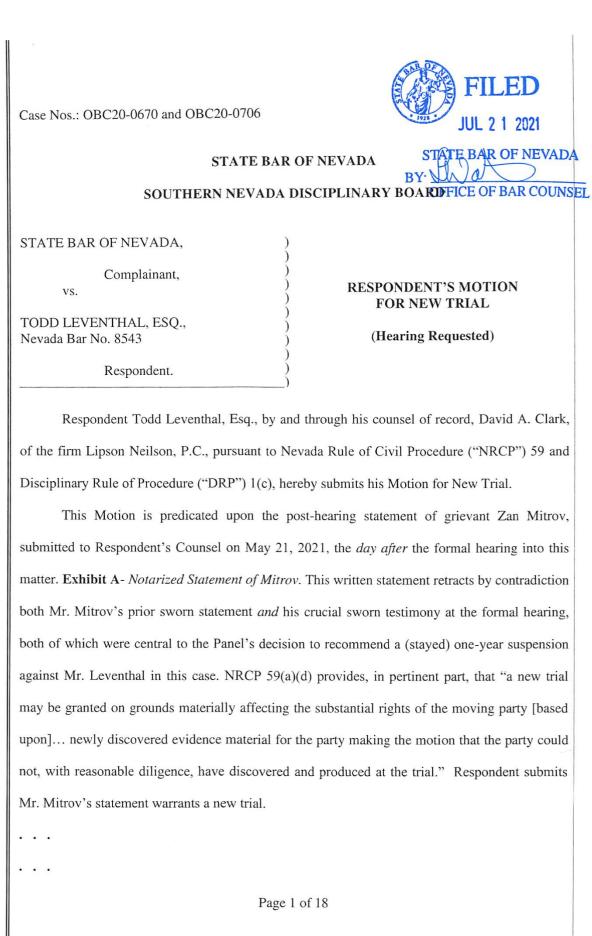
1	IN THE SUPREME COURT OF THI	E STATE OF NEVADA
2		
3	IN RE: DISCIPLINE OF )	Electronically Filed
4	TODD M. LEVENTHAL, ESQ.	Electronically Filed Case No.Nov42 2021 01:26 p.m. Elizabeth A. Brown
5	NEVADA BAR NO. 8543	Clerk of Supreme Court
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12	SUPPLEMENTAL RECORD OF DISCIP	LINARY PROCEEDINGS,
13	PLEADINGS AND TRANSCRI	
14		
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16 17		
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20	Nevada Bar No. 14371	Fodd M. Leventhal, Esq. Nevada Bar No. 8543
21		David Clark, Esq. Nevada Bar No. 4443
22		9900 Covington Cross Dr., Ste. 120
23	Counsel for the State Bar of Nevada	Counsel for Respondent
24		
25		
		Docket 83245 Document 2021-32513

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### MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION AND FACTUAL BASIS.

The State Bar's Complaint against Mr. Leventhal arises from his alleged taking of collateral from two clients in criminal matters, specifically Zan Mitrov ("Mitrov") in the matter of OBC20-0706 and Amalia Sosa-Avila ("Sosa-Avila") in the matter OBC20-0670. The Formal Hearing proceeded on May 20, 2021. The Panel made the following key conclusions at the close of the hearing:

As to Ms. Sosa-Avila (who did not appear), the Panel unanimously found while there was in their opinion a violation of RPC 1.8(a) (Conflict of Interest: Current Clients: Specific Rules) by Mr. Leventhal, it resulted in <u>little or no injury to the grievant</u>. **Exhibit B** - *Findings of Fact, Conclusions of Law, and Recommendation*, filed July 12, 2021;<sup>1</sup> Conclusion of Law No. 4.

As to Mr. Mitrov, the Panel, by a split 2-1 vote, found that Mr. Leventhal knowingly violated RPC 1.8(a) (Conflict of Interest: Current Clients: Specific Rules) with regard to a Dodge Viper that was placed into his possession for a period of time by Mr. Mitrov, the circumstances under which the Panel found caused injury to Mr. Mitrov. *Id.* Conclusion of Law No. 5. Finding of Fact No. 16 states, "Mr. Mitrov asked Respondent to return the Dodge Viper to him multiple times between February 2020 and June 2020." *Id.* 

The State Bar Complaint also included extensive allegations that Mr. Leventhal procured a possessory interest in a Maserati owned by Mr. Mitrov, as well. See, Complaint, ¶¶ 24 – 31; 54. However, Mr. Mitrov specifically recanted this transaction in its entirety by sworn Declaration as early as December 31, 2020 (Respondent's Motion for Summary Judgment, Exh. B, ¶ 6) and again at the Formal Hearing. Exhibit C - Transcript of Formal Hearing, May 20, 2021

<sup>1</sup> Although SCR 105(2)(e) mandates "The hearing panel shall render a written decision within 30 days of the conclusion of the hearing," times limits are administrative, not jurisdictional. See, SCR 119(2).

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("Transcript"); 154:25 - 155:24. Despite the State Bar's obduracy on this issue, the Panel 1 2 concluded: "We find unanimously that the State Bar has not reached its burden as it relates to the 3 Maserati." Id., at 238:21-22.2 4 Accordingly, the Panel's recommended sanction of a one-year stayed suspension and five 5 vears of probation<sup>3</sup> is indelibly rooted almost entirely in the circumstances surrounding the 6 Dodge Viper "transaction" and Mr. Mitrov's credibility. 7 First, Mr. Mitrov retained Mr. Leventhal to defend him on charges involving the use of 8 9 methamphetamine. When questioned by Respondent's counsel, Mr. Mitrov denied any drug use 10 at the time of the text messages with Mr. Leventhal allegedly keeping his Viper, 11 Q. During this time that he represented you, were 12 you using methamphetamine? Α. No, I didn't. 13 1d. 168:1-19. Mr. Leventhal's testimony to the Panel regarding the drug use and the content of 14 the text messages included: 15 16 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 17 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. 18 Id. 209:18-23. Mr. Leventhal specifically indicated he told Mr. Mitrov where the Viper was so 19 that he could retrieve it. In addition, Mr. Mitrov specifically responded to a direct question that he 20 21 was not using drugs at this critical time. 22 23 24 <sup>2</sup> There is neither Finding nor Conclusion entered that confirms this outcome. 25 <sup>3</sup> The full recommendation is a one (1) year stayed suspension from the practice of law to go into effect only if Respondent receives any letter of reprimand/public reprimand or worse over the next five (5) years. 26 In addition, over that five (5) year period, Respondent shall complete one (1) additional CLE hour for ethics and one (1) additional CLE hour for law practice management each year. Ex. B, Recommendation. 27 28 Page 3 of 18

1	Central to the State Bar's case and Mr. Mitrov's credibility is State Bar's Exhibit 19,
2	which is a purported record of text messages between Mr. Mitrov and Mr. Leventhal. In laying
3	the foundation for its admission, Mr. Mitrov testified as follows:
4 5	Q. Thank you. Now, I'm showing you what's been previously marked as Exhibit 19 of the State Bar's exhibits. Now, Mr. Mitrov, does this document look familiar to you?
6	A. Yeah. It brings back memories.
7	Q. And can you describe to me what this document shows?
8	A. Communication between me and Mr. Leventhal, text messages.
9 10	Q. Okay. And are these does this look like the documents you submitted with your grievance to the State Bar?
11	A. Yeah, that's right.
12 13	Q. Okay. And it looks like, let's see – and did you alter these text messages in any way, shape or form before submitting this to the State Bar?
	A. No, those are just snapshots from my cellphone, sir.
13 14 15 16 17	Q. Okay. So when you took these snapshots, you didn't do anything to change the contents of it, correct?
3 16	A. No, I did not, no.
17	Q. And these are your text messages with Mr. Leventhal?
18	A. Yes.
19	MR. GOSIOCO: Okay. At this point, Mr. Chairman, the State Bar would move to admit Exhibit 19 into evidence.
20 21	MR. CLARK: I would ask to be more foundation as to how he got them off his screen and how they were reproduced. I mean –
22	CHAIRMAN EDWARDS: I think he's testified –
23	MR. CLARK: Are they copied? Are they sent electronically?
24	
25	CHAIRMAN EDWARDS: I think the testimony that he took these. These are screenshots of his text messages. So the objection is overruled and Exhibit 12, or,
26	excuse me, Exhibit 19 will be admitted.
27	(Thereupon Complainant's Exhibit 19 was admitted into evidence.)
28	17 was admitted into evidence.)
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	1	Id. 133:17 - 135:8. The veracity and completeness of this series of text messages was critical to
	2	this substantial piece of evidence, both in terms of evidence of a Rule violation as well as
	3	affecting the severity of the recommended sanction.
	4	As to a factual basis for a violation, the Bar argued in closing,
	5	Mr. Mitrov testified that he did file a grievance in June of 2020 to get Mr.
	6	Leventhal's attention because at that point, after sending Mr. Leventhal numerous texts asking to pick up the Viper, he still had not received the Viper by the time he
	7	signed – submit the grievance to the State Bar.
	8 9	Id. 225:9-15. Further, the Chair questioned Mr. Leventhal on the basis of the texts:
	10 11	Q. So after the, you know, say the fifth text message to you saying, I need the Viper back, why didn't you respond back and say, We've already talked about this, it's at the shop, go pick it up any time you want?
	12	A. You mean through text?
512	13	Q. Yeah.
(702) 382-1500 FAX: (702) 382-1512	14	A. Yeah. No, I know I talked to him a couple times, but I didn't respond to him in a text all the time.
FAX: (7(	15	Id. 210:3-12 (emphasis added). Mr. Leventhal's response here is consistent with his testimony
2-1500	16	above regarding Mr. Mitrov's responses while on drugs.
702) 38	17	Still, the Panel used these text messages to conclude, "Mr. Mitrov asked Respondent to
~	18 19	return the Dodge Viper to him multiple times between February 2020 and June 2020." Exh. B -
	20	Finding of Fact No. 16.
	21	As to sanctions, the State Bar argued this exchange of messages against finding
	22	mitigation for Mr. Leventhal in the sanction phase of the hearing: "Mr. Mitrov, as we saw in his -
	23	- heard in his testimony that he asked numerous times to get the Viper back. We saw the text
	24	messages of the numerous text messages to Mr. Leventhal from Mr. Mitrov asking for the Viper
	25	back, and it was only until Mr. Mitrov filed a grievance against Mr. Leventhal that Mr. Leventhal
	26	
	27	returned the Viper. Id. 261: 21- 262:2. Furthermore, the Chair noted at the May 20, 2021,
	28	hearing:
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We find a selfish motive. At least two of the panel members were concerned that 1 the keeping of Mr. Mitrov's car for such a long period of time made it look like he 2 was holding the car hostage in able to -- in an effort to get payment from the client. 3 Exhibit C - Transcript; 263:16-20. Moreover, the Chair further revealed that, "Some of the panel 4 members had concerns about Mr. Leventhal's credibility in his testimony." Id. at lines 22-23. 5 6 Therefore, the duration of these messages, the facts about how, when, and where that 7 Dodge Viper changed hands and especially Mr. Mitrov's credibility in this regard were 8 materially substantive to the "jury" (panel) findings of fact. 9 However, on May 26, 2021, after the hearing, Mr. Mitrov delivered through his counsel, 10 John Spilotro, unsolicited, a hand-written, signed, and notarized statement in which he now 11 12 states, 13 (1) When I first filed the Bar Complaint I deleted some messages from Mr. 14 Leventhal about where my Viper was located. 15 (2) [At the time I was on drugs]. 16 (3) When I told [the state bar investigator] this she told me not to say anything 17 because that can get me in trouble. 18 19 (4) She also told me that nothing is going to happen [sic] to Todd Leventhal. 20 (5) I feel bad for lying but I felt forced by Ms. Watson 21 (6) Also saw document Ms. Watson made statements that I didn't say. 22 Exh. A. These later statements specifically recant and undermine the critical testimony and 23 evidence against Mr. Leventhal. 24 Respondent, through counsel, has made diligent attempts to confirm the veracity of the 25 26 notarized, hand-written statement. See, Exhibit D, Declaration of David A. Clark. Respondent 27 retained a private investigator to track down the notary public and secure a certified copy of the 28 Page 6 of 18

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notary journal page that contains this act. However, she is not forthcoming at this point. Id. Nevertheless, the notarized statement comports with Nevada statute.

The State Bar has known about Mr. Mitrov's reticence to proceed with his grievance since September 2020, while the file was still in the investigative stage, and this has been an ongoing obstacle in this matter for both the State Bar and the Respondent. However, for Mr. Leventhal, the ramifications are severe. The Chair well knows the difficulties the parties during consideration of Respondent's Motion for Summary Judgment in securing any additional testimony from Mr. Mitrov.

The law of this case, as the Chair made clear in prior rulings, is that neither party could depose Mr. Mitrov prior to hearing on the reasoning that SCR 110(7) only allows a deposition if the witness is not subject to subpoena or unable to testify at hearing.<sup>4</sup> As such, Mr. Leventhal did his due diligence in attempting to vet Mr. Mitrov's credibility prior to trial (securing his Declaration for the Motion for Summary Judgment). Further, the State Bar had ample opportunity to vet Mr. Mitrov's credibility prior to filing the Complaint December 4, 2020, up through and including the formal hearing in this case. The State Bar was fully aware of Mr. Mitrov's contradictory statements about the facts of the matter and his reluctance to participate in the proceedings.

Consequently, Mr. Mitrov's newly-submitted statement "materially affects the substantial rights of Mr. Leventhal" pursuant to NRCP 59(a)(1). Furthermore, Mr. Leventhal has no other 22 procedural recourse to address this other that a new trial, either in whole or in part. 23

24 This matter is properly considered prior to appeal in the interest of judicial economy and 25 appropriately brought under NRCP 59. In the alternative to convening a new trial, at a minimum 26 Respondent is entitled to the Panel reviewing the new evidence submitted the day after hearing, 27

<sup>4</sup> May 19, 2021 Order Denying Respondent's Motion for Reconsideration, ¶ 1.

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	1	to wit: Mr. Mitrov's statement, in order to determine if his prior statement and testimony at
	2	hearing should be stricken and the Panel's recommendation altered or amended pursuant to
	3	NRCP 59(e).
	4	II. THE LEGAL STANDARD.
	5	SCR 119(3) states in relevant part:
	6	Other rules of procedure. Except as otherwise provided in these rules, the
	7 8	Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure apply in disciplinary cases.
	о 9	Disciplinary Rules of Procedure (DRP) 1(c) provides:
	10	Applicability of other rules. Except as otherwise provided in the Supreme
	11	Court Rules (SCR), the Nevada Rules of Civil Procedure (NRCP) and Nevada Rules of Appellate Procedure (NRAP) shall apply in disciplinary
	12	cases. See SCR 119(2) [sic]. <sup>5</sup> The rules applicable to the admission of
120	13	evidence in the District Courts of Nevada govern admission of evidence in disciplinary cases. See SCR 105(2)(f).
<b>n P.C</b> ve, Suite 89144 2) 382-1	14	Neither the Nevada Supreme Court Rules nor the Disciplinary Rules of Procedure
<b>eilso</b> ross Dri Vevada AX: (70	15	prohibit or otherwise address motions for new trial, which are therefore expressly allowed under
Lipson Neilson P.C. 9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144 (702) 382-1500 FAX: (702) 382-1512	16	SCR 119(3) and DRP 1 above. Looking to the relevant rule and its subparts:
Lips 900 Cov Las 702) 382	17	NRCP 59 (New Trials; Amendment of Judgments) provides, in pertinent part:
6 3	18	(a) In General.
	19 20	(1) Grounds for New Trial. The court may, on motion, grant a new trial on
	20	all or some of the issues — and to any party — for any of the following causes or grounds materially affecting the substantial rights of the moving party:
	22	
	23	(D) newly discovered evidence material for the party making the
	24	motion that the party could not, with reasonable diligence, have discovered and produced at the trial;
	25	Because hearings before the Disciplinary Boards are not by definition in front of a
	26	because nearings before the Disciplinary boards are not by definition in none of a
	27	
	28	<sup>5</sup> NB: The DRP Rules posted to the State Bar's website in re: DRP 1(c) cite to §2 of SCR 119 in error.
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traditional jury, NRCP 59(a)(2) could also be considered applicable here and the findings altered 1 2 or amended pursuant to NRCP 59(e). 3 NRCP 59(a)(2): 4 Further Action After a Nonjury Trial. On a motion for a new trial in an action 5 tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new 6 findings and conclusions, and direct the entry of a new judgment. 7 NRCP 59(e): 8 (e) Motion to Alter or Amend a Judgment. A motion to alter or amend a judgment 9 must be filed no later than 28 days after service of written notice of entry of judgment. 10 In the unpublished decision Lewis v. Hooft, 2014 Nev. Dist. LEXIS 1554, \*10, the Second 11 Judicial District Court in Washoe County was considering a motion for new trial in an 12 9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144 (702) 382-1500 FAX: (702) 382-1512 13 employment termination case based on alleged attorney misconduct. The Court, as part of its 14 analysis in that matter, included the following statement regarding false or misleading statements 15 by the Plaintiff during trial: 16 The Court further held that if the Plaintiff was being questioned about the 17 termination of her employment, and if she gave false or misleading statements, the jury "would have or should have the right" to weigh that credibility as part of 18 their determinations. This ruling comports with NRS 50.135(2) and NRS 51.035 (allowing extrinsic evidence of a prior contradictory statement by 19 a witness only if the statement is not hearsay or the witness is afforded an 20 opportunity to explain or deny the statement). See also Atkins v. State. 112 Nev. 1122, 1129, 923 P.2d 1119, 1124 (1996)("[P]rior inconsistent statements 21 under NRS 51.035(2)(a) may be admissible for both substantive and impeachment purposes.") (overruled on other grounds by, McConnell v. State, 120 Nev. 1043, 22 102 P.3d 606 (2004)). 23 In the alternative, should the Chair not grant Respondent's Motion for a new trial, at 24 minimum there is ample law to support that the Panel can review the new evidence in light of its 25 substantial weight upon the findings and elect to alter or amended the ultimate ruling pursuant to 26 NRCP 59(e). 27 28 A district court has inherent powers to "amend, correct, resettle, modify, or vacate, as the Page 9 of 18

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proceeding." Trail v. Faretto, 91 Nev. 401, 403, 536 P.2d 1026, 1027 (1975).
A district court may also reconsider a previously decided issue if the decision was clearly
erroneous. Masonry & Tile Contractors Ass'n v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737, 941
P.2d 486 (1997). This includes those "instances in which new issues of fact or law are raised
supporting a ruling contrary to the ruling already reached." Id. [emphasis added].
Arguendo, should the Chair not be persuaded to grant an actual new trial, in whole or in

case may be, an order previously made and entered on motion in the progress of the cause or

9 part just as to Mr. Mitrov's testimony, Respondent's request could also be considered a Motion 10 for Reconsideration of the Panel's Findings and Recommendations pursuant to NRCP 56. While 11 reconsideration is "an extraordinary remedy, to be used sparingly and in the interest of finality 12 and conservation of judicial resources," reconsideration is appropriate if the district court (1) is 13 presented with newly discovered evidence, (2) committed clear error or the initial decision was 14 manifestly unjust, or (3) if there is an intervening change in controlling law." School Dist. No. 15 16 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir.1993); Kona Enters., Inc., v. Estate of Bishop, 17 229 F.3d 877, 890 (9th Cir. 2000) (citation omitted) (emphasis added).

