he took it somewhere in
4 February, I believe.

5 Q. Okay.

6 A. Or end of January.

7 Q. I'll represent to you the State Bar's
8 complaint says on or about February 18th Mr. Mitrov
9 had an associate deliver the Maserati to respondent's
10 office in exchange for the Viper. Does that sound
11 about right to you?

12 A. Correct.

13 Q. And then if we had Exhibit 19, so I can ask
14 questions. And then if I can go to State Bar's 19,
15 page ten. Okay, and I just can't read this. It says
16 in the middle, "Brother it's no problem. I don't
17 want Maserati but I need money." Do you see that?

18 A. I see it.

19 Q. Do you know when the date of that text was?
20 I can't read it on the document. You can maybe
21 scroll up, there's a date on there. What's that
22 date?

23 A. March 4th.

24 Q. Okay. So on March 4th he told you he
25 didn't -- he stated, "I don't want Maserati but I

1 need money," correct?

2 A. Me?

3 Q. Yes.

4 A. No, I didn't.

5 Q. No, that's a text from Mr. Leventhal to you.

6 A. Yeah, that's him saying that, not me.

7 Q. Okay. So after March 4th, when did you go
8 to pick up the Maserati?

9 A. When or where?

10 Q. When.

11 A. Probably a week after that.

12 MR. CLARK: Okay. No further questions.

13 CHAIRMAN EDWARDS: Anything further from the
14 State Bar?

15 MR. GOSIOCO: Just a few, Mr. Chairman.

16 FURTHER REDIRECT EXAMINATION

17 BY MR. GOSIOCO:

18 Q. This is in relation to panel member Lee's
19 questioning about the nature of the relationship
20 between Mr. Mitrov and Mr. Leventhal. Mr. Mitrov,
21 you had stated that you consider Mr. Leventhal a
22 friend, correct?

23 A. Uh-huh, yes.

24 Q. And you also testified that you were also --
25 Mr. Leventhal was also your attorney between July of

1 2019 and June of 2020; is that correct?

2 A. That's right.

3 Q. There was some questions about business
4 transactions or, you know, possessory, ownership
5 interests, security interests. You had stated that
6 you -- you testified that you loaned Mr. Leventhal
7 the Viper and Maserati, correct?

8 A. That's right.

9 Q. And at one point in time you had testified
10 that Mr. Leventhal was in possession of both the
11 Viper and Maserati?

12 A. That's right.

13 Q. You had testified that you had -- the reason
14 Mr. Leventhal had it was you loaned him a car,
15 correct?

16 A. That's right.

17 Q. And you loaned -- correct me if I'm wrong,
18 but I believe there was testimony that said you
19 loaned him a car because Mr. Leventhal didn't have a
20 working car; is that right?

21 A. That's, yeah, that was when I gave him the
22 Viper, correct. Yes.

23 Q. Okay. So if you loaned him a car because
24 his -- he didn't have a working car, why did you loan
25 him two cars at the same time?

1 A. Because when I -- when I saw him in sometime
2 in January to give him a payment, I was with the
3 Maserati, and then he said he liked that car and he
4 would like to drive it for a bit, and I said okay, if
5 you want I'll give it to you, it's okay, you can
6 drive it.

7 Q. And this was during the time that
8 Mr. Leventhal was your attorney, correct?

9 A. That's right.

10 Q. Now, you'd previously testified that you
11 retained Mr. Leventhal on two cases. Did you ever
12 execute a retainer agreement for those cases?

13 A. A verbal one.

14 Q. Okay. But nothing in writing?

15 A. Not that I remember, sir, no.

16 Q. Now, as far as you loaning Mr. Leventhal the
17 Viper or the Maserati, was that ever, you know, you
18 loaning him your cars, was that ever written down
19 somewhere or?

20 A. No. We never got nothing written down on no
21 matters.

22 Q. Okay.

23 A. From my side or his side.

24 Q. Okay. And at any point did Mr. Leventhal
25 let you know to seek independent counsel for

1 borrowing your cars?

2 A. I don't understand, sir, that question. Can
3 you repeat?

4 Q. Of course. Let me rephrase. So you
5 testified that you allowed Mr. Leventhal to borrow
6 your vehicles, namely the Viper and Maserati,
7 correct?

8 A. Yes.

9 Q. When you allowed him to borrow those
10 vehicles, did Mr. Leventhal ever mention, you know,
11 hey, you might want to talk to another attorney about
12 this?

13 A. No. No, he didn't.

14 Q. And did you ever -- you had just testified
15 that you had never written anything down on your side
16 and his side, correct?

17 A. That's right.

18 Q. So did you ever, in writing, give informed
19 consent to allow Mr. Leventhal to borrow those cars?

20 MR. CLARK: Objection. Assumes facts not in
21 evidence, lacks foundation.

22 CHAIRMAN EDWARDS: Overruled.

23 BY MR. GOSIOCO:

24 Q. Go ahead, Mr. Mitrov.

25 A. Can you repeat the question, sir, please?

1 Q. Of course. When you loaned Mr. Leventhal
2 your vehicles, the Viper and the Maserati --

3 A. Uh-huh.

4 Q. -- did you ever write anything down and sign
5 anything that said you gave Mr. Leventhal informed
6 consent to borrow your vehicles?