## III. ARGUMENT.

A. Mr. Mitrov's Statement is a Notarized, Admissible Written Statement.

Mr. Mitrov's lawyer, Mr. Spilotro, provided Respondent's counsel with the new statement *after* the disciplinary proceedings, on May 26, 2021. *See again* **Exhibit D.** 

The written statement is admissible as is. However, because Mr. Mitrov took the step to obtain the notarization, Respondent has done his due diligence with regard to this notarization. First, Respondent notes that while the statement is undated, this is not a requirement in Nevada pursuant to NRS 240.0035. Notwithstanding, Respondent retained the services of a licensed private investigator, Mark Preusch, to locate the notary in question, Norma Pardo, to request that

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1	she provide a certif	ed copy of the corresponding page from her notary book. As of July 19, 2021,
2	Mr. Pardo indicated	d she needed additional time to retrieve the subject notarial book but has not
3	been forthcoming w	with it. Exhibit E- Progress reports from Mark Preusch.
4	B. Mr.	Mitrov's New Statement Materially Affects the Substantial
5	u – – – – – – – – – – – – – – – – – – –	ts of Mr. Leventhal, as it Directly Contradicts Key Testimony e Hearing Record Upon Which The Panel Relied.
6		Mitrov's handwritten and signed statement the day after the Formal Hearing in
	this case stated:	
	(1) Whe	n I first filed the Bar Complaint I deleted some messages from Mr.
		enthal about where my Viper was located.
11		
12	(2) [At t	he time I was on drugs].
13		n I told [the state bar investigator] this she told me not to say anything
14	beca	use that can get me in trouble.
15	(4) She	also told me that nothing is going to happen [sic] to Todd Leventhal.
16	(5) I fee	bad for lying but I felt forced by Ms. Watson
17	(6) Also	saw document Ms. Watson made statements that I didn't say.
18	As a prelim	inary matter, although Respondent and the undersigned have no information
	that any State Bar	staff told Mr. Mitrov to lie, or misrepresented what he said in any given
	moment, Mr. Mitro	w does so state. He states that he was cautioned by the State Bar to avoid
	mentioning drug us	e, and that the statement prepared for him by the State Bar was untrue. If the
		about his drug use, then it would have known that its proffered witness lied
1		e denied that same drug use. See, i.e. RPC 3.3(a)(3) ("A lawyer shall not
		vidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a
26		e lawyer, has offered material evidence and the lawyer comes to know of its
27		
28	anony, the lawyer s	hall take reasonable remedial measures, including, if necessary, disclosure to
		Page 11 of 18
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	2Mr. Pardo indicated3been forthcoming w4B. Mr.5Righ6Again, Mr. I7this case stated:9(1)10Leve11(2)12(3)13beca14(4)15(4)16(5)17(6)18As a prelim19that any State Bar20moment, Mr. Mitro21mentioning drug us23State Bar did know24under oath when h25knowingly: Offer ev26witness called by th27falsity, the lawyer s

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the tribunal."). At a minimum, Mr. Mitrov's statements go to his overall state of mind, recall, and 1 2 lack of credibility which is frankly likely attributable to his statement that he was on drugs. 3 Moreover, what is consistent is that Mr. Mitrov has not been forthcoming about the 4 circumstances surrounding the Dodge Viper. That he deleted crucial text messages from Mr. 5 Leventhal supporting Mr. Leventhal's statements of events can be potentially born out through 6 subpoena, which likely motivated his recanting of that particular testimony. 7 The new statement provided by Mr. Mitrov directly contradicts his sworn testimony on the 8 9 fact that he was using drugs at this time and that State Bar's Exhibit 19 is an altered document, 10 contrary to Mr. Mitrov's sworn testimony at the hearing, and which was admitted over 11 Respondent's objections. 12 "I deleted some messages from Mr. Leventhal about where my 1. 13 Viper was located." This directly contravenes Mr. Mitrov's testimony the previous week at the hearing in 14 15 several instances. First, State Bar's Exhibit 19 is now not a complete set of the texts between Mr. 16 Leventhal and Mr. Mitrov. It is doctored evidence and should be excluded. 17 **O**. Okay. And it looks like, let's see – and did you alter these text messages in any way, shape or form before submitting this to the State Bar? 18 No, those are just snapshots from my cellphone, sir. Α. 19 **Q**. Okay. So when you took these snapshots, you didn't do anything to change 20 the contents of it, correct? 21 Α. No, I did not, no. 22 0. And these are your text messages with Mr. Leventhal? 23 A. Yes. 24 Id. 134:5 - 15. 25 Second, clearly State Bar's Exhibit 19 was material and substantial to the Panel's findings 26 27 of a Rule violation. The State Bar argued them as direct evidence of an adverse possessory 28 Page 12 of 18

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1	interest, which is a necessary element the State Bar must prove by clear and convincing evidence.	
2	Mr. Mitrov made repeated requests that went unanswered by Mr. Leventhal. The questioning by	
3	the Chair confirms this:	
4		
5 6	Q. So after the, you know, say the fifth text message to you saying, I need the Viper back, why didn't you respond back and say, We've already talked about this, it's at the shop, go pick it up any time you want?	
	A. You mean through text?	
7	Q. Yeah.	
8 9	A. Yeah. No, I know I talked to him a couple times, but I didn't respond to him in a text all the time.	
10	Id. 210:3-12. The Panel used these text messages to conclude, "Mr. Mitrov asked Respondent to	
11	return the Dodge Viper to him multiple times between February 2020 and June 2020." Exh. B -	
12	Finding of Fact No. 16.	
13	The Panel, by a split 2-1 vote, found that Mr. Leventhal knowingly violated RPC 1.8(a)	
14		
15	(Conflict of Interest: Current Clients: Specific Rules) with regard to a Dodge Viper that was	
16	placed into his possession for a period of time by Mr. Mitrov, the circumstances under which the	
17	Panel found caused injury to Mr. Mitrov. Id. Conclusion of Law No. 5.	
18	Third, the Panel expressly relied on the long exchange of text messages seemingly	
19	unanswered by Mr. Leventhal to impute a selfish motive and lack of candor:	
20	We find a selfish motive. At least two of the panel members were concerned that	
21	the keeping of Mr. Mitrov's car for such a long period of time made it look like he was holding the car hostage in able to in an effort to get payment from the	
22	client.	
23	Exhibit C - Transcript; 263:16-20. And, as the Chair remarked, "Some of the panel members had	
24	concerns about Mr. Leventhal's credibility in his testimony." Id. at lines 22-23.	
25 26	The specter of a client making repeated requests for the return of his vehicle only to be	
20 27	greeted with silence unfairly casts Mr. Leventhal in a damning light. This translated to the Panel	
28	not only finding a violation, but recommending a five-year term of stayed suspension.	
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1 2 3 4 5 6 7 8 9 10 11 12 13 14	might be on point on a couple things but all of a sudden he'll like call me or text
15 15 16 17 17 18	<ul> <li>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.</li> <li><i>Id.</i> 209:18-23. Moreover, this corroboration directly erodes the Panel's conclusions that Mr. Leventhal was lying to the Panel or failed to show remorse or acknowledge his misconduct.</li> </ul>
19 20 21 23 24 25 26 27 28	C. The New Statement Satisfies NRCP 59 and Renders The Panel Recommendations Manifestly Unjust. Mr. Leventhal is facing serious discipline sanction to his law license, specifically a stayed one-year suspension under a five-year probation. The purpose of attorney discipline is not punishment, but rather to protect the public and confidence in the integrity of the bar. See, State Bar of Nevada v. Claiborne, 104 Nev. 115, 129, 756 P.2d 464, 473 (1988) ("paramount objective of bar disciplinary proceedings is not additional punishment of the attorney, but rather to protect the public from persons unfit to serve as attorneys and to maintain public confidence in the bar as a whole").
	Page 14 of 18

Lipson Neilson P.C. 9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144 (702) 382-1500 FAX: (702) 382-1512

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12 9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144 (702) 382-1500 FAX: (702) 382-1512 13 ipson Neilson P.C. 14 15 16 17

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In this instance, as shown above, Mr. Mitrov recanted, refuted, and/or contradicted his entire body of previous testimony the day after the formal hearing. That testimony concerned material facts upon which the Panel substantially based specific findings of fact giving rise to a recommendation for a serious, public disciplinary sanction.

Respondent made every effort to vet Mr. Mitrov's credibility prior to hearing but did not have those procedural options available to him until after the false testimony was given, and then recanted. It would be manifestly unjust to allow the Panel's recommendation to stand based on that evidence without an opportunity for a new trial with at least the opportunity to re-question Mr. Mitrov in light of his new statement. At minimum, the law and the facts support that Panel may consider the new evidence and amend or alter its recommendations in this matter.

These circumstances prima facie meet the requirements of 59(a)(d) that a new trial may be granted on grounds materially affecting the substantial rights of the moving party [based upon] newly discovered evidence material for the party making the motion that the party could not, with reasonable diligence, have discovered and produced at the trial."

#### CONCLUSION. IV.

"I feel bad for lying but I felt forced." Mr. Mitrov was the only grievant to testify against Mr. Leventhal. He now admits that he was lying under oath. He fabricated Exhibit 19. He lied in response to a direct question about his drug use during this time. He alleges that the State Bar counseled him to withhold information.

Page 15 of 18

1	A finding of a Rule violation and a recommendation for a severe discipline sanction to an					
2	attorney's livelihood cannot rest on perjured testimony and altered documents. For the foregoing					
3	reasons, Respondent moves for a new trial given Mr. Mitrov's post-hearing statement recanting					
4	his materially substantive testimony and prior statements.					
5	Dated this 21 <sup>th</sup> day of July 2021.					
6	LIPSON NEILSON P.C.					
7	/s/ David A. Clark					
8	By:					
9	DAVID A. CLARK Nevada Bar No. 4443					
10 11	9900 Covington Cross Drive, Suite 120 Las Vegas, Nevada 89144					
12	Attorneys for Respondent, Todd Leventhal, Esg.					
si-785 14	CERTIFICATE OF SERVICE					
13 14 15 16 17 18 17 18	Pursuant to DRP 18((b)(2) and NRCP 5(b), I certify that on the 21 <sup>th</sup> day of July 2021, I served via email the foregoing <b>RESPONDENT'S MOTION FOR NEW TRIAL</b> to the					
<u>ਵ</u> ਤ੍ਰ 16	following:					
	Gerard Gosioco					
18	Assistant Bar Counsel Kristi A. Faust					
19	Hearing Paralegal 3100 W. Charleston Blvd.					
20	Suite 100 Las Vegas, Nevada 89102					
21	sbnnotices@nvbar.org					
22	gg <u>osioco@nvbar.org</u> <u>KristiF@nvbar.org</u>					
23	<u>tedwards@nevadafirm.com</u> <u>mike@mblnv.com</u>					
24	rotaryactv@cox.net tedwards@nevadafirm.com					
25	ssell@nevadalawfirm.com					
26	_/s/ Debra Marquez LIPSON NEILSON P.C.					
27						
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	Page 16 of 18					
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# EXHIBIT A

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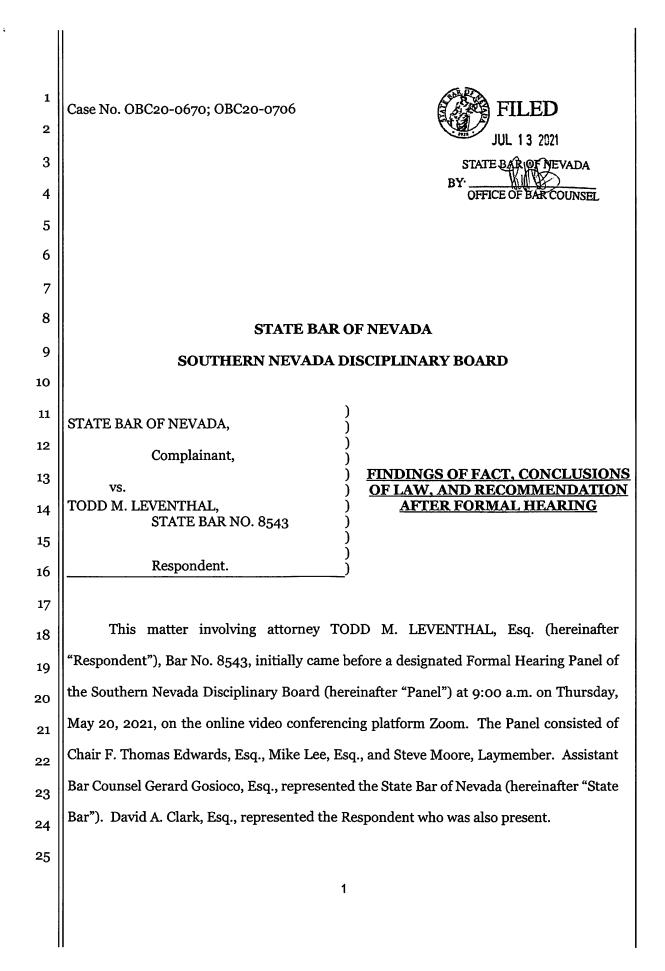
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WHEN I FIRST FILED THE BAR COMPLAINT I DELETED SOME MESSAGES FROM MR. LEVENTHAL ABOUT WHERE MY VIPER WASLOCATED. ATTHAT TIME I WAS ON OPUGS. WHEN I TOLD MS. WATSON THIS SHE TOLD ME NOTTO SAT ANYTHING BECAUSE THAT CAN BET ME IN TROUBLE. SHE ALSO TOLD ME THAT HAPEN TO TODO LEVENTHAL NOTHING is GOING TO FEEL BAD FOR LYING BUT TFELT MS WATSON ALSO HAS FORCED  $\mathcal{B}\mathcal{V}$ MS WATSON MADE SAW DOCUMENT STATMENTS THAT I DIDN' PO1/ 'AA NOTARY PUBLIC NORMA QUEVEDO PARDO STATE OF NEVADA - COLINTY OF CLAR POINTMENT EXP. MAY No: 20-2473-01

# EXHIBIT B

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1	During the hearing, the State Bar moved and admitted into evidence Exhibits 2,4, 5,
2	7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22. Transcript 9, 133, 135, 149, 239.
3	Similarly, Respondent moved and admitted into evidence Exhibits A through F. Transcript
4	9-10.
5	During the hearing, the State Bar called Respondent, Louise Watson, and Zan
6	Mitrov as witnesses. See generally Transcript 20-202. Similarly, Respondent called
7	himself and Maribel Godinez as witnesses. <i>Id.</i> at 204-222.
8	Based upon the evidence presented, the Panel issues the following Findings of Fact,
9	Conclusions of Law, and Recommendation:
10	FINDINGS OF FACT
11	<u>OBC20-0670</u>
12	1. On, about, or between February 13, 2020, and June 22, 2020, Respondent
13	represented Amalia Sosa-Avila (hereinafter "Ms. Sosa-Avila") in two (2) criminal matters.
14	Transcript 22-27, 38.
15	2. A retainer agreement for \$6,000.00 was executed between Respondent and
16	Ms. Sosa-Avila. Transcript 25-26. Ms. Sosa-Avila signed the retainer agreement;
17	Respondent did not. Id.
18	3. Ms. Sosa-Avila did not have money to pay the retainer agreement. Transcript
19	28.
20	4. In Exhibit 11, Respondent confirmed that he reached an agreement with Ms.
21	Sosa-Avila to accept collateral as security for the payment of the attorney fees.
22	5. Between February 2020 and June 2020, Ms. Sosa-Avila brought items as
23	collateral to Respondent which were accepted by his office. <i>Id.</i>
24	6. The items Respondent's office accepted as collateral are as follows: (1) a Louis
25	Vuitton purse; (2) a diamond ring; and (3) an iPhone. Transcript 29, 103.
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1	7. Respondent's office does not have a policy on accepting collateral nor does
2	the retainer agreement address a policy on accepting collateral. Transcript 122, 217-218.
3	8. Respondent did not abide by RPC 1.8 (Conflict of Interest: Current Clients:
4	Specific Rules) before receiving possessory interests in the aforementioned items from Ms.
5	Sosa-Avila.
6	9. Respondent testified that after reviewing the discovery in Ms. Sosa-Avila's
7	case, he believed that the iPhone, Louis Vuitton purse, and diamond ring were stolen.
8	Transcript 31-32, 37.
9	10. Respondent testified that upon discovering the items were allegedly stolen,
10	he turned those items into Metro anonymously. Transcript 35.
11	11. On June 17, 2020, Respondent filed a Motion to Withdraw on both of Ms.
12	Sosa-Avila's cases which were granted on June 22, 2020. Transcript 24-25.
13	<u>OBC20-0706</u>
14	12. On, about, or between July 17, 2019, and June 22, 2020, Respondent
15	represented Zan Mitrov (hereinafter "Mr. Mitrov") in two (2) criminal matters that went
16	into warrant. Transcript 64-69.
17	13. During this time, Mr. Mitrov allowed Respondent to borrow a Dodge Viper.
18	Transcript 131.
19	14. On or about July 23, 2019, Mr. Mitrov delivered the Dodge Viper to
20	Respondent's office. Transcript 137.
21	15. Respondent did not abide by RPC 1.8 (Conflict of Interest: Current Clients:
22	Specific Rules) before receiving a possessory interest in Mr. Mitrov's Viper.
23	16. Mr. Mitrov asked Respondent to return the Dodge Viper to him multiple
24	times between February 2020 and June 2020. Transcript 138-144.
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1	17. On, about, or between June 5, 2020, and June 30, 2020, Mr. Mitrov rented
2	a car because he did not have a vehicle with working A/C. Transcript 145-146, 148.
3	18. On June 24, 2020, Zan Mitrov (hereinafter "Mr. Mitrov") filed a grievance
4	against Respondent with the State Bar in an attempt to get his Dodge Viper back.
5	Transcript 130, 158. <sup>2</sup>
6	19. The Dodge Viper was returned to Mr. Mitrov after he filed a grievance.
7	Transcript 147, 179.
8	20. After Mr. Mitrov received the Dodge Viper, he withdrew his grievance with
9	the State Bar. Transcript 151.
10	CONCLUSIONS OF LAW
11	Based upon the foregoing Findings of Fact, the Panel hereby issues the following
12	Conclusions of Law:
13	1. The Southern Nevada Disciplinary Board has jurisdiction over Respondent
14	and the subject matter of these proceedings pursuant to Supreme Court Rule ("SCR") 99.
15	2. Venue is proper in Clark County.
16	3. The State Bar must prove by clear and convincing evidence that Respondent
17	violated any Rules of Professional Conduct. See Nev. Sup. Ct. R. 105(2)(f); In re Stuhff,
18	108 Nev. 629, 633-634, 837 P.2d 853, 856; <i>Gentile v. State Bar</i> , 106 Nev. 60, 62, 787 P.2d
19	386, 387 (1990).
20	4. The Panel unanimously found that the foregoing findings of fact prove by
21	clear and convincing evidence that Respondent knowingly violated RPC 1.8(a) (Conflict of
22	Interest: Current Clients: Specific Rules) which caused little or no injury to Ms. Sosa-Avila.
23	Transcript 237-38, 262.
24	
25	<sup>2</sup> On June 17, 2020, Respondent filed a Motion to Withdraw on two of Mr. Mitrov's cases which were granted on or about June 22, 2020. Transcript 68-69.
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5. The Panel, by a 2-1 vote, found that the foregoing findings of fact prove by
 clear and convincing evidence that Respondent knowingly violated RPC 1.8(a) (Conflict of
 Interest: Current Clients: Specific Rules) with regard to the Dodge Viper which caused
 injury to Mr. Mitrov. Transcript 238, 262-63.

The appropriate level of discipline must be determined considering "all 6. 5 6 relevant factors and mitigating circumstances on a case-by-case basis." State Bar of Nevada v. Claiborne, 104 Nev. 11, 219, 756 P.2d 464, 531 (1988). We evaluate The 7 8 American Bar Association Standards for Imposing Lawyer Sanctions' four factors to be considered in determining the appropriate disciplinary sanction: "the duty violated, the 9 lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and 10 the existence of aggravating or mitigating factors." See In re Discipline of Lerner, 124 Nev. 11 1232, 1246, 197 P.3d 1067, 1078 (2008). 12

7. Pursuant to Standard 4.32 of the ABA Standard for Imposing Lawyer
Sanctions, the appropriate baseline sanction for Respondent's violations of RPC 1.8(a)
(Conflict of Interest: Current Clients: Specific Rules) is suspension. Transcript 263.

16 8. Pursuant to SCR 102.5(1), the Panel unanimously found the following
17 aggravating factors exist:

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a. Prior disciplinary offenses;

b. Dishonest or selfish motive;

- c. A pattern of misconduct;
- d. Refusal to acknowledge the wrongful nature of conduct; and

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- e. Substantial experience in the practice of law.
- 23 Transcript 263-64.
- 24 ||///
- 25

9. Pursuant to SCR 102.5(2), the Panel unanimously found that Respondent's
full and free disclosure to disciplinary authority or cooperative attitude toward proceeding
exists as a mitigating factor. Transcript 264.
<b>RECOMMENDATION</b>
Based upon the foregoing Findings of Fact and Conclusions of Law, the Panel hereby
recommends that Respondent receive a one (1) year stayed suspension from the practice of
law to go into effect only if he receives any letter of reprimand/public reprimand or worse
over the next five (5) years. Transcript 264. In addition, over that five (5) year period,
Respondent shall complete one (1) additional CLE hour for ethics and one (1) additional
CLE hour for law practice management each year. <i>Id</i> . at 264-65.
Pursuant to SCR 120, Respondent shall pay a \$2,500 fee plus the actual costs of this
proceeding, excluding Bar Counsel and staff salaries no later than the 30th day after the
Supreme Court's Order in this matter or service of a Memorandum of Costs, whichever is
later. Transcript 265.
1246
DATED this day of July 2021.
Tour Februardo
TOM Edwards Tom Edwards (Jul 13, 2021 15:50 PDT)
<b>F. Thomas Edwards</b> , Esq., Chair Southern Nevada Disciplinary Panel
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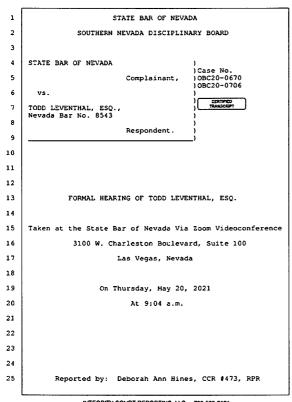
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1	<u>CERTIFICATE OF SERVICE</u>
2	The undersigned hereby certifies a true and correct copy of the foregoing
3	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION
4	AFTER FORMAL HEARING was served via email to:
5	1. F. Thomas Edwards, Esq. (Panel Chair): <u>tedwards@nevadafirm.com;</u>
6	2. David Clark, Esq. (Counsel for Respondent): <u>DClark@lipsonneilson.com</u>
7	3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org
8	Dated this 14th day of July 2021.
9	Sonia Del Rio
10	Sonia Del Rio, an employee of the State Bar of Nevada
11	of the State Bar of Nevada
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# EXHIBIT C

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INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

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INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

Leventh	BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD al, Todd on 05/20/2021	Page
App	earances (via Zoom videoconference):	
2   Com	mission Panel:	
	TOM EDWARDS, ESQ.	
	Fanel Chairman	
,	NIKE LEE, ESQ. Panel Member	
	STEVE MOORE	
	Laymember	
	the Complainant:	
	GERARD GOSIOCO, ESQ.	
	Assistant Bar Counsel	
	State Bar of Nevada 3100 W. Charleston Boulevard	
	Suite 100 Las Vegas, NV 89102	
	(702) 382-2200	
For	the Respondent:	
	DAVID CLARK, ESQ. Lipson Neilson	
	9900 Covington Cross Drive Suite 120	
	Las Vegas, NV 89144	
	(702)382-1500 dclark@lipsonneilson.com	
Als	o Present:	
	TODD LEVENTHAL, ESQ.	
	Respondent	
	DANIEL HOOGE, ESQ. Bar Counsel	
	KRISTI FAUST	
	Hearing Paralegal	

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21	MARIBEL GODINEZ	
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24		20F07538X	9
25	111		
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#### INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 7
1	CHAIRMAN EDWARDS: Good morning. We are on
2	the record in State Bar of Nevada v Todd Leventhal,
3	Case Numbers OBC20-0670 and OBC20-0706. My name is
4	Tom Edwards, I am the Chair of the panel. Would the
5	other panel members please introduce themselves,
6	starting with the laymember.
7	COMMISSIONER MOORE: Hi, my name is Steve
8	Moore. I'm the layperson for this hearing.
9	COMMISSIONER LEE: Good morning. Michael
10	Lee.
11	CHAIRMAN EDWARDS: Okay. And for the State
12	Bar?
13	MR. GOSIOCO: Good morning. Girard Gosioco,
14	Assistant Bar Counsel for the Complainant, the State
15	Bar of Nevada.
16	CHAIRMAN EDWARDS: And for the respondent?
17	MR. CLARK: Good morning. David Clark,
18	Lipson Neilson, and with me is my client and
19	respondent, Todd Leventhal.
20	RESPONDENT LEVENTHAL: Good morning.
21	CHAIRMAN EDWARDS: Good morning.
22	Mr. Clark, before we went on the record, you
23	had a witness in the room with you. Is she now
24	outside the room?
25	MR. CLARK: Yes, she's now outside the door.

INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139 STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD

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21	в	Amalia Sosa-Avila Documents	10
22	c	Voluntary Statement of Amalia Sosa-Avila	10
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24	Е	Declaration of Louise Watson	10
25	F	Email from Mr. Mitrov to Miss Watson	10
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INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 8 I can pan the camera, if you'd like. 1 2 CHAIRMAN EDWARDS: No, I'm fine with that representation, as long as the State Bar is. 3 MR. GOSIOCO: We are. 4 CHAIRMAN EDWARDS: Okay. All right. Well, 5 before we get started, any housekeeping you'd like to 6 7 take care of? MR. GOSIOCO: Yes, Mr. Chairman, just 8 و briefly. The State Bar moves to admit Exhibits 4, 5, 10 7, 8, 9, 10, 11, 13, 14, 15, 17, 21, 22, 23, and 23A. 11 Those are the exhibits that we had discussed during 12 the prehearing conference that were not, that were 13 either not objected to or overruled. 14 CHAIRMAN EDWARDS: Mr. Clark? MR. CLARK: I apologize. Could you -- you 15 16 went kind of quick on that. Could you run through 17 those one more time? 18 MR. GOSIOCO: Absolutely. Exhibits 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 21, 22, 23, and 19 20 23A. 21 MR. CLARK: I have no objection, if the 22 representation is correct, as to all, except 23, I 23 object to pages two and three. I do not object to page one. Two and three are statements from 24 Mr. Mitrov, and I still don't know whether or not 25

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 9
1	he's going to appear and testify to foundation on
2	thcse. So I guess I'll object to 23 because it lacks
3	foundation and it's hearsay.
4	CHAIRMAN EDWARDS: Can we wait to see
5	whether Exhibit 23 will be admitted? Does that work
6	for the State Bar?
7	MR. GOSIOCO: Yes, sir, it does.
8	CHAIRMAN EDWARDS: Okay. So we will admit
9	that list of exhibits, except for Exhibit 23, which
10	we'll revisit during the hearing. Any other
11	housekeeping?
12	(Thereupon Complainant's Exhibits
13	4, 5, 7, 8, 9, 10, 11, 13, 14,
14	15, 17, 18, 21, & 22 were
15	admitted into evidence.)
16	MR. CLARK: Yes, Mr. Chairman. David Clark
17	for the respondent. We had sent around previously
18	we had our disclosure, there was no objection to our
19	disclosures. I've now fashioned some of those into
20	exhibits, which everyone should have received by now,
21	Exhibits A through F.
22	If they haven't had a chance to look at them
23	yet, or the State Bar hasn't had a chance to look at
24	them yet, we can look at them later in the
25	proceedings to see whether they'd be admitted, but I

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INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

1	MP COSTOCO, Yee of Thank you
	MR. GOSIOCO: Yes, sir. Thank you,
2	Mr. Chairman. Good morning. As I stated, my name is
3	Gerard Gosioco. I'm Assistant Bar Counsel to the
4	complainant for the State Bar of Nevada. And thank
5	you so much, members of the panel, for taking time
6	out of your days to sit here during this formal
7	hearing.
8	And my opening statement is fairly quick.
9	Bottom line is lawyers should not take advantage of
.0	their clients. When a client retains a lawyer, they
1	trust that their lawyer is looking out for their best
.2	interest. Clients are in a vulnerable state when
3	they retain a lawyer, and the last thing they expect
.4	is to be taken advantage of by their own lawyer.
5	This case is simple. The respondent, Todd
.6	Leventhal, took advantage of his clients, Amalia
7	Sosa-Avila and Zan Mitrov. RPC 1.8A, sub A, states
8	that "A lawyer shall not enter into a business
9	transaction with a client or knowingly acquire an
0	ownership, possessory, security or other pecuniary
1	interest adverse to a client unless, number one, the
2	transaction and terms on which the lawyer acquires
3	the interest are fair and reasonable to the client
4	and are fully disclosed and transmitted in writing in
5	a manner that can be reasonably understood by the

INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SLITE 4-25, LAS VEGAS, NV 89139

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 10
1	move to admit those as well.
2	CHAIRMAN EDWARDS: State Bar's position?
3	MR. GOSIOCO: One moment, Mr. Chairman.
4	MS. FAUST: Mr. Edward, while we're waiting,
5	is it okay if I email the exhibits that were admitted
6	for the State Bar to the panel?
7	CHAIRMAN EDWARDS: Please do.
8	MR. GOSIOCO: I have no objection to
9	admitting respondent's exhibits.
10	CHAIRMAN EDWARDS: Okay. So respondent's
11	exhibits will be admitted. Mr. Clark, that's Exhibit
12	A through what?
13	MR. CLARK: A through F.
14	CHAIRMAN EDWARDS: Okay. Exhibits A through
15	F are admitted.
16	(Thereupon Respondent's Exhibits
17	A through F were admitted into
18	evidence.)
19	CHAIRMAN EDWARDS: Any other housekeeping?
20	MR. GOSIOCO: Nothing further from the State
21	Bar.
22	MR. CLARK: Nothing further from the
23	respondent.
24	CHAIRMAN EDWARDS: Okay. Would the State
25	Bar like to have an opening statement?

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 12 client; 1 2 "Number two, the client is advised in 3 writing of the desirability of seeking and is given a 4 reasonable opportunity to seek the advice of 5 independent legal counsel on the transaction;" 6 And lastly, "three, the client gives 7 informed consent, in a writing signed by the client, to the essential terms of the transaction and the 8 9 lawyer's role in the transaction, including whether 10 the lawyer is representing the client in the 11 transaction." 12 The evidence will show that Mr. Leventhal 13 knowingly acquired a possessory interest adverse to 14 both Miss Sosa-Avila and Mr. Mitrov. The transaction 15 and terms acquiring the interest were not fair and reasonable to the clients, nor were they disclosed 16 17 and transmitted in writing in a manner that could be 18 reasonably understood by the clients. 19 These clients were not advised in writing of the desirability of seeking counsel, nor were they 20 given a reasonable opportunity to seek the advice of 21 22 independent legal counsel. Lastly, the clients did not give informed consent in writing signed to the 23 terms of the transaction and Mr. Leventhal's role in 24 25 the transaction.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 13
1	For those reasons the State Bar respectfully
2	requests that the members of the panel find
3	Mr. Leventhal guilty of Count 1, RPC 1.8A with
4	respect to Amalia Sosa-Avila; and Count 2, RPC 1.8A
5	with respect to Zan Mitrov. Thank you.
6	CHAIRMAN EDWARDS: For the respondent?
7	MR. CLARK: Thank you, Mr. Chair. I'll
8	also add my thanks to the panel members for
9	volunteering to help in the self-regulation of our
10	profession.
1	I've submitted a trial brief which
12	summarizes our position, but I'll briefly restate it
13	in response to the State Bar's opening. The State
4	Bar has a burden of proof, clear and convincing.
15	It's not civil, it's higher than civil, which is more
16	probable than not, and lower than criminal, but they
17	must prove every element of the violation.
18	They can also only they can also only
9	you can also only find viclations of what's pled in
20	the complaint. And in this complaint, it's a 1.8A
21	violation on each of the two counts. It states that
22	an attorney shall not enter into a business
23	transaction or knowingly take a possessory interest
24	adverse to the client.
25	And in this case, as we've been saying from

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenital, Todd on 05/20/2021 Page 15 fee, as alleged in the complaint. He took it until 1 2 she could pay, which she never did. 3 As to Mr. Mitrov, in December we submitted his declaration as part of our exhibits, that he 4 5 never gave the Dodge Viper to Mr. Leventhal. As a favor he let him drive it. Mr. Leventhal will 6 testify how long he actually had it, but he did not 7 8 obtain a possessory interest adverse to Mr. Mitrov. 9 Mr. Mitrov voluntarily gave it to him, and not in 10 payment for fees, not in payment for restitution. He 11 didn't pay to get it back. That's his sworn 12 testimony. 13 We'll also submit that later on, last week 14 he submitted a statement saying, I don't have anything to do with this case. I have nothing else I 15 need from Mr. Leventhal. I have nothing else I want. 16 17 I'm whole. And yet the State Bar is going to 18 continue with this process. 19 So even though Mr. Leventhal turned over 20 stolen property when he found out it was stolen, and 21 the grievant, Mr. Mitrov, doesn't want to pursue 22 this, the State Bar is still pursuing this. 23 We submit this is not for purposes of public 24 protection or integrity of the Bar, it is simply 25 punitive. Thank you.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 14
1	day one with Avila Sosa Amalia Sosa-Avila, the
2	items in question were stolen. And if they are
3	stolen, and it's a crime for her to possess them, she
4	has no interest in them; therefore, he cannot, by
5	definition, and as a matter of law, take an interest
6	adverse to her because she has none.
7	He can't change that relationship by his own
8	belief. We can't change that relationship by her
9	belief. If I steal something, thinking it's my
10	client's but it's actually mine, and I intend to
11	steal it, I have not engaged in the crime of theft
12	because it's, in fact, mine. The nature of the
13	property, in fact, rules adhere she was trafficking
14	in stolen property. He cannot be adverse, he cannot
15	have taken adverse interest to her interest because
16	she has none. It's in fact a crime for her to
17	possess it.
18	And the evidence will show, his testimony
19	will show that once he found that out, he turned it
20	in to the police anonymously, because he still wanted
21	to protect the rights and identity of his nonpaying
22	client.
23	The testimony will also show that he took it
24	as collateral until she could make payments. He did
25	not take it as payments. He did not take it as his

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 10
1	CHAIRMAN EDWARDS: Thank you. Mr. Clark,
2	you mentioned your trial brief, and I have it pulled
3	up, and I'm looking at the email, and I'm not sure
4	the rest of the panel members have a copy.
5	Mr. Moore, Mr. Lee, do you have a copy of
6	respondent's trial brief?
7	COMMISSIONER LEE: Yes. I read it and I
8	reviewed it. And good job, Mr. Clark, as well.
9	COMMISSIONER MOORE: I'm not sure. Whatever
10	you guys sent me, that's what I have. I'm not sure
11	if I had the trial brief.
12	CHAIRMAN EDWARDS: Does the State Bar have a
13	trial brief as well? I haven't been able to locate
14	that.
15	MR. GOSIOCO: No, sir, we have not.
16	MR. CLARK: You've not got the trial brief?
17	MR. GOSIOCO: I apologize, I thought you
18	asked if we had one to submit. No, I did receive
19	Mr. Leventhal's trial brief.
20	CHAIRMAN EDWARDS: Okay. State Bar, do you
21	have a witness?
22	MR. GOSIOCO: State Bar would like to call
23	Mr. Leventhal to the stand.
24	CHAIRMAN EDWARDS: Okay. Can we please
25	swear in the witness.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhat, Todd on 05/20/2021 Page 17
1	Thereupon
2	TODD LEVENTHAL
3	was called as a witness by the complainant, and
4	having been first duly sworn, testified as follows:
5	MR. GOSIOCO: May I proceed, Mr. Chairman?
6	CHAIRMAN EDWARDS: Please.
7	MR. GOSIOCO: Thank you.
8	DIRECT EXAMINATION
9	BY MR. GOSIOCO:
10	Q. Good morning, Mr. Leventhal. How are you
11	doing today?
12	A. I'm very good. Thank you, sir. How are
13	you?
14	Q. I'm doing well. Thank you for asking.
15	Mr. Leventhal, are you an attorney?
16	A. I am.
17	Q. And are you licensed to practice in the
18	state of Nevada?
19	A. Yes, sir.
20	Q. And since when have you been licensed to
21	practice in the state of Nevada?
22	A. I believe I was sworn in in 2000 or 2001. I
23	was licensed in California prior to that.
24	Q. Okay. And you mentioned that you were
25	licensed to practice in California. Do you still

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonihal, Todd on 05/20/2021 Page 19
1	worked actually at the D.A.'s office under Kamala
2	Harris in San Francisco for a little bit as well.
3	Q. Thank you, Mr. Leventhal. Now, in 2019 were
4	you actively practicing law in the state of Nevada?
5	A. Yes, sir.
6	Q. And how about 2020?
7	A. Yes, sir.
8	Q. And, Mr. Leventhal, are you familiar with
9	the underlying grievances that brought us here today?
0	A. Yes, sir, I am.
1	Q. And let me start with Case Number
2	OBC20-0670. That was a grievance submitted by
3	Miss Amalia Sosa-Avila. Do you know who Miss Amalia
4	Sosa-Avila is?
5	A. Yes, sir, I do.
6	Q. And what is your relationship with
7	Miss Sosa-Avila, if any?
8	A. As we sit here today?
9	Q. Yes, sir.
20	A. I don't have a relationship. I don't have
21	an attorney I withdrew frcm her case.
22	Q. Okay. But at one pcint you were, in fact,
23	Miss Sosa-Avila's attorney?
24	A. I was. Miss Sosa came to me, she had been
25	charged with possession of stolen property from a

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 11
1	are you still an active member of the State Bar of
2	California?
3	A. I am. Most of my practice over there is 9th
4	Circuit criminal. I appeared before the 9th Circuit.
5	Q. Okay. However, where do you maintain your,
6	I guess your main law practice?
7	A. The address?
8	Q. Correct. Yes, sir.
9	A. 626 South Third Street, Las Vegas, Nevada
10	89101.
11	Q. Okay. And that's here in Clark County,
12	Nevada?
13	A. That's correct. It's across just right
14	next door to the courthouse, state courthouse.
15	Q. Okay. Thank you. And you're referring to
16	the Regional Justice Center?
17	A. That's correct.
18	Q. Thank you. And what areas of law do you
19	practice in, Mr. Leventhal?
20	A. Mostly federal criminal defense, some family
21	law. I get a lot of clients that ask me about
22	personal injury, but then I work with other attorneys
23	on that. And that's about it. I was elected
24	District Attorney of Esmeralda County. I worked at
25	the U.S. Attorney's Office many years ago, and ${\tt I}$

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	ITATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD eventhal, Todd on 05/20/2021 Page 20
1	hotel. She was a maid, and she let her husband go
2	into the room. She was in active warrant, and she
3	came to me to quash her warrant. And she was in my
4	office crying that she was going to lose her kids
5	because she had been to prison.
6	I told her what my fee was. She said no
7	problem, she would get the money down the road. And
8	she suggested that she bring in, just so that
9	bring in some stuff as collateral to hold. And so ${\ensuremath{I}}$
10	did quash her warrant. I was able to keep her out of
11	jail, even though she had two active cases going in
12	the system. The D.A.'s office asked to remand her,
13	and I argued against it and kept her out.
14	I received a copy of the discovery, that
15	means the police reports. I went back to my office,
16	and my usual routine is I put them in the file and
17	then within a week or two weeks, when I've got some
18	time to review it, I review it.
19	Q. Thank you. And, Mr. Leventhal, do you
20	recall exactly when your attorney-client relationship
21	initially started with Miss Sosa-Avila?
22	A. The exact date, no, sir, I do not.
23	MR. GOSIOCC: Okay. One second.
24	And, Mr. Chairman, with your permission I
25	would like to publish for the members of the panel

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhat, Todd on 05/20/2021 Page 21
1	exhibit, let's see, give me one second. I apologize,
2	I'm looking through my notes, Exhibit 11, which is
3	Mr. Leventhal's response to the State Bar's letter of
4	investigation.
5	CHAIRMAN EDWARDS: 11 has been admitted, so
6	that's fine.
7	MR. GOSIOCO: Give me one moment. I will
8	share my screen. Okay, can everyone see my screen?
9	I'm sorry, can people see my screen okay?
10	CHAIRMAN EDWARDS: Yes.
11	MR. CLARK: Yes.
12	BY MR. GOSIOCO:
13	Q. Thank you. Mr. Leventhal, are you familiar
14	with the document I'm showing on my screen?
15	A. That's my letterhead, and I agree that I
16	wrote that. Yes, I am.
17	Q. And is this your signature right here?
18	A. Yes.
19	Q. Okay. It looks like this was dated
20	August 13, 2020?
21	A. Yes, sir.
22	Q. And just briefly, would you read quitely to
23	yourself this first paragraph highlighted and let me
24	know when you're done?
25	A. Yes, sir, I'm done.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Loventibal, Todd on 05/20/2021 Page 23
1	A. I'm answering I want to answer your
2	question. I don't personally do that. I just say
3	I tell me staff we need to withdraw, and we withdraw.
4	Q. Of course. Let me phrase. Do you recall
5	telling your staff around June of 2020 to file a
6	motion to withdraw on Miss Scsa-Avila's case, Case
7	Number 19F03827B?
8	A. I don't I don't recall it, as I sit here.
9	And I'm not trying to be argumentative, I don't
10	recall, but they wouldn't have done it without my
11	permission. So I would have told them to do it, but
12	I don't remember when or how many days prior to that,
13	but they wouldn't have done it without my approval.
14	Q. Okay. Thank you. And is it fair to assume
15	that well, let me ask you this: Do you recall if
16	this motion was granted or denied?
17	A. It was granted.
18	Q. Okay. And so is it fair to say that you had
19	an attorney-client relationship with Miss Sosa-Avila
20	between February 13th, 2020 to about June 17th, 2020?
21	A. I had I had gone and I had represented
22	her, correct. That would have been during my
23	representation of her in court.
24	Q. Thank you. And showing you what's been
25	previously admitted as Exhibit 9, this is also a

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lovonthal, Todd on 05/20/2021 Page 22
1	Q. Thank you, Mr. Leventhal. Now, as I stated
2	earlier, I asked do you recall exactly when the
3	attorney-client privilege attorney-client
4	relationship between yourself and Miss Sosa-Avila
5	first began?
6	A. February 13, 2020.
7	Q. Okay. Thank you, Mr. Leventhal.
8	A. Thank you.
9	Q. And do you recall when that attorney-client
10	relationship ended between you and Miss Sosa-Avila?
11	A. I do not. Is that in my letter?
12	Q. It is not, but I can show you. I will show
13	admitted Exhibit Number 8 and 9, which is a motion to
14	withdraw as attorney. It looks like this was filed
15	June 17th of 2020. And is this do you recognize
16	this letterhead?
17	A. Yes, sir. That's my motion to withdraw.
18	Q. Okay. And is this I guess your electronic
19	signature?
20	A. Yes, sir. That's yes.
21	Q. And do you recall filing this motion?
22	A. I don't I don't actually file my motions,
23	it's all electronically filed, so I don't personally
24	do that. I have staff that does that, if that's
25	Q. Okay.