7 A. No.

8 MR. CLARK: I'm going to object. This is
9 beyond the scope of any of the questions. He had him
10 on direct. He called him.

11 THE WITNESS: Excuse me?

12 MR. CLARK: This is beyond the scope of any
13 of the follow-up questions.

14 CHAIRMAN EDWARDS: The objection is
15 sustained.

16 COMMISSIONER LEE: I'll just note for the
17 record I think it relates to my question, but I
18 understand your ruling.

19 MR. GOSIOCO: No further questions,
20 Mr. Chairman.

21 MR. CLARK: Chairman, just a follow-up to
22 some of Mr. Gosioco's questions.

23 FURTHER RECROSS-EXAMINATION

24 BY MR. CLARK:

25 Q. Mr. Mitrov?

1 A. Yes, sir?

2 Q. Did you feel compelled to give Mr. Leventhal
3 or loan him the vehicles because he was your lawyer?

4 A. What does it mean "compelled," sir? I don't
5 understand.

6 Q. Did you feel you had no choice because he
7 was your lawyer and he was asking you to borrow it
8 that you had to let him use it?

9 A. No, I just gave it to him because I
10 considered him as a friend thinking he needs help, so
11 that was the reason why I gave him the car.

12 MR. CLARK: Nothing further.

13 CHAIRMAN EDWARDS: Okay. Mr. Mitrov, thank
14 you so much for your time. We appreciate your
15 cooperation. I know this is not fun, but thank you.

16 THE WITNESS: No, of course.

17 CHAIRMAN EDWARDS: You're free to go.

18 THE WITNESS: All right. Thank you,
19 gentlemen.

20 CHAIRMAN EDWARDS: Okay. State Bar, any
21 further -- any further witnesses?

22 MR. GOSIOCO: Just briefly, Mr. Chairman.
23 If I may inquire, Kristi, has Miss Sosa-Avila logged
24 into the Zoom hearing?

25 MS. FAUST: No, she has not.

1 MR. GOSIOCO: Mr. Chairman, I would like to
2 recall Miss Watson to the stand.

3 CHAIRMAN EDWARDS: Okay.
4 Thereupon--

5 LOUISE WATSON
6 was recalled as a witness by the Complainant, and
7 having been previously duly sworn, testified as
8 follows:

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

10 CHAIRMAN EDWARDS: Yes.

11 MR. GOSIOCO: Thank you.

12 REDIRECT EXAMINATION

13 BY MR. GOSIOCO:

14 Q. Good afternoon, Miss Watson.

15 A. Good afternoon.

16 Q. I'd like to turn your attention to what has
17 been marked as respondent's exhibit, I believe it's
18 B. Miss Watson, do you recognize this document
19 that's appearing on the screen?

20 A. Yes.

21 Q. And what is this document?

22 A. It's a declaration I was asked to prepare
23 last week I believe in the Mitrov case.

24 Q. Okay. And is this your electronic signature
25 here at the bottom?

1 A. Yes.

2 Q. Thank you. Now, I'm just going to go
3 through a few lines. Paragraph four states that, On
4 May 7, 2021 you left a message for grievant Zan
5 Mitrov to call me. Is that true?

6 A. Yes.

7 Q. Okay. Paragraph five states, "On May 10,
8 2021, Mr. Mitrov returned my call, but we did not
9 discuss a declaration"; is that correct?

10 A. Correct.

11 Q. Paragraph six states you attempted to reach
12 Mr. Mitrov again on May 10 and May 11 of 2021 to
13 discuss a declaration but he was unavailable; is that
14 correct?

15 A. Correct.

16 Q. Paragraph seven, on May 12, 2021 you spoke
17 with Mr. Mitrov over the phone. Is that an accurate
18 statement?

19 A. Yes.

20 Q. Now, what was the purpose of your phone call
21 with Mr. Mitrov on May 12th?

22 A. I was asked to verify that he had received
23 his subpoena to appear, to check -- go over a couple
24 of facts in the case, and ask him if he would provide
25 a declaration I believe as to those facts.

1 Q. On May 12, 2021 did you, in fact, speak to
2 Mr. Mitrov regarding him possibly signing a
3 declaration?

4 A. I did.

5 Q. And do you recall what Mr. Mitrov said in
6 response to your inquiry?

7 A. Yes. He said he would agree to provide the
8 declarations if we required it.

9 Q. Okay. And during that conversation on
10 May 12, 2021, did you also discuss some of the
11 underlying facts of his grievance with the State Bar?

12 A. Yes.

13 Q. Did you discuss the fact that Mr. Mitrov had
14 rented a car?

15 A. Yes.

16 Q. And in response to your questioning about
17 the rental car, what did Mr. Mitrov say?

18 A. He confirmed that he had rented the car
19 while he didn't have the Viper, and he also I think
20 at that point told me that he had been reimbursed for
21 the cost of the rental by Mr. Leventhal.

22 MR. GOSIOCO: Thank you. Give me one
23 moment.

24 I'll pass the witness.

25 CHAIRMAN EDWARDS: Mr. Clark?

FURTHER RECROSS-EXAMINATION

BY MR. CLARK:

Q. Mrs. Watson, when you spoke with Mr. Mitrov, he confirmed that he would provide a declaration, He agreed to provide a declaration if we required it. Is that your testimony?

A. Correct.

Q. And then was it right after that you sent over a declaration?

A. No, I don't think I sent the declaration until a couple of days or maybe the following day.

Q. So the following day you prepared a declaration and sent that over?

A. Correct. I believe that was correct.

Q. So looking at Exhibit E, paragraph 11, "Mr. Mitrov agreed to sign a declaration regarding certain facts in this case." And that's correct?

A. Correct.

Q. 12, "I have emailed a proposed declaration to Mr. Mitrov and am awaiting his response." That's -- that's what's written here?

A. Then it was the same day. I apologize. I'm just trying to think, but, yes, that was the same day.

Q. Okay. Because this -- you executed this

1 affidavit on May 13th of 2021?

2 A. Right. So then, yes, the email would have
3 followed later on the day of the 12th.

4 Q. Okay. And the email, if we go to Exhibit F
5 in which he says, "I will hire a lawyer for this
6 matter reasoning that the decision I want to be left
7 alone," did you get that before you prepared the
8 declaration that's contained in Exhibit E?

9 A. Yes, I did.

10 Q. Is there a reason you didn't mention the
11 email in your declaration in Exhibit E?

12 A. I think it was a misunderstanding. There
13 wasn't a specific reason why I didn't mention it. I
14 think that the timeline to get the declaration done
15 of what I was asked, it wasn't included.

16 Q. You testified in response to Bar Counsel's
17 questioning that your purpose in calling him was to
18 make sure that he got his subpoena and perhaps
19 provide a declaration?

20 A. Correct.

21 Q. And was it conveyed to you why you had to
22 get that declaration?

23 A. My understanding was it was something that
24 had been requested by a panel chair.

25 Q. So your declaration, Exhibit E, is to say,

1 yes, we're waiting for his declaration --

2 A. Correct.

3 Q. -- in response to the panel chair's request?

4 A. Yes.

5 Q. Okay. Do you see any inconsistency between
6 your Exhibit E, where you say "I have emailed a
7 proposed declaration to Mr. Mitrov and am awaiting
8 his response," which you prepared after he sent you
9 the email saying, "I will hire a lawyer for this
10 matter reasoning for that decision is that I want to
11 be left alone"?

12 A. Well, there's a discrepancy. Mr. Mitrov
13 didn't specifically say in his email that he wouldn't
14 sign the declaration. It was a -- we attempted to
15 reach out to him to see if, you know, at least we
16 provided him with a declaration that he could review
17 with his counsel if he so choose.

18 Q. He says reasoning --

19 CHAIRMAN EDWARDS: Mr. Clark -- Mr. Clark,
20 I'm sorry, I'm struggling to see the relevance here.
21 We've already had Mr. Mitrov testify, so these back
22 and forth about his declaration does not seem
23 relevant to me.

24 MR. CLARK: It goes to the State Bar's good
25 faith, Mr. Chairman, because I think that the email

1 is inconsistent. The declaration is inconsistent
2 with his email.

3 CHAIRMAN EDWARDS: I'm not sure the State
4 Bar's good faith is relevant to the claims against
5 your client.

6 MR. CLARK: We've already moved once for
7 prosecutorial misconduct, and it's also an
8 affirmative defense.

9 CHAIRMAN EDWARDS: Okay. Can you please
10 hurry it along?

11 MR. CLARK: I will.

12 BY MR. CLARK:

13 Q. Miss Watson, it says in his email, "Again I
14 have nothing else to seek from Mr. Leventhal"?

15 A. Correct.

16 Q. Did you find that to be inconsistent with
17 your anticipation that he would file -- that he would
18 provide a declaration?

19 A. I guess if you look at it, yes, it's
20 inconsistent. Again it was an attempt to, you know,
21 provide him with the declaration in hopes that we
22 would get one in accordance with the panel's request.

23 MR. CLARK: Nothing further.

24 CHAIRMAN EDWARDS: Any further from the
25 State Bar?

1 MR. GOSIOCO: Just briefly.

2 FURTHER REDIRECT EXAMINATION

3 BY MR. GOSIOCO:

4 Q. Miss Watson, so the declaration that you had
5 executed as Exhibit E in the respondent's exhibits
6 states that you did send him, Mr. -- you did send
7 Mr. Mitrov a declaration for his review, correct?