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lovenihel, Todd on 05/20/2021 Page 24 motion to withdraw as attorney of record. Does this 1 2 letterhead look familiar to you, Mr. Leventhal? 3 A. Yes, sir. 4 Q. And is this your electronic signature? 5 A. Yes, sir. Q. Thank you. And this is with regard to 6 7 Miss Sosa-Avila's case in justice court, Case Number 8 20F00283A. Now, Mr. Leventhal, to the best of your 9 ability do you recall if this motion was granted or 10 denied? 11 A. I believe it -- it was granted. 12 Q. Okay. Thank you. Showing you what's been 13 previously marked as Exhibit 4, Mr. Leventhal, do you 14 recognize what this document is that I'm showing you? A. It's a Register of Actions from, it looks 15 16 like Justice Court. 17 Q. Thank you. And then I'm going to scroll down just a little bit. And your motion to withdraw 18 was filed on June 17, 2020. Does this appear like a 19 20 correct record on this court docket? 21 A. It does, but without going into it, I don't know if that -- I mean, yeah, that would link up to 22 my motion to withdraw, the June 17, so that would be 23 that. Correct. 24 25 Q. Okay. It looks like based off this court

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
1	docket, it looks like the motion to withdraw was
2	granted on the 22nd of September of June 2020; is
3	that correct?
4	A. That's correct. So I filed the motion on
5	the 17th and it was heard on the 22nd.
6	Q. Thank you. Now, let me go back to your
7	initial, the beginning of the attorney-client
8	relationship with Miss Sosa-Avila. Now, you had
9	testified that the relationship, attorney-client
10	relationship began approximately on or about
11	February 13th of 2020; is that right?
12	A. That's correct.
13	Q. And when Miss Sosa-Avila retained you, was
14	there a retainer fee agreement executed?
15	A. There always is.
16	Q. Okay. I'm showing you what's
17	A. I answer that as I say I haven't looked at
18	it, but I always have a retainer agreement. They sit
19	down with my staff and myself and we go through it
20	with them.
21	Q. Okay. Showing you what's been previously
22	admitted as Exhibit Number 7, Mr. Leventhal, do you
23	recognize this document?
24	A. Yes, sir. It's my fee agreement.
25	Q. I'm going to scroll down just a little bit.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 27
1	Number 19F, as in "felony," 03827B.
2	Q. Okay. And, Mr. Leventhal, do you recall the
3	amount that was agreed upon between you and
4	Miss Sosa-Avila for your legal services?
5	A. Independently, no, but I'm looking at my fee
6	agreement. It says \$6,000.
7	Q. Okay. And that was for Exhibit 7 that I
8	just previously showed you in the retainer agreement?
9	A. That's correct. Page seven page one of
10	Exhibit 7.
11	Q. Okay. Thank you. Mr. Leventhal, at any
12	point did Miss Sosa-Avila pay you or attempt to pay
13	you the \$6,000 that was agreed upon?
14	A. Not that I know of, no.
15	Q. Okay.
16	A. And I say that because I don't take
17	payments. My staff is at my office all day, I'm
18	usually in court, and so people come in and make
19	payments to the staff and get receipts. So as I sit
20	here today, my staff has indicated that no payments
21	were made.
22	Q. Okay. Now, earlier you testified that there
23	was some sort of agreement between you and
24	Miss Sosa-Avila for her to bring in collateral; is
25	that correct?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventihal, Todd on 05/20/2021 Page 24
1	And are those the initials of Miss Avila, Sosa-Avila
2	at the bottom of this page?
3	A. I believe so, yes.
4	Q. And this was did you sign this document?
5	<ol> <li>My signature is not on this document, no.</li> </ol>
6	Q. Okay. And typically do you, when you
7	execute a retainer agreement, do you typically sign
8	the signature block for the attorneys?
9	A. Generally I do. I didn't sign this one.
10	Q. Okay.
11	A. But generally I do.
12	Q. And was this retainer agreement provided by
13	you to the State Bar?
14	MR. CLARK: Object
15	THE WITNESS: I don't know.
16	MR. CLARK: Object as vague.
17	CHAIRMAN EDWARDS: Overruled.
18	THE WITNESS: I don't know who gave it to
19	the State Bar, if I did or Mr. Clark did or Miss Sosa
20	did. I don't know.
21	BY MR. GOSIOCO:
22	Q. Okay. That's not a problem. I'll move on.
23	Mr. Leventhal, do you recall what the, I guess the
24	fee agreement was for Miss Sosa-Avila?
25	A. It was for a preliminary hearing on Case

#### INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

<ul> <li>A. Miss Sosa said that she didn't have money</li> <li>that day, she needed her warrant quashed. It's not</li> <li>as if she can go to a public defender's office if she</li> <li>needed it quashed that day, and she said she would</li> <li>bring me in collateral until she can pay me, which</li> <li>was going to be very soon.</li> <li>I don't remember how. Oftentimes around tax</li> <li>season people say, Oh, my taxes are coming in, I can</li> <li>pay you then. I can pay. And so she was somehow</li> <li>going to get the money, and she brought in the</li> <li>collateral that she suggested.</li> <li>Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>bring you or your office any items for collateral, as</li> <li>you just mentioned?</li> <li>A. She did.</li> <li>Q. Okay. Showing you what's been previously</li> <li>give me one second, let me share my screen one more</li> <li>time. Showing you what's been previously marked as</li> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> <li>Bar's letter of investigation dated August 13th,</li> </ul>	ŝ	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 28 evenihai, Todd on 05/20/2021
<ul> <li>as if she can go to a public defender's office if she</li> <li>needed it quashed that day, and she said she would</li> <li>bring me in collateral until she can pay me, which</li> <li>was going to be very soon.</li> <li>I don't remember how. Oftentimes around tax</li> <li>season people say, Oh, my taxes are coming in, I Can</li> <li>pay you then. I can pay. And so she was somehow</li> <li>going to get the money, and she brought in the</li> <li>collateral that she suggested.</li> <li>Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>bring you or your office any items for collateral, as</li> <li>you just mentioned?</li> <li>A. She did.</li> <li>Q. Okay. Showing you what's been previously</li> <li>give me one second, let me share my screen one more</li> <li>time. Showing you what's been previously marked as</li> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> </ul>	1	A. Miss Sosa said that she didn't have money
<ul> <li>needed it guashed that day, and she said she would</li> <li>bring me in collateral until she can pay me, which</li> <li>was going to be very soon.</li> <li>I don't remember how. Oftentimes around tax</li> <li>season people say, Oh, my taxes are coming in, I can</li> <li>pay you then. I can pay. And so she was somehow</li> <li>going to get the money, and she brought in the</li> <li>collateral that she suggested.</li> <li>Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>bring you or your office any items for collateral, as</li> <li>you just mentioned?</li> <li>A. She did.</li> <li>Q. Okay. Showing you what's been previously</li> <li>give me one second, let me share my screen one more</li> <li>time. Showing you what's been previously marked as</li> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> <li>Bar's letter of investigation dated August 13th,</li> </ul>	2	that day, she needed her warrant quashed. It's not
<ul> <li>bring me in collateral until she can pay me, which</li> <li>was going to be very soon.</li> <li>I don't remember how. Oftentimes around tax</li> <li>season people say, Oh, my taxes are coming in, I can</li> <li>pay you then. I can pay. And so she was somehow</li> <li>going to get the money, and she brought in the</li> <li>collateral that she suggested.</li> <li>Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>bring you or your office any items for collateral, as</li> <li>you just mentioned?</li> <li>A. She did.</li> <li>Q. Okay. Showing you what's been previously</li> <li>give me one second, let me share my screen one more</li> <li>time. Showing you what's been previously marked as</li> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> <li>Bar's letter of investigation dated August 13th,</li> </ul>	3	as if she can go to a public defender's office if she
<ul> <li>was going to be very soon.</li> <li>I don't remember how. Oftentimes around tax</li> <li>season people say, Oh, my taxes are coming in, I can</li> <li>pay you then. I can pay. And so she was somehow</li> <li>going to get the money, and she brought in the</li> <li>collateral that she suggested.</li> <li>Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>bring you or your office any items for collateral, as</li> <li>you just mentioned?</li> <li>A. She did.</li> <li>Q. Okay. Showing you what's been previously</li> <li>give me one second, let me share my screen one more</li> <li>time. Showing you what's been previously marked as</li> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> <li>Bar's letter of investigation dated August 13th,</li> </ul>	4	needed it quashed that day, and she said she would
<ul> <li>I don't remember how. Oftentimes around tax</li> <li>season people say, Oh, my taxes are coming in, I Can</li> <li>pay you then. I can pay. And so she was somehow</li> <li>going to get the money, and she brought in the</li> <li>collateral that she suggested.</li> <li>Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>bring you or your office any items for collateral, as</li> <li>you just mentioned?</li> <li>A. She did.</li> <li>Q. Okay. Showing you what's been previously</li> <li>give me one second, let me share my screen one more</li> <li>time. Showing you what's been previously marked as</li> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> <li>Bar's letter of investigation dated August 13th,</li> </ul>	5	bring me in collateral until she can pay me, which
<ul> <li>8 season people say, Oh, my taxes are coming in, I can</li> <li>9 pay you then. I can pay. And so she was somehow</li> <li>10 going to get the money, and she brought in the</li> <li>11 collateral that she suggested.</li> <li>12 Q. Okay. And did Miss Sosa-Avila, in fact,</li> <li>13 bring you or your office any items for collateral, as</li> <li>14 you just mentioned?</li> <li>15 A. She did.</li> <li>16 Q. And did you accept those items as</li> <li>17 collateral?</li> <li>18 A. We did.</li> <li>19 Q. Okay. Showing you what's been previously</li> <li>20 give me one second, let me share my screen one more</li> <li>21 time. Showing you what's been previously marked as</li> <li>22 Exhibit 11, would you read to yourself quietly again</li> <li>23 this first paragraph in your response to the State</li> <li>24 Bar's letter of investigation dated August 13th,</li> </ul>	6	was going to be very soon.
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<ul> <li>Exhibit 11, would you read to yourself quietly again</li> <li>this first paragraph in your response to the State</li> <li>Bar's letter of investigation dated August 13th,</li> </ul>	20	give me one second, let me share my screen one more
23 this first paragraph in your response to the State 24 Bar's letter of investigation dated August 13th,	21	time. Showing you what's been previously marked as
24 Bar's letter of investigation dated August 13th,	22	Exhibit 11, would you read to yourself quietly again
	23	this first paragraph in your response to the State
25 2020. Let me know when you're done.	24	Bar's letter of investigation dated August 13th,
	25	2020. Let me know when you're done.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 29
1	A. Just that one paragraph, sir?
2	Q. Just for now, yes, sir.
3	A. That's the "I am" that's the one I just
4	read, right?
5	Q. Yes, sir.
6	A. Okay. I've read it.
7	Q. Okay. Thank you. And do you recall if
8	Miss Sosa-Avila brought you or your office any
9	collateral in the month of February of 2020?
10	A. That's what I wrote, yes. I wasn't in my
11	office when she dropped off the collateral, so I $$
12	this is what I wrote.
13	Q. Okay. But it does state that
14	Miss Sosa-Avila did drop cff an iPhone as collateral;
15	is that correct?
16	A. She dropped off in a box a Louis Vuitton
17	purse, a diamond ring, and an iPhone, and it was
18	given to my staff and put it was safeguarded
19	where behind where our in the office.
20	Q. Okay. But you did write on February 27
21	Miss Sosa finally dropped off a drone and an iPhone
22	as collateral?
23	A. I see that. And, again, I don't
24	specifically know dates and times because I wasn't
25	there, so I know that I wrote that. But the iPhone

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 31
1	know, as I sit here, but that's what's in the letter.
2	Q. Okay. And with regard to the Louis Vuitton
3	wallet and the diamond ring that you had just
4	testified to, does it sound like does it sound
5	is it an accurate statement that around April of 2020
6	that Miss Sosa-Avila dropped off the wallet and the
7	ring as collateral?
8	A. I don't know what came first or second. If
9	that's what's in my letter, then that would be what's
10	in my letter, but again, I wasn't at my office when
11	she brought this stuff in.
12	Q. Okay. Thank you. Now, turning your
13	attention to actually, let me ask you this: What
14	ended up happening with the drone, the iPhone, the
15	wallet, and the ring?
16	A. So when I was speaking to let's take each
17	one of them. When I was speaking to her husband, it
18	was around the time of my son's birthday, and he
19	brought me in and said give it to my son. It's a
20	kid's drone. It's not a big it wasn't a big deal.
21	As far as the Louis Vuitton, the purse, the
22	diamond ring, and the iPhone, what happens is, like I
23	indicated, I go to court, I file a motion to quash
24	her bench warrant so she's nc longer in warrant
25	status. I then picked up a copy of the discovery,

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenshal, Todd on 05/20/2021 Page 30
1	was collateral. It came in on a different day. It
2	was not in a it was not in its own box, it was in
3	a brown box.
4	And there were three items in the brown
5	two items in the brown box, and then the iPhone came
6	after that. And the drone was actually given to me
7	by her husband. He brought that in and he said to
8	give it to my son. So the drone was not actually
9	collateral, that's a mistake. The drone was a gift
10	from her husband.
11	Q. Okay. But would you agree with me that
12	Miss Sosa-Avila dropping off the drone and the iPhone
13	happened around February of 2020?
14	MR. CLARK: Object. That misstates his
15	prior testimony.
16	CHAIRMAN EDWARDS: Overruled.
17	THE WITNESS: Can you repeat the question?
18	What?
19	BY MR. GOSIOCO:
20	Q. Yes. No problem. Would you agree that
21	does February 20 February of 2020, does that sound
22	about the right time or the correct time that
23	Miss Sosa-Avila dropped off a drone and an iPhone to
24	your office?
25	A. I wouldn't argue with you on that. I don't

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 32
1	that being the police reports.
2	I went back to my office, I then read
3	through I don't even know she, you know, how it
4	says February. It didn't occur to me until I read
5	through the police reports that, especially was
6	glaring the Louis Vuitton purse was something that
7	she was trying to sell to an undercover Metro
8	officer, and it was in the reports, and she admitted
9	to it in the reports.
10	And so when I went back, I looked in the box
11	and I saw there was the iPhone. And I double-checked
12	the discovery again, and again there was a stolen
13	iPhone that she was being charged with that I didn't
14	know when I went down to first represent her. I
15	found out through the discovery.
16	I then called contacted her. I told her
17	to come back, and she came in. And I said, Listen,
18	you can't I can't take stolen stuff. And she
19	agreed that it was stolen, and she agreed at that
20	time that it was going to be turned over to Metro
21	anonymously. And that's what I did, I turned it
22	over. I called a detective friend of mine, they came
23	over.
24	And this isn't the first time. I
25	received I was reminded of this about two,

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 33
1	three years ago somebody give me as a gift a painting
2	for my office. I looked up the painting. In fact,
3	the painting was stolen, so I turned it in to Metro
4	and it got back to the owner. And the owner was very
5	thankful. He called me up. He said, I appreciate
6	you turning that in. It was my father's. It got
7	stolen at McCarran International Airport, and he sent
8	me a thank you with a lithogram of the painting.
9	So, I mean, I deal in a world I guess that
10	people, you know, think they can give me stolen stuff
11	sometimes. And so my rule, what I'm known to do is
12	to, one, protect my client's confidentiality by
13	anonymously turning it in to Metro so it can get back
14	to its rightful owner.
15	When I told her that that's what I was going
16	to do, she didn't have an issue. She admitted that
17	it was stolen and understood. And then, I don't
18	know, and she filed a Bar complaint.
19	Q. Thank you, Mr. Leventhal. Now, you had just
20	previously you had just testified that
21	Miss Sosa-Avila or her husband had dropped off a
22	Louis Vuitton purse and a ring; is that correct?
23	A. Yes. The purse and a ring were in a box.
24	They're weren't in their own box, they were in a
25	cardboard box, a little brown box.

STATE DAD OF NEWADA CONTREPAN NEWADA DISCIDUNARY BOARD

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenital, Todd on 05/20/2021 Page 35 1 A. You know, I can't give you a date exactly. 2 It occurred to me, like I said, after I read through 3 the discovery. I don't read the discovery right away 4 when I pick up a case because usually we set out 5 preliminary hearings three, four months out, and so I 6 don't get back to my office, review it. 7 I usually tell the clients to come back 8 within 30 to 45 days and I'll review the discovery. 9 So it was after I reviewed the discovery that I came 10 to find out that the stuff that she had given as 11 collateral was stolen. I don't know when, though. 12 Q. Okay. Thank you. Do you recall -- you stated -- you testified that you had, once you had 13 14 realized that the items were stolen or allegedly 15 stolen, that you anonymously turned them in to Metro? 16 А. That's correct. 17 Q. Do you recall approximately when that was? 18 A. It was around the same time, within 30, 19 60 days, 90 days, I don't know. I don't exactly 20 know. But I do know that I called 311 to have an 21 officer come pick it up, but then they didn't come 22 over so I contacted Detective Aaron Perez with Metro. 23 He came over, he picked them up, and he put them in 24 anonymously to -- I don't know what department he 25 puts them in.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lovenihal, Todd on 05/20/2021 Page 34
1	Q. Okay. And to the best of your ability,
2	could you describe how the purse looked?
3	A. So it's not really a purse, it's more like a
4	wallet. It's a Louis Vuitton. It's about well,
5	there's a picture in the discovery, but it's about I
6	believe like a women's Louis Vuitton wallet. It's
7	about like, I don't know, a few inches wide and it
8	goes into a purse, I believe.
9	Q. Okay.
10	A. Does that answer your question?
11	Q. Yeah. Yes, it does. Thank you. Now, you
12	had stated that you had, you know, after reviewing
13	the discovery provided by the D.A.'s office, Clark
14	County D.A.'s office, that you had realized that the
15	items given to you by Miss Sosa-Avila or her husband
16	were allegedly stolen; is that right?
17	A. Well, yeah, allegedly. You can use
18	allegedly, but I believe that she admitted to the
19	undercover Metro officer who was investigating her
20	that it was stolen, so, but, yeah, she hadn't been
21	convicted of it yet. But, yes, they were stolen.
22	Q. Okay. And approximately when did you
23	realize, I guess when did you, approximately when did
24	you realize that the items were stolen or allegedly
25	stolen?