8 A. Correct.

9 Q. And how did you send the declaration to
10 Mr. Mitrov?

11 A. We sent it, or I sent it both in a Word
12 document format, should he choose to make any edits,
13 and there's a follow-up if he didn't. We sent it in
14 an Adobe Sign version.

15 Q. Okay. And the Adobe Sign version, are you
16 able to see whether or not that was viewed by
17 Mr. Mitrov?

18 A. Yes, it looked like it was viewed, I believe
19 the same day that I had sent it.

20 Q. Okay. And it's your testimony today that
21 the reason you sent Mr. Mitrov that declaration, even
22 after this email when he stated he will hire a lawyer
23 in this matter, is because he didn't outright say
24 that he would not sign a declaration, correct?

25 A. Correct.

1 Q. And prior to this email being sent,
2 Mr. Mitrov did state to you that he would be willing
3 to sign a declaration; is that right?

4 A. He did.

5 MR. GOSIOCO: Nothing further.

6 MR. CLARK: Nothing further.

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

9 COMMISSIONER MOORE: No, sir.

10 COMMISSIONER LEE: No questions.

11 CHAIRMAN EDWARDS: Okay. Thank you,
12 Miss Watson.

13 COMMISSIONER MOORE: No questions from
14 Mr. Moore.

15 CHAIRMAN EDWARDS: All right. State Bar,
16 any other witnesses?

17 MR. GOSIOCO: And, Mr. Chairman, if I may
18 inquire again, has Miss Sosa-Avila joined, logged
19 into the Zoom hearing?

20 MS. FAUST: She has not.

21 MR. GOSIOCO: Then at this point,
22 Mr. Chairman, the State Bar rests.

23 CHAIRMAN EDWARDS: Okay. Mr. Clark?

24 MR. CLARK: At this point, your Honor, I
25 would move to dismiss the Amalia Sosa-Avila

1 grievance. The uncontested testimony, undisputed
2 testimony is that she provided stolen property in
3 which she does not have an interest; therefore, as a
4 technical point, the State Bar cannot prove that
5 Mr. Leventhal took an interest adverse to hers.

6 His mindset, her mindset are no moment. The
7 three items are stolen. She also never paid him for
8 any of this. So she does not have -- he does not
9 have an interest adverse to hers because she has no
10 interest in it. It's a crime for her to even possess
11 it.

12 As I said in my opening, if I intend to
13 steal Mr. Leventhal's soda, but it is in fact my
14 soda, I can believe it's his soda, I can intend to
15 steal it, I can intend to permanently deprive him of
16 it, but I in fact have not done so under the law.

17 And here if he takes possession of something
18 but she has no interest in it, he cannot, under 8.1A,
19 violate that rule. His testimony is undisputed in
20 this regard. He also testified that the drone was a
21 gift. He submitted the declaration in December that
22 it was a gift. In his verified answer he said he
23 disputed that it was paid as a part of collateral.
24 And the State Bar has offered nothing to say that the
25 drone was, in fact, collateral. So we move to

1 dismiss on that one.

2 CHAIRMAN EDWARDS: Okay. Motion is denied.
3 Would you like to call any witnesses?

4 MR. CLARK: Yes. I will call Mr. Leventhal
5 back.

6 Thereupon--

7 TODD LEVENTHAL
8 was called as a witness by the respondent, and having
9 been previously duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. CLARK:

12 Q. You've heard the testimony of Mr. Mitrov?

13 A. Yes.

14 CHAIRMAN EDWARDS: Mr. Clark, can we
15 reposition the camera so we can see him?

16 MR. CLARK: Yes, of course. I'll do that.

17 CHAIRMAN EDWARDS: And, Mr. Leventhal, you
18 understand you're still under oath?

19 THE WITNESS: Yes, sir.

20 CHAIRMAN EDWARDS: Thank you.

21 BY MR. CLARK:

22 Q. You heard the testimony of Zane Mitrov?

23 A. Yes.

24 Q. Do you take issue with any of it?

25 A. Yes.

1 Q. What do you take issue with?

2 A. So he knew that the car was in the shop. I
3 had the car for two days, it broke down and it got
4 transported to the shop. He knew that it was there.
5 Obviously I had no -- I did not want his cars. I
6 didn't want -- he wanted to give me his Maserati. I
7 didn't want his Maserati.

8 I was looking that he made the victim in the
9 case whole. He owed restitution to a victim that did
10 a favor for him, which was not to go forward in that
11 case. He was looking at being a felon for the rest
12 of his life, and the guy did a favor for him.

13 The victim was Randy Goldberg, happened to
14 be Randy Goldberg. He was the owner of the car, and
15 he agreed to allow Mr. Mitrov to take the misdemeanor
16 and just get him the restitution.

17 I take issue with that. I did not pay him
18 any money, \$5,000 in cash for any reason. That
19 actually goes against me. I don't -- I didn't even
20 know he had actually rented a vehicle. I didn't know
21 he made that claim. He always claimed he had plenty
22 of cars. What other issues are there with him?