CTATE BAD OF NEVADA CONTREDM NEVADA DISCIDUNARY BOARD

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal. Todd on 05/20/2021 Page 36 Q. Okay. Now, do you recall if, I guess I'm 1 2 just trying to get a timeline. Do you recall if this -- you turned in those items anonymously before 3 4 or after your motion to withdraw? 5 A. As I sit here today, sir, I'm sorry, I don't -- I don't know offhand what came first. I 6 7 don't. I apologize. Not a problem. And I'm showing you what's 8 Q. 9 been previously marked as Exhibit 11. This is the letter, your response to our letter of investigation 10 11 dated August 13th, 2020. I'm going to scroll down to 12 the second page towards the signature. If can you read this highlighted portion quietly to yourself and 13 14 let me know when you're done. 15 A. I'm done. Q. Okay. Thank you, Mr. Leventhal. Let me ask 16 17 you the question again. Do you recall if you turned 18 in those items anonymously to Metro prior to your 19 withdrawal date or before your withdrawal date? 20 A. I don't know. I don't know specifically 21 when, the date that I turned them in. I don't know. 22 I know what I wrote here says since the withdrawal, 23 but I don't know if I did it before or after. I 24 believe I did it after at some point. I don't know. 25 Q. Okay. Thank you, Mr. Leventhal. Now, you

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 37		STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 3
1	had stated that Ms. Sosa-Avila admit to an undercover	1	and I know that the iPhone for certain. The ring
2	Metro officer for trying to sell stolen good; is that	2	was that was when I confronted her on it, because
3	correct?	3	she had given me stolen merchandise, she admitted to
4	A. That's correct.	4	it. So I believe the discovery only talks well,
5	Q. And those stolen the alleged items that	5	there's miscellaneous items in there, but speaks to
6	were stolen that she did dropped off at your office,	6	specifically the Louis Vuitton purse, and there's
7	namely the drone, the iPhone, the Louis Vuitton purse	7	specifically to the iPhone that did not come in any
8	or wallet, and the ring, was that were those the	8	box, except for the cardboard box, and the gold ring,
9	items that were alleged to have stolen in	9	she admitted that it was stolen, and then she knew I
10	Miss Sosa-Avila's criminal complaint that you	10	was going to be turning it in to Metro. Does that
11	provided to us?	11	clarify?
12	MR. CLARK: Objection, misstates his	12	Q. Yes, sir, it does.
13	testimony. He never said the drone was stolen.	13	A. I apologize.
14	BY MR. GOSIOCO:	14	Q. No, not a problem at all, sir. Now, you had
15	Q. Okay. Let me rephrase. As to the iPhone,	15	mentioned briefly that these items were in the
16	the Louis Vuitton wallet or purse, and the diamond	16	discovery. And were those items in the discovery of
17	ring, were those alleged to have been stolen?	17	the cases you represented Miss Sosa-Avila in?
18	A. In the discovery?	18	A. That's correct. That's why I received a
19	Q. Yes, sir.	19	copy of the discovery, because I was attorney of
20	A. Yes, sir.	20	record.
21	Q. And the	21	Q. Okay. And it looks like you only
22	A. I believe I'm sorry, I don't mean to cut	22	represented Miss Sosa-Avila in two criminal cases; is
23	you off, Mr. Gosioco.	23	that correct?
24	Q. Not a problem.	24	A. I believe so, yes, sir.
25	A. I know that the Louis Vuitton for certain,	25	Q. Okay. Now

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 39
1	A. What I believe is she had one, and then
2	while we were in the one, she picked up another case
3	at the hotel case. There's one where she let her
4	husband go in, she was a maid at the hotel, and she
5	let her husband go into the room, it's on a video,
6	and then walk out with the people's suitcases.
7	The other one she went into a vehicle that
8	was a vehicle, Detective Haynes, he was the
9	detective, he she went in and she ripped off, or
10	she stole credit cards for, I believe it was Home
11	Depot or Lowe's, and she went in there and bought a
12	bunch of stuff. That's and, again, I haven't
13	looked in a long time at her discovery, but I believe
14	those were two separate cases.
15	Q. Thank you. Now, showing you what's been
16	previously admitted as Exhibit Number 9, which is the
17	motion to withdraw, this case is, would you agree
18	with me that this case that you represented her on
19	was Case Number 20F00283A?
20	A. Yes.
21	Q. Thank you. And showing you what's been
22	previously marked and admitted as Exhibit 9 give
23	me one second. I apologize, Exhibit 5. Now, is this
24	the court docket for that case you withdrew from,
25	20F00283A?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 40
1	A. It looks to be, yes. That's the case
2	number. Yeah, I see it underneath Register of
з	Actions.
4	Q. Okay. And showing you what's been marked as
5	your Exhibit A, give me one second, let me is this
6	the criminal complaint that was filed pertaining to
7	that case you were representing Miss Sosa-Avila in?
8	A. Is that yeah, 20F283A, that's the
9	criminal complaint. That's one of them.
10	Q. Okay. And I'd like to just briefly discuss
11	this criminal complaint, if you don't mind. I'd like
12	to look at each count. So as to Count 1, it looks
13	like Miss Sosa-Avila was charged with conspiracy to
14	commit burglary; is that correct?
15	A. Correct.
16	I can't hear you. Did you
17	Q. I'm sorry. On this complaint for Case
18	Number 20F00283A, looking at Count 1 in the criminal
19	complaint, was Miss Sosa-Avila charged with
20	conspiracy to commit burglary?
21	A. Correct.
22	Q. And the highlighted portion on your screen,
23	could you read that yourself quietly and let me know
24	when you're done?
25	A. Okay.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 41
1	Q. Mr. Leventhal, is there any mention of an
2	iPhone, a Louis Vuitton purse or wallet, or a diamond
3	ring in Count 1?
4	A. No, but when you file a complaint, you
5	don't they don't need to allege everything in
6	there that's in the discovery.
7	Q. Okay.
8	A. No. I mean, to answer your question, no.
9	Q. Thank you. As to Count 2, a charge of
10	burglary for Miss Sosa-Avila, could you read this
11	highlighted portion to yourself quietly and let me
12	know when you're done?
13	A. Yes, I'm done.
14	Q. And in Count 2 is it alleged is does an
15	iPhone, Louis Vuitton purse or wallet, or diamond
16	ring appear anywhere in Count 2?
17	A. No, they when the State files a criminal
18	complaint, they don't allege every specific act in
19	the counts, so that's why it's just a broad forgery
20	or fraudulent use of a credit card, but they don't
21	talk about what she bought with the credit card.
22	It's, again, it's behind in the discovery. But, no,
23	it's not in there.
24	Q. Okay. And as to Count 3, possession of
25	credit card or debit card without cardholder's

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 43
1	Q. Okay. Thank you, Mr. Leventhal. Turning
2	your attention to the other case you represented
3	Miss Scsa-Avila in, it is 19F03827B, now did you
4	represent Miss Sosa-Avila in that case?
5	A. I'm trying to find the complaint on that.
6	Where is it?
7	Q. I can show you briefly what's been
8	previously admitted as Exhibit 8. Is this your
9	motion to withdraw as attorney of record for
10	Miss Sosa-Avila?
11	A. Yes, sir. So, yes. 19F03827B. That's
12	correct, I did represent her on that case as well.
13	Q. Okay. Thank you.
14	A. And that was the first case I represented
15	her, I believe, because the 19 would have been the
16	year, 2019, whereas the other case starts out 20, so
17	it would have been a 2020 case.
18	Q. Okay. And give me one moment to go to the
19	criminal complaint. Actually give me one second.
20	So turning to Exhibit A of your exhibits, I'm going
21	to go to page 18 in the discovery.
22	MR. CLARK: Counsel, is that Bates stamped 18?
23	MR. GOSIOCO: No. Let me it is Bates
24	stamped 55.
25	THE WITNESS: Is that A?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 42
1	consent, could you read quietly to yourself the
2	highlighted portion on the top of this page, as well
3	as the first two lines of the following page, and let
4	me know when you're done?
5	A. I'm done. I finished.
6	Q. Thank you. And is an iPhone, Louis Vuitton
7	purse or wallet, or diamond ring mentioned in Count
8	3?
9	A. No.
10	Q. Thank you. And lastly as to Count 4, could
11	you read this quietly to yourself, and let me know
12	when you're finished?
13	A. Yes, I'm done.
14	Q. And as to Count 4, is there any mention of
15	an iPhone, Louis Vuitton purse or wallet, or diamond
16	ring in Count 4?
17	A. No, it just says "goods, property, services,
18	or anything of value."
19	Q. Okay. And could you read the "to wit"
20	language?
21	A. To wit. Let's see, "To wit: By defendant
22	using said credit card to make a purchase at Home
23	Depot, the defendant not being the cardholder, nor
24	being authorized by the cardholder to use said card
25	or card number."
25	or card number."

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonihal, Todd on 05/20/2021 Page 44
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.
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.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 45		STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 46
1	Q. At the bottom of Bates stamp 56, and it's	1	A. Yeah. So if you if you go to page 57,
2	being shown on the screen, which I'm sharing, to the	2	the next page.
з	left-hand column it says "arrestees, witnesses, other	3	Q. Okay.
4	entities and properties"; is that right?	4	A. Okay. If you look down, see "type," where
5	A. That's correct.	5	it says "miscellaneous," and then there's "computers,
6	Q. So under the "property" section, based on	6	office equipment, stolen." And if you go to the next
7	your experience, if an item is alleged to have been	7	one, "miscellaneous," and you see "cellphone"?
8	stolen, is this the section where Metro officers	8	Q. Yes, sir.
9	would typically list alleged stolen items?	9	A. "Bicycle, worthless docs and items not
10	MR. CLARK: Objection. Speculation, lacks	10	listed stolen, Home Depot card used." So that would
11	foundation.	11	be where they would generally put what was stolen.
12	MR. GOSIOCO: And I was asking based on	12	So that would that's where I became aware that an
13	Mr. Leventhal's experience.	13	iPhone was stolen. And, again, cellphones, bikes,
14	CHAIRMAN EDWARDS: Overruled.	14	clothing, glasses. If you keep going, "type:
15	MR. CLARK: You haven't established his	15	Overnight bag, hat, glasses, contacts, miscellaneous
16	experience as to arrest records.	16	stolen with Discover red card, bicycle, worthless
17	MR. GOSIOCC: Sorry, was that objection	17	docs, cellphones." So that's where it would.
18	overruled, Mr. Chairman?	18	And then if you go down, the automobile of
19	CHAIRMAN EDWARDS: Yes.	19	Mr. Bowman, I believe he it was his automobile.
20	MR. GOSIOCO: Thank you.	20	Then it would go list into the automobile, Dodge
21	THE WITNESS: Sorry, what was the	21	pickup registered to Dean Bowman, what was taken.
22	question is in my experience is this where they would	22	So to answer your questions, yes, generally
23	put stolen property?	23	that's where they list the items, but they don't I
24	BY MR. GOSIOCO:	24	mean, you know, whether I don't know how deep and
25	Q. Yes, sir.	25	involved they get. They're still Metro officers that
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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 47 Leventhal, Todd on 05/20/2021 Page 47
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 stclen 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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 4
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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 49
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	<pre>automobile, parenthesis, not stolen or recovered,*</pre>

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 51 portion is concerned, there is no mention of an 1 2 iPhone, Louis Vuitton purse or wallet, or diamond 3 ring; is that right? A. It doesn't say iPhone, it says cellphone. 4 Q. Okay. And that is the type, but as far as 5 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. Q. Thank you. Going to the top of Bates stamp 13 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? A. Description is "overnight bag, had my 21 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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenithal, Todd on 05/20/2021 Page 50
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 52
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 scrclling 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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 53
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 55
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
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?

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 56 1 A. Yes, sir. Q. Thank you. And I'm highlighting a portion 2 3 in the details for probable cause on Bates stamp 75. Do you see that clearly on my screen, Mr. Leventhal? 4 A. Yes, sir, I do. 5 6 Q. Can you read that to yourself quietly and 7 let me know when you're finished? A. Yes, sir. 8 9 Yes, sir, I'm done. 10 Q. Now, in that highlighted portion, is there any mention of an iPhone, Louis Vuitton purse or 11 wallet, or diamond ring? 12 A. No, sir. 13 14 Q. And to the best of your knowledge in this report is there any mention of an iPhone, Louis 15 Vuitton purse or wallet, or diamond ring? 16 A. In this entire report? You want me to look 17 18 through it? Q. If you wouldn't mind, yes, sir. 19 A. Okay. Well, because I know how this 20 happened. When the undercover detective, the 21 22 Detective Haynes in this, what he did was he started 23 communication with Miss Sosa because he was trained to get the goods, the stuff that was stolen back for 24 Mr. Bowman. And in his course of his investigation, 25

1	through what's called, an app called OfferUp,	1	something along those lines. So, yes, there is
2	Miss Sosa told him that she had the Louis Vuitton	2	there is mention of a Louis Vuitton wallet in that
3	purse. It's if you go to number 83. Are you	2	report.
4	there?	4	0. Okay, But and how about the iPhone or
5	Q. Yes, sir.	5	diamond ring. Is that mentioned anywhere in the
6	A. So right there, stop. Do you see where it	6	report?
		e 7	•
	says "Louis Vuitton wallet" at the top right, and		A. Well, the iPhone okay, the phone was
	underneath it said \$650?	8	mentioned in the report as something that was stolen
'	Q. Yes, sir, I do.	9	out of the vehicle. The and the ring, like I
	A. Okay. Can you highlight that? And so	10	said, was admitted to, I don't remember if I saw
1	and so that's what she was trying to sell. Thank	11	anywhere in the ring. The Louis Vuitton was
:	you. That's what she was trying to sell the officer.	12	obviously the big one that popped out. And then
	That's where I found out that there was, in fact, a	13	when and then, like I said, she admitted to it
	Louis Vuitton wallet that was stolen, that was	14	when she came in. So I don't know if it's in the
;	that she had given to me as collateral. And that's	15	report.
	when I decided that I couldn't and then she also	16	Q. Okay. Thank you. I'd like to move on to
	admitted to it.	17	Case Number OBC20-0706 pertaining to a grievance
	So it is in the report, the Louis Vuitton	18	submitted to the State Bar by Zan Mitrov. Are you
	wallet. It's not just it's just not listed as a	19	familiar with that grievance?
	stolen item, but it is in the report. And when she	20	A. Yes, sir.
	was confronted about it in her interview down at	21	MR. CLARK: Mr. Chairman, is this are we
	Metropolitan Police Department, she then again	22	at a good time to take a comfort break? Unless
	admitted to it because the officer said, what about	23	CHAIRMAN EDWARDS: Sure. That's fine. Five
	the Louis Vuitton wallet that you were trying to sell	24	minutes?
	me, and she said, Oh, I found it in a car, or	25	MR. CLARK: Five minutes?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 59
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. GOSIOCC: 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

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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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 61
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.
0	MR. GOSIOCO: And I would object to those
1	statements as hearsay.
2	THE WITNESS: Sorry.
.3	CHAIRMAN EDWARDS: Overruled.
4	BY MR. GOSIOCO:
5	Q. But as far as the items that we've been
6	talking about, the iPhone and the diamond ring, you
7	didn't learn that those items were stolen through the
8	discovery, right?
9	A. Not specifically as to especially the
20	diamond ring, but the iPhone, I assumed that when it
1	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
4	to Case Number OBC20-0706 with Mr. Mitrov. You are
5	familiar with that grievance submitted by Mr. Mitrov,

5

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 63
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.

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1	correct?
2	A. I am, sir. Yes.
з	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

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1	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 64
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

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relationship started over?
A. Yeah, it was July 17, 2019.
Q. Okay. And do you know approximately how
long you were Mr. Mitrov's attorney for those
matters?
A. No, sir, I don't.
Q. And do you recall how many cases Mr. Mitrov
retained you on?
A. Specifically, no, because he had what
happened on this case, if I remember correctly, is he
had, he had purchased a stolen vehicle from a female
who the Metropolitan Police Department did not know
whether or not she had committed suicide or she was
killed. She basically fell off of the Turnberry
Towers.
And so he purchased her vehicle, which was a
\$150,000 BMW, he bought it for like \$5,000. When
they went to go investigate, they got it back. He
then repurchased it again from the same people,
knowing it was stolen. And then when they went to go
pick him up on the second time, they also found
methamphetamine on him, and he was driving with
methamphetamine on him.
So my point is is that he had the possession
of the stolen vehicle was one, with a number of

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
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

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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.

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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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 69
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

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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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 70
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

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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 attentio         8       to the first paragraph, the second page, and I'm         9       highlighting that portion on my screen. Can you se         10       that portion, Mr. Leventhal?         11       A. Yes, sir.         12       Q. Could you read that quietly to yourself, 1         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. CLARK: Objection. Compound.         21       BY MR. GOSIOCO:         22       Q. Let me rephrase. Did you ever have	ige 72
<ul> <li>A. Yes, sir.</li> <li>Q. And that is your signature at the bottom,</li> <li>correct?</li> <li>A. Yes, sir.</li> <li>Q. Thank you. I'd like to turn your attentio</li> <li>to the first paragraph, the second page, and I'm</li> <li>highlighting that portion on my screen. Can you se</li> <li>that portion, Mr. Leventhal?</li> <li>A. Yes, sir.</li> <li>Q. Could you read that quietly to yourself, 1</li> <li>me know when you're done?</li> <li>A. Yes, sir, I'm done.</li> <li>Q. Okay. Now, at any point during your</li> <li>representation of Mr. Mitrov between July 17, 2019</li> <li>through September, or through, excuse me, June 22,</li> <li>2020, were you ever in possession of one or more of</li> <li>MR. CLARK: Objection. Compound.</li> <li>BY MR. GOSIOCO:</li> </ul>	
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<ul> <li>5 correct?</li> <li>A. Yes, sir.</li> <li>Q. Thank you. I'd like to turn your attention</li> <li>8 to the first paragraph, the second page, and I'm</li> <li>9 highlighting that portion on my screer. Can you see</li> <li>10 that portion, Mr. Leventhal?</li> <li>A. Yes, sir.</li> <li>Q. Could you read that quietly to yourself, 1</li> <li>13 me know when you're done?</li> <li>14 A. Yes, sir, I'm done.</li> <li>15 Q. Okay. Now, at any point during your</li> <li>16 representation of Mr. Mitrov between July 17, 2019</li> <li>17 through September, or through, excuse me, June 22,</li> <li>18 2020, were you ever in possession of one or more of</li> <li>19 Mr. Mitrov's vehicles?</li> <li>20 MR. CLARK: Objection. Compound.</li> <li>21 BY MR. GOSIOCO:</li> </ul>	
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<ol> <li>Q. Okay. Now, at any point during your</li> <li>representation of Mr. Mitrov between July 17, 2019</li> <li>through September, or through, excuse me, June 22,</li> <li>2020, were you ever in possession of one or more of</li> <li>Mr. Mitrov's vehicles?</li> <li>MR. CLARK: Objection. Compound.</li> <li>BY MR. GOSIOCO:</li> </ol>	
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<ul> <li>18 2020, were you ever in possession of one or more of</li> <li>19 Mr. Mitrov's vehicles?</li> <li>20 MR. CLARK: Objection. Compound.</li> <li>21 BY MR. GOSIOCO:</li> </ul>	
19 Mr. Mitrov's vehicles? 20 MR. CLARK: Objection. Compound. 21 BY MR. GOSIOCO:	
20 MR. CLARK: Objection. Compound. 21 BY MR. GOSIOCO:	
21 BY MR. GOSIOCO:	
22 Q. Let me rephrase. Did you ever have	
<pre>23 possession of any of Mr. Mitrov's vehicles?</pre>	
24 A. Yes, sir. I don't know the dates, but, ye	s,
25 I did.	

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenitikal, Todd on 05/20/2021 Page 73
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lavonthal, Todd on 05/20/2021 Page 75
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?

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	Leventhal, Todd on 05/20/2021 Page 7
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?

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 76
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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 7
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.

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A. None. I saw it. I never sat in it. I never drove it. I didn't want it. It was news to me that he indicated that he was going to give it to me.
that he indicated that he was going to give it to me.
I wouldn't have taken it. I didn't want his
Maserati.
Q. Did you ever ask for title to it?
A. No.
Q. Did you ever say you wanted to give it to
your wife?
A. My wife drives a little Fiat. She wouldn't
even know how to drive a Maserati.
Q. Okay. We can move on to Sosa-Avila. Might
as well stick with our exhibits. Let's scroll up to
Exhibit C, as in "Clark." I'll show you what's been
admitted as Exhibit C. Do you recognize this?
A. Do I?
Q. Yes.
A. It looks yes. This is the portion of the
interview between Detective Haynes and Miss Sosa.
It's what's called a Voluntary Statement. Miss Sosa
was arrested on this, and then was questioned at the,
down at the Metropolitan Police Department.
Q. Do you know if this was part of the
discovery?
<ol><li>I don't know if this was part of the first</li></ol>

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 78
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 8
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 ciscovery, 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
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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 81
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 83
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	λ. Yes, sir.
25	Q. Two lines down, a question from the

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventihal, Todd on 05/20/2021 Page 82
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.

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<ul> <li>What?</li> <li>Question: Yeah.</li> <li>though. I'm just curious about</li> <li>Did you have any under</li> <li>were other investigations that</li> <li>Amalia Sosa-Avila?</li> <li>A. Yes, there were multip</li> <li>Q. And page 121, Leventha</li> <li>A. Yes, sir, I'm there.</li> <li>Q. Just at about the midd</li> </ul>	e house. ent way before then. It's not my case
3       "Answer: Like he w         4       What?         5       "Question: Yeah.         6       though. I'm just curious about         7       Did you have any under         8       were other investigations that         9       Amalia Sosa-Avila?         10       A. Yes, there were multip         11       Q. And page 121, Leventha         12       A. Yes, sir, I'm there.         13       Q. Just at about the midd         14       "Question: So a         15       is how this is what it looks         16       mean, you you just told me t         17       dude, I mean, he told you he ca         18       And she goes, "Answer:         19       He goes, "Question: S         20       up on some stuff.	ent way before then. It's not my case
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16 mean, you you just told me t 17 dude, I mean, he told you he ca 18 And she goes, "Answer: 19 He goes, "Question: S 20 up on some stuff.	ll right. Well this
17     dude, I mean, he told you he ca       18     And she goes, "Answer:       19     He goes, "Question: S       20     up on some stuff.	like right now. I
18 And she goes, "Answer: 19 He goes, "Question: S 20 up on some stuff.	oo like this Shorty
He goes, "Question: S 20 up on some stuff.	ne up on some*
20 up on some stuff.	Sporty."
	oorty, sorry. He came
21 *Answer: After.	
22 "Question: And the	h he gave it to you.
23 I mean, so you're tellin' me yo	••••••
24 property from this dude knowing	
25 it?"	v received stolen

Answer: No, I found out afterwards.
Do you know whether or not that did you
discuss that exchange with your client specifically?
A. I don't believe I did. I don't know if I
did. I don't know if we got into the meat and into
the weeds of this Voluntary Statement.
But it was after I read this Voluntary
Statement that I knew that that's when I went back
and I looked at what was in the box, and so that's
when I found out, and then she came in and we had
that conversation. I don't know how many how deep
I got into it with her.
Q. Okay. And then I'm going backwards just a
moment, Leventhal 122.
A. Okay, I'm there.
Q. Top of the page.
"Question: You knew straight up that it
was stolen. You knew that. You just told me you
did, right?
"Answer: I was kind of hoping it wasn't,
I guess."
A. Yes.
Q. "Question: Right. You knew though. I
mean, you just told me you knew. You just explained
to me what it means. So you guys received stolen

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 87
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 86
1	property from some dude that apparently owes you
2	money and you went and used the stclen 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?

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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.

	STATE BAR OF NEVADA SQUTHERN NEVADA DISCIPLINARY BOARD Lovonthal, Todd on 05/20/2021 Page 89
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 91
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenitual, Todd on 05/20/2021 Page 90
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 guash a
9	warrant
0	A. Correct.
1	Q was your testimony earlier?
2	A. Yes.
3	Q. And you, in fact, quashed the warrant?
4	A. Yes, I did.
5	Q. And she had not paid you anything at that
6	point?
7	A. That's correct.
8	Q. But she had signed a retainer agreement you
9	testified to earlier, State Bar's 7. Show you State
0	Bar's 7.
1	A. Yes.
2	Q. And that is your retainer agreement,
3	correct?
4	A. Yes, sir.
5	Q. And at the bottom, toward the bottom.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 92
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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
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	ло.
24	Q. Okay. Yeah, let's go back to 7. You
25	pointed out on page one of the retainer agreement.

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 95 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 ο. Okav. 14 Α. But it was not like it was top of my mind. I mean, I have a lot of clients, and I'm in court 15 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.

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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,

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 96 1 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 can't link her into it. But yet if somebody looks at 6 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? CHAIRMAN EDWARDS: Certainly. Be back in 25

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.
5	REDIRECT EXAMINATION
7	BY MR. GOSIOCO:
3	Q. Just briefly. Mr. Leventhal, throughout the
)	course of these proceedings and the underlying
0	grievance, did you have a chance to correspond with
1	Louise Watson, an investigator with our office?
2	A. Orally? I mean, on the phone? I don't know
3	if I've ever spoken to her. I know I never met her.
4	I think communications were either email and that's
5	it. She did I believe she contacted she might
6	have contacted me once and indicate that she had
7	looked up at least Zan Mitrov's criminal hearings,
8	and then she there was a question to me regarding,
9	because I had written in my response that he was
0	charged with possession of a stolen vehicle and other
1	things, but when she looked it up, it wasn't there.
2	So I have I sent her a copy of the
3	discovery. I don't believe if I spoke to her or it
1	was just done by email. Does that answer your
5	questions? I'm not sure what you're getting at or

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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?
B	A. Good.
9	Q. Now, Miss Watson, how are you employed?
0	A. I'm a paralegal investigator with the Office
1	of Bar Counsel.
2	Q. And how long have you been employed in that
3	capacity?
4	A. In that role, about 11 years.
5	Q. And, Miss Watson, are you familiar with the
6	underlying grievances that brought us here today?
7	A. Yes.
8	Q. And it looks like there are two underlying
9	cases: One regarding Miss Amalia from Miss Amalia
0	Sosa-Avila and Mr. Zan Mitrov. Were you assigned to
1	those cases?
2	A. Yes.
3	Q. And it looks like as to Miss Sosa-Avila
4	there was a grievance submitted by her regarding
5	Mr. Todd Leventhal on June 28, 2020; is that correct?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 88
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:

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 100
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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonihal, Todd on 05/20/2021 Page 101
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

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Loventhal, Todd on 05/20/2021 Page 103 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 Miss Sosa-Avila did, in fact, drop off items for 6 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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Laventhal, Todd on 05/20/2021 Page 102
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
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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
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
£	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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 105
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 and 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

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 107 1 Q. Okay. You had testified that at the time of 2 Mr. Leventhal's response, he no longer had possession of the Viper? 3 A. Correct. 4 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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 106
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.

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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
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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 109
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 111
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 110
1	CHAIRMAN EDWARDS: Okay. And I apologize to
2	the panel members, I should have done this last time
з	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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Loventhal, Todd on 05/20/2021 Page 112
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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 113	I
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	1
11	the point to her suggesting it.	1
12	Q. The ultimate point was you wanted \$6,000 in	1
13	cash. That's fair, right, or payment?	1
14	A. Payment. Yeah, let's say payment. Yes.	1
15	Yeah, that's what I wanted for two cases, felony	1
16	cases.	1
17	Q. All right. And then she brought the,	1
18	basically as collateral security to show that she was	1
19	going to pay; is that fair?	1
20	A. Yes, sir.	2
21	Q. Okay. Then so I'm clear, the first time	2
22	that she brought something, it was in a box that you	2
23	didn't look at, right?	2
24	A. That's correct.	2
25	Q. Okay. Did your staff tell you that there	2

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 115
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?
2	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
6	returned I gave the painting over to Metro, they
7	then looked through and found out who the owner was
18	through the police report, sent it to him, and I
9	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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 114
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 116
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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 117		STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 11
1	looked at that we went through, there's a team there	1	exhibit, which is the August 13, 2020 letter that you
2	just in burglaries, per se, and they'll go through	2	had drafted, I think the State Bar may have already
з	reports and look to see, oh, hey, we've got in	3	asked this, but did you draft this letter?
4	over here we've got a Louis Vuitton wallet that's	4	A. I don't I don't think I did because, to
5	connected to this vehicle break-in, and then they'll	5	be honest with you, I wouldn't have known the dates
6	connect it that way. They can do that. It's like	6	and the times and that stuff. So, you know, I
7	guns but with serial numbers, and it would be the	7	reviewed it before I signed it, obviously.
8	same way that they connect cases with items and	8	And so I take I take responsibility for
9	merchandise.	9	its contents, but whether I drafted it or not, I
10	But the fact is that Mr Detective Perez	10	don't remember because, like I said, you know, when
11	never put my name or associated with my name. Just	11	I'm in court all day every day, its hard for me to
12	like the painting, my name was not associated. The	12	understand and know dates and times specifically.
13	gentleman who I we sent it back to requested my	13	So I don't think that I, I would have
14	name so that he could thank me. But there's no	14	outlined it. I wouldn't have put in the dates and
15	connection here, so Mrs. Sosa-Avila will never be	. 15	times, I know that. But I take full responsibility
16	connected to that merchandise.	16	for it and its contents.
17	MR. CLARK: Well, you don't know.	17	Q. Okay. So that's like a live signature
18	THE WITNESS: Well, not not anything that	18	that's on page SBN Exhibit 11 page 002?
19	I would do.	19	A. Yes, that is my signature.
20	COMMISSIONER LEE: Mr. Clark, please don't	20	Q. It's a live signature or is something that
21	interject.	21	you just
22	MR. CLARK: I apologize. I apologize for	22	A. No, that's not that's a that would be
23	that.	23	a live that would be a live signature. My stamp
24	BY COMMISSIONER LEE:	24	signature doesn't look like that.
25	Q. So with Exhibit 11, which is the State Bar's	25	Q. Do you know in your office who would have

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 119
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
0	paralegals. It would have been a paralegal. And I
1	don't have one now. I'm looking for one, so it would
2	have been a paralegal that did it.
з	Q. So you understand that the point of this
4	letter was to respond to the grievance from the State
5	Bar; is that fair?
6	A. Yes, sir. Absolutely.
7	Q. And I suppose you reviewed well, we know
8	you reviewed it. So you wanted to make yeah, you
9	wanted to make sure it was as accurate as possible;
٥	is that right?
1	A. Absolutely. And, again, I take full
2	responsibility for its contents. I just I signed
3	it. I reviewed it. I read it before I signed it.
4	So, yeah, but I do take responsibility for its

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 120 1 possible, ves, 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? A. My mistake. It was not part of the 5 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? A. Yes. 24 25 And then at no point was there ever a Q.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 121
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.

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1	EXAMINATION
2	BY COMMISSIONER MOORE:
3	Q. Good morning, Mr. Leventhal. Who dropped
4	the drone off to you?
5	A. I apologize?
6	Q. Who dropped the drone off to your office?
7	A. I wasn't there, but I was told that it was
8	the her husband.
9	Q. Well, in these documents it says she dropped
10	it off with the iPhone. So who was it? I don't
1	understand. I mean, your
2	A. Well
13	Q story is your story, but I'm not sure who
14	dropped the drone off to you, because in these
15	documents it says she did, and you're telling me he
6	did and how happy he was to give it to your son and
7	to thank you?
8	A. Well, I don't want to split hairs, but they
9	came in together quite a bit. And when I say he did
20	it's because it was the I never had a conversation
21	with her about giving my son a drone, it was him. He
22	was the one who wanted to give it to me to give to my
23	son.
4	So they came in together. So when I say he
5	did, I'm not I guess specifically who did it, I

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 122
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhat, Todd on 05/20/2021 Page 124
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 cr 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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lowenthal, Todd on 05/20/2021 Page 125
1	λ. 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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD eventihal, Todd on 05/20/2021 Page 12
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

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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?

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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. GOSIOCC: 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?

<ul> <li>A. Yes, I do.</li> <li>Q. And how do you know Mr. Leventhal?</li> <li>A. I know him since two thousand 2013.</li> <li>Friend of mine, he was in trouble, and he was his lawyer, so that's how I, that's how I met him in 2013.</li> <li>Q. Okay. And at any point since 2013, did you retain Mr. Leventhal as an attorney for yourself?</li> <li>A. Yes. Yes. Back in 2019, I did have a little trouble with the law, and I had a lawyer by</li> </ul>
<ul> <li>A. I know him since two thousand 2013.</li> <li>Friend of mine, he was in trouble, and he was his lawyer, so that's how I, that's how I met him in 2013.</li> <li>Q. Okay. And at any point since 2013, did you retain Mr. Leventhal as an attorney for yourself?</li> <li>A. Yes. Yes. Back in 2019, I did have a</li> </ul>
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<pre>lawyer, so that's how I, that's how I met him in 2013.</pre>
<ul> <li>2013.</li> <li>Q. Okay. And at any point since 2013, did you retain Mr. Leventhal as an attorney for yourself?</li> <li>A. Yes. Yes. Back in 2019, I did have a</li> </ul>
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retain Mr. Leventhal as an attorney for yourself? A. Yes. Yes. Back in 2019, I did have a
A. Yes. Yes. Back in 2019, I did have a
little trouble with the law and I had a lawyor by
fittle trouble with the law, and I had a lawyer by
the name of Pandullo, and he did have some kind of
issue with, I believe he lost his license and he
didn't, he didn't show up at court so I got a warrant
issue. And I was back home, when I got back, I hired
Todd Leventhal be my lawyer back in July 2019.
Q. Okay. Now, you testified that around July
of 2019 you had hired Mr. Leventhal as your attorney?
A. Correct, yes. July 23rd to be precise.
Q. Okay. And do you recall when Mr. Leventhal
stopped being your attorney?
A. June, he file motion to withdraw as a
counsel June 22nd of 2020.
Q. Thank you, Mr. Mitrov. Now, turning your
attention to the instant matter, did you file a
grievance against Mr. Leventhal with the State Bar of

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 131
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD eventihal, Todd on 05/20/2021 Page 130
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.

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 132 1 Mr. Leventhal? 2 A. No. Actually I was busy and I sent friend of mine to take it to him. 3 Q. Okay. But to the best of your knowledge did 4 Mr. Leventhal, in fact, take that Maserati? 5 A. Yeah. He left -- he left at his office, my 6 7 friend. And then I sent him a gift back. Q. Okay. Now, you had testified that around 8 9 July of 2019 you let Mr. Leventhal borrow your Dodge Viper; is that correct? 10 11 A. That's right, yeah. Q. At any point between July 2019 and 12 13 June 2020, did you ask to get to pick up your Viper from Mr. Leventhal? 14 A. Yeah. Towards like February or March of 15 2020, yes. Yes, I did. 16 17 Q. Okay. Did you ask him one time or how many times did you ask Mr. Leventhal to pick up your Viper 18 from him? 19 A. A couple times or maybe few -- three times. 20 21 MR. GOSIOCO: Okay. And, Mr. Chairman, the 22 State Bar would move to admit Exhibit 12, Mr. Mitrov's grievance that's being shared on the 23 24 screen into evidence. CHAIRMAN EDWARDS: Mr. Clark? 25

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 133
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	MR. GOSIOCO: Thank you, Mr. Chair.
7	BY MR. GOSIOCO:
8	Q. Now, Mr. Mitrov, briefly, I did see at the
9	bottom of this grievance you attached some documents
10	to the State Bar; is that right?
11	A. Yes. Yes, I did.
12	Q. Okay. And I see right here it looks like
13	you submit some text messages?
14	A. Uh-huh.
15	Q. And is that correct?
16	A. That's right, yes.
17	Q. Thank you. Now, I'm showing you what's been
18	previously marked as Exhibit 19 of the State Bar's
19	exhibits. Now, Mr. Mitrov, does this document look
20	familiar to you?
21	A. Yeah. It brings back memories.
22	Q. And can you describe to me what this
23	document shows?
24	A. Communication between me and Mr. Leventhal,
25	text messages.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lovonithal, Todd on 05/20/2021 Page 135
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 134
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?

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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.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 137
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,

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 139
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	λ. Yeah.
23	Q. And the text message says, "Brother. You
24	bringing the Viper?" Is that an accurate statement?
25	λ. Yeah.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 138
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.

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#### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 140 Q. Thank you. Scrolling down just a little bit 1 2 more, it looks like March 4. Is that in 2019 or 2020? 3 '20. 4 Α. 5 Q. 2020? 6 A. 2020, yes, sir. Q. Thank you, sir. And it looks like this is 7 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 highlight this portion for you. Did you send this 11 text message to Mr. Leventhal on March 4, 2020? 12 13 A. Yes, I did. Q. And that states, "Brother I need someone to 14 bring me Viper to my office I have no car I'm using 15 Lyft. I don't like it to many crazy drivers. Thank 16 17 you." Is that an accurate text message from you to Mr. Leventhal? 18 19 A. Yes, it is. 20 Q. Thank you. Okay. And it looks likes 21 there's a conversation here right after you told Mr. Leventhal that you would be -- you wanted the 22 Viper and you'd been using Lyft. I'm going to 23 highlight four messages. It looks like two from 24 25 Mr. Leventhal and two from you; is that correct?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 141
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonthal, Todd on 05/20/2021 Page 143
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 Vipertoday." "Wife not happyI 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 Vipercommon 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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 142
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 14
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Laventhal, Todd on 05/20/2021 Page 145
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 147
1	So you submitted your grievance to the State Bar
2	regarding Mr. Leventhal on or about June
з	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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 146
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.

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ł	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 148 eventhal, Todd on 05/20/2021 Page 148
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	dian'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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 149 Leventhal, Todd on 05/20/2021 Page 149
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 l'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

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonithal, Todd on 05/20/2021 Page 151 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. Did you ever tell the State Bar, "He paid me"? 5 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 misunderstanding I guess between me and him. 18 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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 150
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.

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021

	Leventnal, 1000 on 05/20/2021 Page 152
1	MR. CLARK: I appreciate your efforts.
2	Thank you.
з	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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 153
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	λ. 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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 155
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 154 Leventhal, Todd on 05/20/2021 Page 154
1	A. I drove my Mercedes \$550.
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 156
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

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1	restitution?
- 1	
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	λ. 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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2023 Page 159 Page 159
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 sc I can continue doing my
L 4	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.
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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 158 Leventhal, Todd on 05/20/2021 Page 158
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

#### INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 160 Q. So 48 hours of you asking for it, he gave it 1 2 to you? 3 A. After -- yes, after the complaint, yes, he 4 did, sir. Q. Okay. You said "after I asked," but you 5 testified earlier that you had been asking several 6 7 times throughout the year and he never gave it to 8 you? 9 A. Well, what I meant is after the, after the complaint I did call him and he said, Okay, I will 10 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 up. I said yes. He send me the address and I went 13 and picked it up. That was somewhere like the end of 14 15 July I believe, 2020. Q. And you said, "He also gave me money to 16 cover my rental cost from June 5th to June 30th"? 17 A. Yes. He was kind enough and he did that, 18 19 yes. Q. Is that the first time you've ever told the 20 21 State Bar that? 22 A. Yes, I did. First time, correct. 23 Which was last week? Q. 24 Which was last week. Α. Q. You said, "I will hire a lawyer for this 25

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 161
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 163
1	A. That's right.
2	Q. Is that correct?
3	A. Uh-huh.
	Q. Paragraph ten, "Mr. Mitrov confirmed that he
5	retained Mr. Leventhal as his attorney, that he let
5	Mr. Leventhal borrow his Viper, that he asked
7	Mr. Leventhal multiple times via text to return the
3	Viper, and he had to pay over \$5,000 to rent a
9	vehicle as he didn't have his Viper." Did you tell
5	her that?
1	A. I cannot recall that, sir.
2	Q. That specific part, that you had to pay
3	\$5,000 to rent a vehicle because you didn't have the
4	Viper, did you tell her that?
5	A. I cannot recall that. I don't remember
6	saying that.
7	Q. Okay. It was last week. You don't recall
B	any of it?
9	A. I don't recall, no.
0	Q. Paragraph 11, "Mr. Mitrov agreed to sign a
1	declaration regarding certain facts in this case."
2	Do you see that?
3	A. I see it.
4	Q. In your conversation with Mrs. Watson on
5	May 12th, 2021, did you agree to sign a declaration

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i	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 162 Leventhal, Todd on 05/20/2021 Page 162
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 164
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 165
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	λ. 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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 167
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

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i	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 166
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Pago 168
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.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventibal, Todd on 05/20/2021 Page 169
1	THE WITNESS: No, I dian'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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 171
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 170
1	(Discussion off the record.)
2	BY MR. CLARK:
з	Q. Mr. Mitrov, can you hear me?
4	A. Yes, I can.
5	Q. You testified to a series of text messages
6	between you and Mr. Leventhal. Do you recall that
7	testimony?
8	A. I testified what, sir?
9	Q. You testified that the text messages you
10	submitted with this grievance were between you and
11	Mr. Leventhal?
12	A. Uh-huh. Yes, I did.
13	Q. And in there you call each other "brother"?
14	A. Yes, we did.
15	Q. Why do you do that?
16	A. Because he mention that I remind him of his
17	brother, and that's how we start calling each other.
18	Q. Okay. Now, these text messages, were they
19	the only communications between you and
20	Mr. Leventhal?
21	A. No, we saw each other in person, too.
22	Q. Did you also talk on the telephone?
23	A. Few times we did, yes.
24	Q. Okay. In response to your text messages
25	that you listed here in State Bar's Exhibit 19, did

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 172
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

## INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

	Levenihal, Todd on 05/20/2021 Page 17:
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?

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	Α.	Yes.
	۵.	Do you know why the Maserati was at the
	shop?	
l	А.	Why was at the shop? I have no idea.
5	Q.	Do you know who took it to the shop?
5	А.	Don't know.
7	٥.	Do you know if it was Mr. Leventhal?
3	А.	I don't know, sir. I don't know.
9	٥.	Do you know how he knew the Maserati was at
0	the shop	o?
1	А.	How he knew?
2	Q.	Yeah.
3	А.	Either he took it or he send somebody to
4	take it	there. I don't know.
5	Q.	Okay. Your testimony was that your
6	associat	e dropped it off at his office, correct?
7	А.	Correct.
B	Q.	Okay. Do you know how the Maserati got from
9	his offi	ce to the shop?
0	А.	I don't know, sir.
1	Q.	Did you ever ask him?
2	Α.	No, I did not.
3	Q.	Did you ever wonder?
4	λ.	Did I ever wonder?
5	۵.	Wonder why it was at the shop?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 174
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?