23 Q. Thank you. I'll ask. He testified
24 regarding the Maserati and its location when he
25 picked it up?

1 A. I do remember now that that's correct.
2 We -- the Maserati was taken over, because it had
3 some problems, too, taken over to a shop. And then I
4 went -- when he wanted it, immediately he got into my
5 car, and I remember going to pick it up and he took
6 possession of it.

7 Q. Who took it to the shop?

8 A. I don't know if it was -- I don't remember
9 if it was towed over to the shop because it wasn't
10 running or the person who owns the shop came and got
11 it, but I never drove it. I know I never drove that
12 car. I never sat in that car.

13 Q. Do you know how long after it was delivered
14 that it was sent to -- taken to the shop?

15 A. First of all, it wasn't long at all. And he
16 never had an issue with it being at the shop. It
17 was -- whatever it was, it was getting fixed for him.

18 Q. When is the first time you told him that the
19 Dodge Viper was in the shop?

20 A. Probably within 30 days. I mean, I'm not
21 real good -- I'm not good on the times, but it was no
22 more than 30, 45 days out. And he did ask, and he
23 was asking, and, you know, those text messages, those
24 were spread out I think over time, but then we spoke.
25 We spoke quite a bit over it regarding the Viper. I

1 didn't keep the Viper, though.

2 Q. Okay. And you never paid him the \$5,000?

3 A. Never paid him \$5,000. Why would I give
4 him -- it doesn't -- he was the one who owed me the
5 money, I didn't owe him the money. So he's saying he
6 was giving me money. He did owe me money. He never
7 gave me \$17,000. I give receipts for everything. He
8 has not -- I don't think he submitted receipts for
9 \$17,000.

10 Q. And you submitted all your receipts for
11 payments he made to the State Bar?

12 A. Absolutely. And I even -- I know one time
13 that he did mention when he was in the car he called
14 me up and said, Listen, if you don't come get the
15 money now, I'm going to be partying with it this
16 weekend. So I went over and I picked up some money,
17 so I remember that. But there's nowhere near \$17,000
18 that he paid me for that.

19 Q. And he never paid the restitution?

20 A. Never paid the restitution at all, which
21 isn't generally on me, it's on my client, but because
22 this client happened to be someone I know, and he did
23 him a favor by not making him a felon or go to prison
24 over it, I felt like it was a, you know, an
25 obligation for him to pay the restitution, that's

1 all.

2 MR. CLARK: I have nothing further.

3 CHAIRMAN EDWARDS: Great. From the State
4 Bar?

5 EXAMINATION

6 BY COMMISSIONER MOORE:

7 Q. I have a question. Who paid for the
8 Maserati repairs?

9 A. The person who owns the place is a good
10 friend of mine, so nobody paid for the Maserati
11 repairs. I mean, I didn't get a bill on the Maserati
12 because it was a favor for me to get that thing --
13 and the Viper as well. There was no bill for the
14 Viper and no bill for the Maserati. I paid for
15 that, and the towing. I mean, I didn't pay for it,
16 it was just -- friends of mine who owns these, the
17 shops.

18 Q. Okay. That's some good friends there.

19 A. "That's some good friends there"?

20 CHAIRMAN EDWARDS: Does the State Bar have
21 any questions for Mr. Leventhal?

22 MR. GOSIOCO: No questions, Mr. Chairman.

23 CHAIRMAN EDWARDS: Okay. Mr. Lee, any
24 questions?

25 COMMISSIONER LEE: No questions.

EXAMINATION

BY CHAIRMAN EDWARDS:

Q. Mr. Leventhal, I do have a question. You saw that, the string of text messages from Mr. Mitrov asking for his Viper back, correct?

A. Correct.

Q. And those, they span from February all the way through June, right?

A. I didn't see the dates, but I believe you. Yes.

Q. Okay. And at some point in that period of time you told him that the Viper was at the shop and he could pick it up any time he wanted?

A. That's correct, I did. And then I told him, and then maybe he forgot, maybe he didn't write it down and then he would call me back all of a sudden saying, I need the Viper, man, you know.

But I don't know his, the level of drugs, but I can tell you that he doesn't -- he might be on point on a couple things but all of a sudden he'll like call me or text me and say, I need the Viper, my wife is going crazy, you know, then I would call him back and say it's over there.

Maybe he just -- you know, I left it on him to go get it because I took it over there. The

1 electrical was not working, they fixed it and it was
2 ready for him.

3 Q. So after the, you know, say the fifth text
4 message to you saying, I need the Viper back, why
5 didn't you respond back and say, We've already talked
6 about this, it's at the shop, go pick it up any time
7 you want?

8 A. You mean through text?

9 Q. Yeah.

10 A. Yeah. No, I know I talked to him a couple
11 times, but I didn't respond to him in a text all the
12 time. I never said, you know, you can't have it. I
13 never said -- I called him up, I said that's where it
14 was at.

15 I probably should have done a text, had I
16 known that I needed to create a paper trail that I
17 would be here some day, but, you know, you don't go
18 through life I guess thinking that I need to create a
19 paper trail because I'll be in front of the State Bar
20 to have to prove something, you know.

21 I mean, how do I defend myself by saying,
22 Why did I do this? I guess there's a lot of things I
23 should have, could have and would have done, right?

24 CHAIRMAN EDWARDS: Okay. Nothing further.

25 Anything else from counsel?

1 MR. CLARK: No.

2 MR. GOSIOCO: None from State Bar.

3 CHAIRMAN EDWARDS: Okay. Mr. Clark, any
4 other witnesses?

5 MR. CLARK: Yes. Respondents will call
6 Maribel Godinez. Do we need to take a quick break or
7 not?

8 CHAIRMAN EDWARDS: Just because we're
9 getting close to the end of the day, I'd love to push
10 forward until somebody needs a break.

11 COMMISSIONER LEE: I'd love to push forward
12 through if we can finish this up.

13 MR. CLARK: Okay.

14 COMMISSIONER LEE: Try to be a little more
15 brief, that would be also helpful.

16 MR. CLARK: All right. Is the camera on her?
17 We're ready, Mr. Chairman.

18 CHAIRMAN EDWARDS: Please swear in the witness.
19 Thereupon--

20 MARIBEL GODINEZ
21 was called as a witness by the Respondent, and having
22 been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. CLARK:

25 Q. Good afternoon. Could you please state your

1 name and spell it for the record.

2 A. My name is Maribel Godinez, M-a-r-i-b-e-l,
3 last name Godinez, G-o-d-i-n-e-z.

4 Q. And, Miss Godinez, how are you employed?

5 A. I'm employed through Leventhal & Associates.

6 Q. Okay. And what is your -- what is your job
7 title with Leventhal & Associates?

8 A. Administrator.

9 Q. And what do your duties include as
10 administrator?

11 A. A little bit of everything. I handle the
12 books, answer the phones.

13 Q. Okay. How long have you been with Leventhal
14 & Associates?

15 A. About 11, 12 years.

16 Q. Okay. Do your duties include receiving
17 payments from clients?

18 A. Yes.

19 Q. Okay. Do you have any experience with one
20 of the grievants in this matter, Amalia Sosa-Avila?

21 A. Yes.

22 Q. What is your experience with her?

23 A. I just -- when she came in, she dropped off,
24 came in to drop off some collateral. Todd wasn't
25 there so she dropped it with me. She said that it

1 was for Todd until she came in with some payment for
2 her.

3 Q. Okay.

4 A. For her case.

5 Q. And do you recall, if you can, what she
6 dropped off?

7 A. I don't know exactly what she dropped off.
8 She dropped it off in a box, and I just took it until
9 I could confirm with Todd that it was supposed to be
10 just for a payment. I was going to give it back when
11 she came in for a payment.

12 Q. Okay. Did you make a record or inventory
13 what was there?

14 A. No, because I was going to give it back.

15 Q. Okay. Did you have any idea prior to her
16 bringing it in that she was going to bring it in?

17 A. No, not at that moment, no.

18 Q. Okay. Do you know if she brought in any
19 other items?

20 A. Not -- not to me. I don't know.

21 Q. Okay. Not to you?

22 A. No.

23 Q. And generally when do you work during the
24 day at Leventhal & Associates?

25 A. From like 8:00 to 2:00 p.m.

1 Q. Okay. Did Mr. Leventhal ever express to you
2 what the purpose of those items were?

3 A. Later on he did tell me that she was
4 supposed to drop something off until she brought
5 payment to me.

6 Q. Okay.

7 A. So just to keep it in my office.

8 Q. And then once she brought payment, did he
9 give you any instructions as to what to do with the
10 items?

11 A. She never brought in any payment.

12 Q. Okay. Did he tell you what to do if she
13 did?

14 A. To give it back.

15 Q. Okay. There's been testimony about a drone.
16 Are you familiar with that item?

17 A. I did.

18 Q. What is your familiar -- what do you know
19 about it?

20 A. They -- that one was dropped off to me.
21 Todd wasn't there. It was Amalia, and I believe it
22 was her husband that came in, and they came in and
23 they stated that it was a gift for Todd's son and
24 they were there to drop it off, but Todd wasn't there
25 so I kept it in my office until Todd came.

1 Q. Okay. Was it your understanding that that
2 was a gift or collateral?

3 A. It was a gift. He said "gift."

4 Q. Okay. Did you have occasion to call her,
5 Miss Amalia Sosa-Avila, to request payment?

6 A. I did, but that was handled by Seidel back
7 then. She would call the clients to try to collect
8 money from them.

9 Q. Okay. Do you know whether or not after the
10 first time there were any other arrangements for her
11 to bring in collateral?

12 A. When I asked Seidel and she puts that -- she
13 said that she was supposed to come in, I know at one
14 point to bring in a thousand dollars, but she never
15 did.