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А.	No.
Q.	Do you know if the shop effected any repairs
on the	Maserati?
А.	Not that I could tell when I picked it up.
Q.	What kind of shop was it?
Α.	A car shop, body shop.
Q.	Do you know if they did any work on the car?
λ.	Didn't look like they did anything, no.
Q.	It didn't look like they did any work?
A.	There was nothing changed on the car, so I
don't }	now if they did or they didn't, sir, no.
Q.	Did you have to pay this shop to get the
Maserat	.i?
Α.	No.
Q.	Do you remember the name of the shop?
Α.	Don't remember the name. I remember it was
on Spri	ing Mountain and Jones.
Q.	And you have no idea why it was there?
A.	I have no idea. Never asked.
Q.	You never asked why it was there?
A.	No.
	MR. CLARK: One moment.
	I will pass the witness.
	CHAIRMAN EDWARDS: Okay. For the State Bar?
	MR. GOSIOCO: Thank you, Mr. Chairman.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 177
1	REDIRECT EXAMINATION
2	BY MR. GOSIOCO:
3	Q. Mr. Mitrov, I want to turn your attention to
4	exhibit, let's see, Mr. Leventhal's exhibit, I
5	believe it was D. Give me one second.
6	Mr. Mitrov, can you see my screen?
7	A. I can.
8	Q. Okay. And you had testified that you
9	recognize this document, correct?
10	A. Yes, I do.
11	Q. And you had testified that this is your
12	signature right here; is that right?
13	A. Yes, it is.
14	Q. Now, Mr. Mitrov, did you write this
15	declaration or affidavit?
16	A. Write it with a pen, no, I did not with a
17	pen, no.
18	Q. So all the typed writing over here, you did
19	not write that, correct?
20	A. I just signed with my writing, yes.
21	Q. Okay. But it's your testimony that you did
22	not write any of these words above your signature; is
23	that right?
24	A. I don't understand, sir.
25	Q. So from page one, this page right here.

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021

<ul> <li>Mr. Leventhal gave you money for the rental</li> <li>MR. CLARK: Objection. Speculation.</li> <li>CHAIRMAN EDWARDS: Overruled.</li> <li>OSIOCO:</li> <li>And I'll repeat the question, Mr. Mitrov.</li> <li>Okay.</li> <li>So you had testified that Mr. Leventhal gave</li> <li>y to cover your rental costs; is that right?</li> </ul>
CHAIRMAN EDWARDS: Overruled. OSIOCO: And I'll repeat the question, Mr. Mitrov. Okay. So you had testified that Mr. Leventhal gave
CHAIRMAN EDWARDS: Overruled. OSIOCO: And I'll repeat the question, Mr. Mitrov. Okay. So you had testified that Mr. Leventhal gave
OSIOCO: And I'll repeat the question, Mr. Mitrov. Okay. So you had testified that Mr. Leventhal gave
And I'll repeat the question, Mr. Mitrov. Okay. So you had testified that Mr. Leventhal gave
Okay. So you had testified that Mr. Leventhal gave
So you had testified that Mr. Leventhal gave
-
v to cover your rental costs: is that right?
,
That's right.
In your opinion why do you think
nthal gave you that money for the rental car?
Just to be kind, I guess. I don't know.
Thank you. Now, there was some discussion
additional hold on one second. Just to
when Mr. Clark was asking you questions, you
ed that in one day Mr. Leventhal told you
Viper was in the shop and that you should go
is that right?
That's right.
And just to clarify, that conversation
after you had filed the grievance with the
r, correct?
Yes.
And one more point of clarification. There

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonihal, Todd on 05/20/2021 Page 178
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Loventhal, Todd on 05/20/2021 Page 180
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. Car 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

i	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD eventhal, Todd on 05/20/2021 Page 181
1	fair to say that you guys had a friendship during
2	that time?
3	A. Not a friendship, nc. 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

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 183
Mr. Mitrov?
A. Yes, sir.
Q. You said that you let Mr. Leventhal have the
cars as a friend, not as your attorney; is that
correct?
A. That's right.
Q. And your occupation involves buying and
driving and selling cars, correct?
A. That's not my main occupation, no. I like
vintage cars, and when I have a chance and when
there's a good deal, I buy it.
Q. But you're familiar with buying cars and
their cost?
A. What do you mean "familiar"?
Q. I mean, how many cars as part of this
you say, "I buy and drive vintage cars." How many
times have you done that?
A. Well, on those two cars where I bought
the I got the Viper from a friend for 36,000, and
I paid him over two years in partial payments, so
that for me is a good deal. It's a good investment.
Q. You invested when you had this, the Viper
with Mr. Leventhal, you had done you had purchased
other vintage cars, correct, by this time?
A. That year, no. No, I did not, no.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 182 eventhal, Todd on 05/20/2021 Page 182
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.

CTATE DAD OF NEWADA SOUTHERN NEVADA DISCIPLINARY BOARD

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i	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 184 Leventhal, Todd on 05/20/2021 Page 184
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 185
1	back.
2	Q. Now, you said that the Viper was he had
з	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	$\lambda$ . 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

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 187 associate delivered the Maserati to Mr. Leventhal's 1 2 office? A. Nate Savino, he took it somewhere in 3 February, I believe. 4 5 Q. Okay. Or end of January. 6 Α. 7 Q. I'll represent to you the State Bar's complaint says on or about February 18th Mr. Mitrov 8 had an associate deliver the Maserati to respondent's 9 office in exchange for the Viper. Does that sound 10 about right to you? 11 12 A. Correct. Q. And then if we had Exhibit 19, so I can ask 13 questions. And then if I can go to State Bar's 19, 14 page ten. Okay, and I just can't read this. It says 15 in the middle, "Brother it's no problem. I don't 16 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? I can't read it on the document. You can maybe 20 21 scroll up, there's a date on there. What's that 22 date? 23 A. March 4th. Q. Okay. So on March 4th he told you he 24 25 didn't -- he stated, "I don't want Maserati but I

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 186 eventhal, Todd on 05/20/2021 Page 186
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

STATE BAD OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD

	Leventhal, Todd on 05/20/2021 Page 188
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
	INTEGRITY COURT REPORTING LLC 702-509-3121

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 189
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 191
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
0	vehicles, did Mr. Leventhal ever mention, you know,
1	hey, you might want to talk to another attorney about
2	this?
3	A. No. No, he didn't.
4	Q. And did you ever you had just testified
5	that you had never written anything down on your side
6	and his side, correct?
7	A. That's right.
8	Q. So did you ever, in writing, give informed
9	consent to allow Mr. Leventhal to borrow those cars?
٥	MR. CLARK: Objection. Assumes facts not in
1	evidence, lacks foundation.
2	CHAIRMAN EDWARDS: Overruled.
3	BY MR. GOSIOCO:
4	Q. Go ahead, Mr. Mitrov.
5	A. Can you repeat the question, sir, please?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 19 Leventhal, Todd on 05/20/2021 Page 19
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihaj, Todd on 05/20/2021 Page 192
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?

i	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 193 Leventhal, Todd on 05/20/2021
1	λ. 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.

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 195
A. Yes.
Q. Thank you. Now, I'm just going to go
through a few lines. Paragraph four states that, On
May 7, 2021 you left a message for grievant Zan
Mitrov to call me. Is that true?
A. Yes.
Q. Okay. Paragraph five states, "On May 10,
2021, Mr. Mitrov returned my call, but we did not
discuss a declaration"; is that correct?
A. Correct.
Q. Paragraph six states you attempted to reach
Mr. Mitrov again on May 10 and May 11 of 2021 to
discuss a declaration but he was unavailable; is that
correct?
A. Correct.
Q. Paragraph seven, on May 12, 2021 you spoke
with Mr. Mitrov over the phone. Is that an accurate
statement?
A. Yes.
Q. Now, what was the purpose of your phone call
with Mr. Mitrov on May 12th?
A. I was asked to verify that he had received
his subpoena to appear, to check go over a couple
of facts in the case, and ask him if he would provide
a declaration I believe as tc those facts.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 194
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?

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1	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 196 Levenifial, Todd on 05/20/2021 Page 196
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?

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD
1	FURTHER RECROSS-EXAMINATION
2	BY MR. CLARK:
3	Q. Mrs. Watson, when you spoke with Mr. Mitrov,
4	he confirmed that he would provide a declaration, He
5	agreed to provide a declaration if we required it.
6	Is that your testimony?
7	A. Correct.
8	Q. And then was it right after that you sent
9	over a declaration?
10	A. No, I don't think I sent the declaration
11	until a couple of days or maybe the following day.
12	Q. So the following day you prepared a
13	declaration and sent that over?
14	A. Correct. I believe that was correct.
15	Q. So looking at Exhibit E, paragraph 11,
16	"Mr. Mitrov agreed to sign a declaration regarding
17	certain facts in this case." And that's correct?
18	A. Correct.
19	Q. 12, "I have emailed a proposed declaration
20	to Mr. Mitrov and am awaiting his response."
21	That's that's what's written here?
22	A. Then it was the same day. I apologize. I'm
23	just trying to think, but, yes, that was the same
24	day.
25	Q. Okay. Because this you executed this

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	STATE BAR OF NEVADA SCUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 199
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

	eventhal, Todd on 05/20/2021 Page 19
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.
0	Q. Is there a reason you didn't mention the
1	email in your declaration in Exhibit E?
2	A. I think it was a misunderstanding. There
3	wasn't a specific reason why I didn't mention it. I
4	think that the timeline to get the declaration done
5	of what I was asked, it wasn't included.
6	Q. You testified in response to Bar Counsel's
7	questioning that your purpose in calling him was to
8	make sure that he got his subpoena and perhaps
9	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,

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levonihal, Todd on 05/20/2021 Page 200 is inconsistent. The declaration is inconsistent 1 2 with his email. 3 CHAIRMAN EDWARDS: I'm not sure the State Bar's good faith is relevant to the claims against 4 5 your client. MR. CLARK: We've already moved once for 6 7 prosecutorial misconduct, and it's also an 8 affirmative defense. CHAIRMAN EDWARDS: Okay. Can you please 9 10 hurry it along? 11 MR. CLARK: I will. 12 BY MR. CLARK: Q. Miss Watson, it says in his email, "Again I 13 have nothing else to seek from Mr. Leventhal"? 14 15 A. Correct. Q. Did you find that to be inconsistent with 16 your anticipation that he would file -- that he would 17 18 provide a declaration? 19 A. I guess if you look at it, yes, it's inconsistent. Again it was an attempt to, you know, 20 provide him with the declaration in hopes that we 21 22 would get one in accordance with the panel's request. 23 MR. CLARK: Nothing further. CHAIRMAN EDWARDS: Any further from the 24 25 State Bar?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 201 eventhal, Todd on 05/20/2021 Page 201
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
0	Mr. Mitrov?
1	A. We sent it, or I sent it both in a Word
2	document format, should he choose to make any edits,
.3	and there's a follow-up if he didn't. We sent it in
4	an Adobe Sign version.
5	Q. Okay. And the Adobe Sign version, are you
6	able to see whether or not that was viewed by
7	Mr. Mitrov?
8	A. Yes, it looked like it was viewed, I believe
9	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.
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### INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Loventhal, Todd on 05/20/2021 Page 203 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 it, but I in fact have not done so under the law. 16 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 gift. He submitted the declaration in December that 21 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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 202
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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 20
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 Zan Mitrov?
23	A. Yes.
24	Q. Do you take issue with any of it?
25	A. Yes.

### INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

Leventhal, Todd on 05/20/2021		1	
Q. What do you	take issue with?	1	A. I do remember now that that's correct.
A. So he knew	that the car was in the shop. I	2	We the Maserati was taken over, because it had
had the car for two	days, it broke down and it got	3	some problems, too, taken over to a shop. And then I
transported to the s	hop. He knew that it was there.	4	went when he wanted it, immediately he got into my
Obviously I had no -	- I did not want his cars. I	5	car, and I remember going to pick it up and he took
didn't want he wa	nted to give me his Maserati. I	6	possession of it.
didn't want his Mase	erati.	7	Q. Who took it to the shop?
I was look	ng that he made the victim in the	8	A. I don't know if it was I don't remember
case whole. He owe	l restitution to a victim that did	9	if it was towed over to the shop because it wasn't
a favor for him, wh	ch was not to go forward in that	10	running or the person who owns the shop came and got
case. He was looking	ng at being a felon for the rest	11	it, but I never drove it. I know I never drove that
of his life, and the	e guy did a favor for him.	12	car. I never sat in that car.
The victim	was Randy Goldberg, happened to	13	Q. Do you know how long after it was delivered
be Randy Goldberg.	He was the owner of the car, and	14	that it was sent to taken to the shop?
he agreed to allow	fr. Mitrov to take the misdemeanor	15	A. First of all, it wasn't long at all. And he
and just get him th	e restitution.	16	never had an issue with it being at the shop. It
I take iss	e with that. I did not pay him	17	was whatever it was, it was getting fixed for him.
any money, \$5,000 i	h cash for any reason. That	18	Q. When is the first time you told him that the
actually goes again	st me. I don't I didn't even	19	Dodge Viper was in the shop?
know he had actuall	y rented a vehicle. I didn't know	20	A. Probably within 30 days. I mean, I'm not
he made that claim.	He always claimed he had plenty	21	real good I'm not good on the times, but it was no
of cars. What othe	r issues are there with him?	22	more than 30, 45 days out. And he did ask, and he
Q. Thank you.	I'll ask. He testified	23	was asking, and, you know, those text messages, those
regarding the Maser	ati and its location when he	24	were spread out I think over time, but then we spoke.
picked it up?		25	We spoke quite a bit over it regarding the Viper. I

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 207
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
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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.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 209
1	EXAMINATION
2	BY CHAIRMAN EDWARDS:
3	Q. Mr. Leventhal, I do have a question. You
4	saw that, the string of text messages from Mr. Mitrov
5	asking for his Viper back, correct?
6	A. Correct.
7	Q. And those, they span from February all the
8	way through June, right?
9	A. I didn't see the dates, but I believe you.
10	Yes.
11	Q. Okay. And at some point in that period of
12	time you told him that the Viper was at the shop and
13	he could pick it up any time he wanted?
14	A. That's correct, I did. And then I told him,
15	and then maybe he forgot, maybe he didn't write it
16	down and then he would call me back all of a sudden
17	saying, I need the Viper, man, you know.
18	But I don't know his, the level of drugs,
19	but I can tell you that he doesn't he might be on
20	point on a couple things but all of a sudden he'll
21	like call me or text me and say, I need the Viper, my
22	wife is going crazy, you know, then I would call him
23	back and say it's over there.
24	Maybe he just you know, I left it on him
25	to go get it because I took it over there. The

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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
0	forward until somebody needs a break.
1	COMMISSIONER LEE: I'd love to push forward
2	through if we can finish this up.
3	MR. CLARK: Okay.
4	COMMISSIONER LEE: Try to be a little more
5	brief, that would be also helpful.
6	MR. CLARK: All right. Is the camera on her?
7	We're ready, Mr. Chairman.
8	CHAIRMAN EDWARDS: Please swear in the witness.
9	Thereupon
0	MARIBEL GODINEZ
1	was called as a witness by the Respondent, and having
2	been first duly sworn, testified as follows:
3	DIRECT EXAMINATION
4	BY MR. CLARK:
5	Q. Good afternoon. Could you please state your

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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?

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:	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 212
1	name and spell it for the record.
2	A. My name is Maribel Godinez, M-a-r-i-b-e-l,
з	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

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 213 Leventhal, Todd on 05/20/2021 Page 213
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.
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STATE DAD OF NEVADA SOUTHERN NEVADA DISCIPLINARY ROARD

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 215
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	dić.
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?

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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.

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leverithal, Todd on 05/20/2021 Page 216 1 A. In my office. 2 Q. Okay. Where in your office? A. I have a little back space where I keep 3 supplies and other items, and that's where I put it. 4 5 Q. Okay. Did Mr. Leventhal ever tell you that they were supposed to be payment for his retention? 6 A. No. 7 Q. Did -- after he withdrew, do you know what 8 9 happened to the items? A. Todd had mentioned that he was going to 10 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? A. No, I did not. 14 Q. Do you have a recollection as to what was in 15 16 the box of what she dropped off? 17 A. I know after the fact that there was a, like a purse, and I think it was a ring, and maybe an 18 iPhone, but I don't know exactly what it was. 19 20 Q. Okay. And how did you learn that after the 21 fact? A. Because when Todd had mentioned that these, 22 some of the items when he was looking through the 23 24 discovery, that he saw that they were stolen and he 25 needed to return them or give them to Metro.

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 217
1	Q. Did you assist him in that regard at all?
2	A. No, I did not.
з	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

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 219
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

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:	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenithal, Todd on 05/20/2021 Page 218
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?

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 220
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. GOSIOCC: 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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 221
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.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 223
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

INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

1	Leventhal, Todd on 05/20/2021 Page 2 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.
0	Mr. Clark, any other witnesses?
1	MR. CLARK: No other witnesses.
2	CHAIRMAN EDWARDS: Okay. And, gentlemen,
3	remind me, did we, did we agree that we were
4	bifurcating these proceedings?
5	MR. CLARK: Correct.
6	MR. GOSIOCC: Yes, sir.
7	CHAIRMAN EDWARDS: Okay. All right. Would
8	you like to proceed to closings?
9	MR. GOSIOCO: Yes, sir.
0	CHAIRMAN EDWARDS: Okay. Again I just ask
1	you both to keep it brief so we can get through both
2	phases today. Thank you.
3	MR. GOSIOCC: Just briefly, again my name is
4	Gerard Gosioco. As I stated earlier in my opening,
5	lawyers should not take advantage of their clients.

### INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 224
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

eventhal, Todd on 05/20/2021 Page 225		Leventhal, Todd on 05/20/2021 Pa
inconsistencies with the evidence. Initially	1	It does not, as I said earlier, it does no
Mr. Mitrov Mr. Leventhal had testified that he did	2	matter that Mr. Mitrov also considers Mr. Leventhal
not at any point have possession of a Maserati. When	3	friend. The fact of the matter is from July of 201
Mr. Mitrov took the stand, he testified that	4	to June 2020, Mr. Leventhal and Mr. Mitrov had an
Mr. Leventhal did, in fact, have possession of the	5	attorney-client relationship. Mr. Mitrov retained
Maserati for about a month.	6	Mr. Leventhal as his attorney from that period, and
As to the Viper, Mr. Mitrov testified that	7	during that period he did allow Mr. Mitrov
Mr. Leventhal did, in fact, have possession of the	8	Mr. Leventhal to borrow both his Viper and his
Viper for almost a year. And he had Mr. Mitrov	9	Maserati.
testified that he did file a grievance in June of	10	Mr. Mitrov testified that there was never
2020 to get Mr. Leventhal's attention because at that	11	any writing pertaining to either the retention of
point, after sending Mr. Leventhal numerous texts	12	Mr. Leventhal as his attorney nor was there any
asking to pick up the Viper, he still had not	13	writing related to Mr. Leventhal borrowing the Vip
received the Viper by the time he signed submit	14	as well as the Maserati; therefore, there was no -
the grievance to the State Bar. It was only after	15	there was no writing describing the transaction
the submission of his grievance did he speak to	16	terms, those terms of him, Mr. Leventhal borrowing
Mr. Leventhal and was able to pick up the Viper.	17	those vehicles were not fair and reasonable to
Mr. Mitrov also testified that he rented a	18	Mr. Mitrov.
rental car because he was out of a car. And he also	19	He was out of a car for a year. He did n
testified that Mr. Leventhal did in fact give him	20	have access to his Viper for almost a year. He
rental car costs for that rental. And Mr. Leventhal,	21	Mr. Mitrov was not advised in writing to the
initially when asked, we asked him about a rental	22	desirability of seeking or given a reasonable
car, he said he had no knowledge of it, did not give	23	opportunity to seek advice of independent counsel,
him money, but Mr. Mitrov's testimony states	24	nor did he give informed consent as to, in writing
otherwise.	25	to Mr. Leventhal borrowing the Viper and the

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1	Maserati.
2	1.8 states that a lawyer shall not enter
3	into a business transaction with a client or
4	knowingly acquire an ownership, possessory, security
5	or other pecuniary interest adverse to a client
6	unless those three things that I mentioned exist.
7	Mr. Leventhal had a possessory interest in
8	the Viper. He Mr. Mitrov did not have it. It was
9	adverse to him. He had the Viper for over for
0	almost a year. He had the Maserati for approximately
1	a month.
2	As to Sosa-Avila, again he admits,
3	Mr. Leventhal admits that he accepted the property as
4	collateral and, therefore, he had a possessory
5	interest adverse to those clients. And with that the
6	State Bar submits.
7	CHAIRMAN EDWARDS: Mr. Clark?
8	MR. CLARK: I will say this again, as to
9	Sosa-Avila she has no interest in stolen property,
0	period. And if the purpose of the rule is to prevent
1	overreaching by the lawyer, and that if he's going to
2	take collateral from her, it must be on terms that
3	are fair and reasonable to her, look at the facts.
4	She gave him stolen property. She got free
5	legal representation. He quashed her warrant and