16 Q. Okay. To your knowledge did she ever pay
17 any money toward the retainer?

18 A. No, because all the moneys I keep track of
19 and she never made a payment.

20 Q. Okay. During the time that Mr. Leventhal
21 was retained to the time he withdrew, did she ever
22 make any payments?

23 A. No, she did not.

24 Q. Do you know -- where were these items kept,
25 the items that she did bring in?

1 A. In my office.

2 Q. Okay. Where in your office?

3 A. I have a little back space where I keep
4 supplies and other items, and that's where I put it.

5 Q. Okay. Did Mr. Leventhal ever tell you that
6 they were supposed to be payment for his retention?

7 A. No.

8 Q. Did -- after he withdrew, do you know what
9 happened to the items?

10 A. Todd had mentioned that he was going to
11 return them to Metro because it was stolen.

12 Q. And you indicated that you didn't keep any
13 record of these items?

14 A. No, I did not.

15 Q. Do you have a recollection as to what was in
16 the box of what she dropped off?

17 A. I know after the fact that there was a, like
18 a purse, and I think it was a ring, and maybe an
19 iPhone, but I don't know exactly what it was.

20 Q. Okay. And how did you learn that after the
21 fact?

22 A. Because when Todd had mentioned that these,
23 some of the items when he was looking through the
24 discovery, that he saw that they were stolen and he
25 needed to return them or give them to Metro.

1 Q. Did you assist him in that regard at all?

2 A. No, I did not.

3 Q. Okay. Do you know when this conversation
4 took place in relation to his withdrawal?

5 A. I do not.

6 Q. Okay. You don't know if it was before or
7 after?

8 A. After the -- it was before he withdrew.

9 Q. Okay.

10 A. But I don't know dates. I don't remember
11 any dates.

12 Q. It's your recollection it was before he
13 withdrew?

14 A. Yes, I believe so.

15 MR. CLARK: Okay. I'll pass the witness.

16 CHAIRMAN EDWARDS: Okay. State Bar?

17 MR. CLARK: Oh, actually, if I can, I'm
18 sorry, can I -- can I go back in and ask one more
19 question?

20 CHAIRMAN EDWARDS: Sure.

21 BY MR. CLARK:

22 Q. I apologize. There was testimony earlier
23 regarding if the office has a policy on collateral.
24 Do you know if the office -- does the office have a
25 policy on accepting collateral in lieu of a monetary

1 payment?

2 A. No, we don't because we don't collect
3 collateral.

4 Q. In your 11 years, how often has
5 Mr. Leventhal agreed to take personal property in
6 lieu of cash payments for retention?

7 A. Not that I'm aware of.

8 Q. Okay. In your experience how often does he
9 take collateral as security for payment?

10 A. He doesn't.

11 Q. Okay. Aside from this instance, do you
12 recall any other time he took collateral to secure
13 payment?

14 A. No.

15 MR. CLARK: Okay. I'll pass the witness.
16 Thank you.

17 CHAIRMAN EDWARDS: State Bar?

18 MR. GOSIOCO: No cross from the State Bar.

19 CHAIRMAN EDWARDS: Okay. Mr. Moore, any
20 questions for the witness?

21 EXAMINATION

22 BY COMMISSIONER MOORE:

23 Q. I guess if you have a policy of not taking
24 collateral, and she walks in and goes, Here, this is
25 collateral for my debt, why was it accepted?

1 A. It was accepted because Todd wasn't there,
2 so I just left it in my office. I was going to run
3 it by Todd.

4 Q. But you said there's a policy, and you've
5 never heard of him taking collateral, and there's a
6 policy that he doesn't take collateral. Why would
7 you run it by him if there's already a policy?

8 A. Well, he wasn't in the office so that I can
9 ask him.

10 Q. That's what a policy is. You don't need to
11 ask him, it's already a policy. So in this
12 instant -- okay. It won't get answered, so, okay.

13 CHAIRMAN EDWARDS: Mr. Lee, any questions?

14 EXAMINATION

15 BY COMMISSIONER LEE:

16 Q. In your experience being at the firm, has
17 the firm ever asked for a written consent from
18 clients before?

19 MR. CLARK: Objection. Vague.
20 Incomplete --

21 CHAIRMAN EDWARDS: Overruled.

22 BY COMMISSIONER LEE:

23 Q. Go ahead. Do you know the answer to the
24 question?

25 A. I was going to ask, a written consent for

1 what?

2 Q. In any situation. Say if there's a conflict
3 or if the firm is going to take an interest in
4 something with the client, in your experience have
5 you ever experienced --

6 A. If there's a conflict, yes, they -- we
7 usually write it down if there's a conflict.

8 Q. Okay. So in that context you would ask for
9 written consent to waive the conflict?

10 A. Well, in this case I didn't know what the
11 case was about.

12 Q. I'm asking generally. So in general your
13 experience the firm does use forms or devices for
14 informed consent?

15 A. Yes.

16 COMMISSIONER LEE: Okay. Can you show her
17 Exhibit 11?

18 MR. GOSIOCO: Yes, sir.

19 BY COMMISSIONER LEE:

20 Q. Actually, I can do it from -- yeah, do it
21 from your screen, that's fine. This is a letter
22 that's been marked as State Bar's Exhibit Number 11.
23 Have you seen this document before?

24 A. Can you go down? No, I wasn't involved with
25 all the paperwork that was submitted.

1 Q. In your experience does Mr. Leventhal draft
2 his own letters or does someone else draft those?

3 A. Sometimes he drafts his own and sometimes he
4 asks us to do it.

5 Q. As it pertains to -- are you familiar with
6 the letters or correspondence in this grievance?

7 A. In some, yes. Some of them I am.

8 Q. Okay. Do you know if Mr. Leventhal, or some
9 other person, had drafted responses as it pertains to
10 this grievance, not including his attorney?

11 A. Yes. We had a paralegal that was working
12 before.

13 Q. Do you know if either Mr. Leventhal or the
14 paralegal drafted this document?

15 A. No, I don't.

16 COMMISSIONER LEE: Okay. I have further
17 questions.

18 CHAIRMAN EDWARDS: Mr. Clark, any follow-up.

19 REDIRECT EXAMINATION

20 BY MR. CLARK:

21 Q. Yeah. Mr. Moore had asked you if there's no
22 policy to accept collateral, why would you need to
23 run it past Mr. Leventhal. Do you recall that
24 question?

25 A. Yes.

1 Q. Why would you -- if that's true, would you
2 ever run it past Mr. Leventhal?

3 A. I run everything past him.

4 MR. CLARK: Okay. Thank you.

5 CHAIRMAN EDWARDS: Okay. Nothing from the
6 State Bar?

7 MR. GOSIOCO: Nothing, Mr. Chairman.

8 CHAIRMAN EDWARDS: Okay. Thank you, ma'am.
9 We appreciate your time.

10 Mr. Clark, any other witnesses?

11 MR. CLARK: No other witnesses.

12 CHAIRMAN EDWARDS: Okay. And, gentlemen,
13 remind me, did we, did we agree that we were
14 bifurcating these proceedings?

15 MR. CLARK: Correct.

16 MR. GOSIOCO: Yes, sir.

17 CHAIRMAN EDWARDS: Okay. All right. Would
18 you like to proceed to closings?

19 MR. GOSIOCO: Yes, sir.

20 CHAIRMAN EDWARDS: Okay. Again I just ask
21 you both to keep it brief so we can get through both
22 phases today. Thank you.

23 MR. GOSIOCO: Just briefly, again my name is
24 Gerard Gosioco. As I stated earlier in my opening,
25 lawyers should not take advantage of their clients.

1 It is irrelevant as to whether a client is also a
2 friend, but if there's an attorney-client
3 relationship, the rules apply.

4 As to Miss Sosa-Avila, there are many
5 inconsistencies with the evidence that was shown in
6 Mr. Leventhal's testimony. In his own response to
7 the State Bar's letter of investigation, he stated
8 that the drone, iPhone, Louis Vuitton purse or
9 wallet, and diamond ring were accepted as collateral.
10 Those -- he acquired possessory interest of these
11 items that were adverse to Miss Sosa-Avila.

12 It is immaterial whether or not these items
13 have been -- were allegedly stolen. And furthermore,
14 in his letter in his response to the State Bar,
15 Mr. Leventhal had stated since the withdrawal date --
16 since him withdrawing as the attorney of record for
17 Miss Sosa-Avila's cases, he went through the
18 discovery and learned that the items listed, the
19 iPhone, wallet, drone, diamond ring were in the
20 discovery and that's when he discovered that those
21 items were stolen and then he subsequently
22 anonymously turned those items in to Metro.

23 The evidence shows that when we went over
24 the discovery that were -- that was associated with
25 Miss Sosa-Avila's case, there was no mention of an

1 iPhone, there was no mention of a drone, there was no
2 mention of a diamond ring. The only thing that was
3 even remotely mentioned pertaining to those four
4 items was the Louis Vuitton wallet or purse. There
5 was no -- there was never a writing with the
6 collateral.

7 As the evidence showed in Mr. Leventhal's
8 retainer agreement, there's no language discussing
9 collateral, taking items as collateral for payment.
10 So, therefore, there was no -- there was no writing.
11 The transaction and terms were not fair or were they
12 reasonable to Miss Sosa-Avila. They were not
13 transmitted in writing. She was not given the -- she
14 was not advised in writing as to the desirability of
15 seeking independent counsel, was not given a
16 reasonable opportunity to seek independent legal
17 counsel as it pertained to the collateral.

18 As Mr. Leventhal testified, he admits in his
19 testimony and his response to the State Bar's letter
20 of investigation that he did accept those items as
21 collateral. Further, there was no informed consent
22 signed by Miss Sosa-Avila as to those items to the
23 terms and transaction of the nature and
24 Mr. Leventhal's role with those collateral items.

25 Now, as to Mr. Mitrov, there are also