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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 228 then she stiffed him. I believe those are fair and 1 2 reasonable terms for her. It is undisputed that ٦ those items were stolen. It is undisputed. There is 4 no countervailing testimony or evidence that those items were not stolen. 5 6 He testified that he looked at the, he 7 looked at the discovery. The Louis Vuitton's in 8 there. There's a cellphone in, which he said that's the iPhone, and when he talked to her about it, she 9 10 admitted, yes, those items are stolen. He was like, okay, I need to submit that to Metro, and he did it 11 anonymously to protect her rights, as he's required 12 13 to do under Rule 1.6, confidentiality. 14 If those were her items, why isn't she here? The reason is she's still facing charges, and she 15 doesn't want to waive her Fifth Amendment rights, 16 that's why she's not here. They couldn't find her. 17 18 They can't reach her. 19 Those items were stclen. And I would submit to you again that if it's a stolen item, it's a crime 20 for her to possess it. She has no legitimate lawful 21 22 possessory interest in a stolen piece of property; 23 therefore, technically he cannot take a possessory 24 interest adverse to her as a matter of law. You can think, well, he thought he could and 25

	ATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD enthal, Todd on 05/20/2021 Page 229		STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 P2g9 230
1	so he did, so he attempted to. That's not what they	1	1.8A. So those four items as a technical matter
2	oled. They pled that he violated 1.8A because he	2	there's no adverse interest.
3 1	took a possessory interest adverse to her. I'll say	3	And again let's step back to the policy
4	it again, I've said it before, if it's stolen, she	4	reasons for 1.8. So he is not overreaching and he
5	does not have a legitimate interest that he can be	5	does not take advantage of her. He didn't take
6	adverse to her on.	6	advantage of her, she took advantage of him. Again,
7	The State Bar's burden of proof is clear and	7	you know, he quashed her warrant so she wouldn't lose
8	convincing, which in my brief I say is evidence that	8	her kids and go to jail, and she never paid him dime
9	establishes every factual element to a high	9	one on the \$6,000.
10 1	probability. So on Avila Sosa the undisputed	10	And look at the fee agreement where it says
11	testimony is those three items were stolen. The	11	she agrees that she has discussed the arrangement of
12	undisputed testimony is that the drone was a gift.	12	fees with another lawyer, that her signature is
13	Now, yes, he said in his letter that the drone was	13	informed consent, and she agrees to it. And she had
14	collateral; however, in his motion for summary	14	done that after she said, I'll just give you property
15	judgment he declared under penalty of perjury that it	15	right now so that we can get you going. And he said
16	was a gift. In his verified answer he denied that it	16	fine. He didn't keep it, he didn't benefit from it,
17	was collateral.	17	he didn't profit from it. There was no overreaching
18	Maribel Godinez testified here clearly,	18	on her. He didn't gain any unfair advantage. He
19	unequivocally that no, no, no the husband and wife	19	didn't engage in overreaching her. He just said,
20	came in and that drone was a gift. He can accept a	20	fine, I'll take it but you've got to pay me money.
21	gift. There's no violation of 1.8A for a gift,	21	Every time they called her they said, You've
22	period. They have no adverse interest because they	22	got to pay us money. They were expecting a thousand
23	unsolicited voluntarily gave him the drone. And the	23	dollars in April and what she came in was with

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State Bar did not plead 1.8C which is accepting

25 gifts. They didn't plead that. They chose just

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Lovonthal, Todd on 05/20/2021 Page 231
1	not so he couldn't have given her, you know, a
2	preapproval or a pre-disclosure, he didn't even know
3	it was coming in. In fact, he didn't know what was
4	coming in at all.
5	But apparently no good deed goes unpunished
6	because even though he did the work for her, he never
7	got paid for it. And when he found out it was
8	stolen, he turned it over to the police anonymously
9	to still protect the rights of his nonpaying client.
10	The State Bar now insists that it's a possessory
11	interest and we have to challenge him for it. No,
12	technically it's not a viclation. Policy-wise it's
13	not a purpose of discipline.
14	As to Mr. Mitrov. Mr. Mitrov. Todd
15	testified he never gave him \$5,000, which is curious
16	because Mr. Mitrov testified that he didn't rent the
17	car because of Mr. Leventhal's action. So when the
18	State Bar says, well, there's this \$5,000, it's of no
19	moment. It's not adversity.
20	He said, I just I rented it because the
21	Maserati didn't have air conditioning. I didn't rent
22	it I didn't rent the vehicle because of Todd, and
23	I never asked him for it back. I never asked him to
24	pay for it, he did that out cf the kindness of his
25	heart. Todd disputes that. He never paid him

INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139 agreement, so he did not knowingly accept it. He did
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another piece of property. That wasn't their

### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021

1 \$5,000. We don't know where Mr. Mitrov is coming up 2 with that, but Todd never paid him. Frankly if he did pay him, he would have said so. Like, look, I 3 4 mitigated this problem, I paid this money. But Mr. Mitrov submitted that. He never 5 told the State Bar that it was paid until last week. 6 7 I submit that's a ridiculous statement. He's given different versions of where he is. He wanted to 8 withdraw the grievance way back in September. Said, 9 look, I want out of this. I'm not harmed here, it's 10 11 a misunderstanding, just let me go home. He's not out anything. He's not injured or damaged. He's, 12 like, look, I'm fine. It was a favor. He didn't 13 give him -- let him use the Viper because he was his 14 15 lawyer, which is the purpose of 1.8. 16 And the legislative history says that if the 17 lawyer -- if the client feels compelled to do that, 18 then the attorney is using their fiduciary 19 relationship for an improper purpose and they're 20 overreaching. That's not what he did here. He said, 21 look, I know him, I just let him use it. 22 As to the Maserati, Mr. Mitrov specifically 23 denies the State Bar allegations regarding any 24 exchange of transaction or any use of the Maserati. 25 He said, look, I don't even know if he even sat in

	Page 233	. [	
it. I don't even know if he drove it. And as	to	1	Mr. Leventhal even got him a deal on restitution,
both vehicles, at least the Viper, he says, lo	ok, 2	2	kept it out of the court records, and he never eve
when I went and picked it up, it looked like i	t had 3	3	bothers to pay it, but again no good deed goes
never been driven, which supports Mr. Leventha	1's	4	unpunished, and now Mr. Leventhal is standing here
testimony that, look, yes, I drove it once. I	drove	5	having not profited a dime off of any of this and
it to Pahrump, I came back and it failed and t	hen I	6	facing charges.
had it towed into the shop, okay, but he didn	t have	7	I would submit to you that on Amalia
it.	1	8	Sosa-Avila it is not a violation as a matter of la
He said, go get it, it's at the shop.	He	9	I would submit to you that as to Mr. Mitrov, it's
didn't have possessory interest in it, it was	at the 10	٥	a violation either because it wasn't formed by
shop. There was nothing keeping it at from	1:	1	wasn't compelled by the attorney-client relationsh
Mr. Mitrov going to get it at the shop and tak	ing it 12	2	He did it as a favor for a friend. So I'd submit
home. There's no evidence that Mr. Leventhal	had it 1:	3	that. Thank you.
for a year, it was in the shop. And Mr. Mitro	v could 14	4	CHAIRMAN EDWARDS: Thank you. Anything e
have picked it up at any time.	1	5	from the State Bar?
Mr. Mitrov is all over the place on b	is li	6	MR. GOSIOCO: Just briefly, Mr. Chairman.
testimony, his sworn testimony. He wanted to	he 1'	7	As to Miss Sosa-Avila, as Mr. Clark had stated, th
wanted his grievance withdrawn in September.	He li	8	said the evidence shows that the items alleged
wanted his grievance withdrawn in December. J	nd 1	9	items dropped off as collateral, the drone, Louis
in last week he says, look, I don't want ar	ything 2	0	Vuitton purse, the iPhone, and the diamond ring we
to do with this. I have no other beef with	2	1	proven to be stolen; however the evidence shows,
Mr. Leventhal. I want nothing from him.	2:	2	based on the police report, the discovery, that
So the purpose of 1.8 is to protect t	he 2	3	Mr. Leventhal testified to, and he also wrote in h
clients, he doesn't have a problem with	2	4	response that he admits that he reviewed and signe
Mr. Leventhal. He's all square and fine.	2	5	that all those items were collateral. He testific

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it.

deliberations?

### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 235 that they were all -- he accepted those as 1 2 collateral. 3 And just briefly as to the cellphone, 4 Mr. Clark argues that the discovery associated with Miss Sosa-Avila's criminal case listed a cellphone; 5 however, the only mention of a cellphone was under --6 7 it stated type: Miscellaneous, in parenthesis, 8 cellphones, bicycles, worthless doc, items not listed, and then there was a description. The 9 10 description said one Discover card, red, white and 11 blue was used at a Home Depot and gas. The 12 "miscellaneous" is simply a drop-down menu to classify the items. 13 14 MR. CLARK: I'm going to object to that. 15 That evidence is not -- that testimony is not in 16 evidence that it's a drop-down menu. 17 CHAIRMAN EDWARDS: Overruled. 18 MR. GOSIOCO: Essentially the description of that states, does not state a cellphone at all, 19 20 merely right above the description it states "type." And so one can -- one can logically conclude that 21 22 that's just a type of item that was associated with 23 the alleged crime, and the description itself was 24 actually a Discover card, not an iPhone. And with 25 that the State Bar submits.

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any questions for counsel before we go into

COMMISSIONER MOORE: No. sir.

If we look at Rule 1.8, and it specified intent as

knowingly as one of the standards, is the issue the

there's a business transaction, or a knowingly

question of intent at the time of the transaction, if

acquisition of a security interest at the time of the

transaction? And if your answer is just simply what

you've already said related to the stolen property, I

MR. CLARK: Well, I would submit there's no

COMMISSIONER LEE: Okav. So the same answer

Then for Bar Counsel, you know, this is a

already understand that, just go ahead and say that,

but if you have something new to add, let me know.

business transaction at all because there was no

moneys that were attached or changed hands. And as

to knowingly acquire, I -- my emphasis is again on

adverse to the client, by definition it cannot be

that you had before. I understand.

adverse to stolen property as she has no interest in

CHAIRMAN EDWARDS: Thank you. Mr. Moore,

CHAIRMAN EDWARDS: Mr. Lee, any questions?

COMMISSIONER LEE: Question for Mr. Clark.

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	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventihal, Todd on 05/20/2021 Page 237
1	different type of case than I've seen before. Like,
2	what exactly is the suggestive discipline under the
3	ABA standards that you would be looking for?
4	CHAIRMAN EDWARDS: Mr. Lee, we're going to
5	first deliberate as to whether there was a rules
6	violation. To the extent there is, we will come back
7	and discuss possible sanctions.
8	COMMISSIONER LEE: Okay. I understand.
9	Like, generally in these screening panels it's part
10	of the argument, so I was a little confused.
11	CHAIRMAN EDWARDS: Sorry, I should have made
12	that more clear.
13	Anything else?
14	Okay. Kristi, can you kick us out into our
15	private room please.
16	MS. FAUST: I will put you in the room right
17	now.
18	(A recess was taken.)
19	CHAIRMAN EDWARDS: Okay. We are back on the
20	record after the panel has deliberated as to whether
21	there was a violation of the rules. As to Count 1,
22	the panel has unanimously found that there was a
23	violation of Rule 1.8A.
24	In Exhibit 11 the respondent confirmed that
25	he reached an agreement with the client to accept

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1	you can to streamline this as much as possible so we
2	can finish this today please. Off the record please.
3	(A recess was taken.)
4	CHAIRMAN EDWARDS: We are back on the record
5	for the second phase of this disciplinary hearing.
6	State Bar?
7	MR. GOSIOCO: Thank you, Mr. Chairman. In
8	light of the panel finding violations of, two
9	violations of Rule 1.8A, the State Bar would move to
10	admit and publish to the members of the panel
11	Exhibit 2, which is the affidavit of prior discipline
12	for Mr. Leventhal.
13	CHAIRMAN EDWARDS: Mr. Clark, any objection?
14	MR. CLARK: No objection.
15	CHAIRMAN EDWARDS: Exhibit 2 is admitted.
16	(Thereupon Complainant's Exhibit
17	2 was admitted into evidence.)
18	MR. GOSIOCC: Thank you, Mr. Chairman. Now,
19	as to the suggested punishment, the ABA annotated
20	standards for imposing lawyer sanctions, that's the
21	standards we go by. For this conduct we are looking
22	at standard 4.32 which states, Suspension is
23	generally appropriate when a lawyer knows of a
24	conflict of interest and does not disclose to a
25	client the possibly effect of that conflict, and
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1	collateral. At that point in time he had an
2	obligation to comply with Rule 1.8A to obtain
3	informed and written consent from the client with
4	regard to the security agreement. He failed to do
5	so.
6	We have not seen any legal authority and we
7	don't think it makes sense that the attorney can be
8	relieved of his ethical obligation under Rule 1.8A if
9	it is later discovered that the property happened to
10	be stolen.
11	As to Count 2, by a vote of two to one the
12	panel has concluded there was a rules violation, a
13	1.8A violation as it relates to the Viper. The
14	respondent's possession of the Viper became adverse
15	when the client repeatedly demanded its return and
16	the vehicle was not returned. At that point in time
17	the obligation, Mr. Leventhal had an obligation to
18	comply with Rule 1.8A. Given the lack of any written
19	informed consent from the client at that point in
20	time, we find a rules violation.
21	We find unanimously that the State Bar has
22	not reached its burden as it relates to the Maserati.
23	So that's our ruling. If we can take a
24	five-minute break, be back here to start the second
25	phase. And again, Counsel, I'd ask you to do what

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į	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 240
1	causes injury or potential injury to a client.
2	And the book also states that knowledge is
3	the conscious awareness of the nature or attendant
4	circumstances of the conduct but without the
5	conscious objective or purpose to accomplish a
6	particular result.
7	Right in the rule of 1.8A that rule states
8	that lawyers shall not enter into a business
9	transaction with a client or knowingly acquire a
10	possessory ownership, security, or other pecuniary
11	interest adverse to a client; therefore, as a
12	since there was a violation of 1.8, and based on
13	Mr. Leventhal's conduct, he knowingly acquired a
14	possessory interest adverse to both Miss Sosa-Avila
15	as well as Mr. Mitrov.
16	Now, once we have the standard, the ABA
17	suggests that we are to look at any aggravating or
18	mitigating circumstances which apply, and those
19	factors are codified in Nevada Supreme Court Rule
20	102.5. As to the aggravation, SCR 102.5 sub 1, the
21	State Bar believes that the following, the following
22	aggravating factors apply to this instant proceeding.
23	First, sub 1A, which is prior disciplinary offenses.
24	I see that Kristi had just circulated the
25	affidavit of prior discipline. And based on this,

	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 24	I	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021	Page 242
1	there was a public reprimand issued to Mr. Leventhal	1	to retain the advice of independent counsel as to	c
2	on August 23, 2016 for violations of RPC 1.5, fees;	2	whether it would be in her best interest to enter	r
3	1.7, conflict of interest to current clients; 1.8,	3	into the agreement.	
4	conflict of interest to current clients: Specific	4	"The transaction was also unreasonable i	in
5	rules; 5.4, professional independence of a lawyer;	5	light of your failure to provide the promised	
6	and 8.4, misconduct.	6	services to Ellis. Although you argued she	
7	And just a SparkNotes version of the public	٦	improperly fired you, in fact, it created a confi	lict
8	reprimand. Mr. Leventhal was retained by a Charlene	8	of interest with Ellis by using Zane to evict her	r
9	Ellis. There was a flat fee retainer agreement	9	from her home, which resulted in your foreseeable	e
10	executed between Mr. Leventhal and Miss Ellis. The	10	termination."	
11	fee agreement stated that the fee was nonrefundable	11	The State Bar also believe that sub 1B	
12	and was, quote, fully paid in full by issuance of	12	applies, dishonest or selfish motive; 1C, a patter	ern
13	guitclaim deed, APN 41-471-13, Nye County, Nevada	13	of misconduct; sub G, refusal to acknowledge the	
14	without encumbrance.	14	wrongful nature of conduct; and sub I, substantia	al
15	In that public reprimand it states that,	15	experience in the practice of law. It looks like	e
16	"The nonrefundable fee agreements and subsequent deed	16	Mr. Leventhal was barred here in the state of New	vada
17	transfer failed to comply with the rules of	17	September 25, 2003.	
18	professional conduct, as well as the guidelines set	18	And as to mitigation, Supreme Court Rule	e
19	forth in the State Bar of Nevada Standing Committee	19	102.5 sub 2, the State Bar finds that there are a	no
20	on Ethics and Professional Responsibility Formal	20	mitigating factors that apply in this case. And	the
21	Opinion 15 and 37."	21	State Bar also did want to briefly touch upon Su	preme
22	It also stated that Mr. Leventhal "failed to	22	Court Rule 102.5 sub 2 sub C which states that	
23	reasonably explain the terms of the fee agreement to	23	factors which should not be considered as either	
24	Ellis in a manner she could properly understand, and	24	aggravating or mitigating factors including sub	c,
25	you failed to provide Ellis a reasonable opportunity	25	withdrawal of grievance against the lawyer.	
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STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 243 1 Taking all of that into consideration, the 2 State Bar would recommend that the panel impose a 3 one- to two-year suspension for Mr. Leventhal, or 4 whatever term that the panel sees fit, as well as to 5 impose Supreme Court Rule 120, costs, for the 6 suspension. And with that the State Bar will submit. 7 CHAIRMAN EDWARDS: Okay. Mr. Clark? 8 MR. CLARK: Thank you, Mr. Chair. The State 9 Bar is essentially telling you that for this conduct 10 Mr. Leventhal is a threat to the public. He's a 11 threat to his clients. And look at what he's done. 12 The purpose of 1.8 is to prevent overreaching, taking advantage. As he says in his -- in the ABA 13 14 standards, cause injury or probable injury to the 15 client. 16 I would submit to you that on Amalia 17 Sosa-Avila there utterly was no injury to her. There 18 was no injury at all. There is no selfish or 19 dishonest motive to that. He took collateral so that she would pay him. She never paid him. He wasn't 20 21 looking to get these items. He wasn't looking to 22 get, you know, the Hope Diamond with this. He was 23 going to give it all back to her, and that's 24 undisputed testimony. 25 The panel has found that he, regardless of

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whether it was stolen, he should have followed the 1 2 forms of 1.8, and I would still submit that his fee agreement does that. But more importantly if this is 3 4 a violation, if accepting as collateral ultimately 5 stolen property is a violation, I would submit that this is a technical one at best. I still disagree. 6 7 I think it's been a law, it isn't but the panel has found that it is. 8 9 But what's the sanction for that? She came 10 into his office crying. She was in warrant. She was 11 going to lose her children. He said, Okay, fine, 12 I'll represent you. He gets the warrant guashed and 13 she says. I can't pay you now but I'm going to give 14 you something to get you started. He goes, okay, 15 fine. Should he have done that? No. Is he going to 16 do that again? No. But he didn't profit from this, 17 from this collateral. He didn't -- he didn't take 18 advantage of her from this collateral. 19 So as I said in my trial brief, the sanction 20 must fit the violation, and it must be individually 21 tailored. And but this one for Amalia Sosa-Avila, 22 there was no selfish motive. He didn't get any money 23 off it. He wasn't looking for money. He was looking to get her out of warrant, to quash the warrant so 24 25 she wouldn't go to jail, but he wanted her to pay

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1	him. She never paid him. So what did he do? He	1	done it. He should have followed the forms. He
2	didn't get paid but yet he still got her out of	2	should, you know what, you know, I don't I don't
3	warrant. He still got her free. That's what he did.	3	do collateral any more. I don't do any of this. I
4	And then what else did he do in mitigation?	4	don't do anything but money, and she would have gone
5	When he discovered that they were stolen property,	5	to warrant and she would have been arrested and she
6	and that is an undisputed fact, he did the right	6	would have lost her kids. Instead he said, I'll help
7	thing and turned it over to the authorities, again	7	you out. And he did what he was retained to do,
8	without saying who he got it from so he could protect	8	wasn't paid for it, but he did what he was retained
9	his client, who again never paid him.	9	to do. There's no selfish motive here.
10	She was not injured here. She benefitted	10	As to Zan Mitrov, he testified that he did
11	here. He's the one who's left being punished. She's	11	this because he was his friend. He didn't testify
12	not even being punished for possession of stolen	12	that Mr. Leventhal used his good offices to impose
13	property. He's the one being punished because he	13	this on him. And remember what he said. He said, I
14	helped her out and got her out of warrant.	14	didn't rent I didn't rent the Escalade because he
15	We can have a disagreement as to whether or	15	had the Viper, I rented it because I chose to. I
16	not this is a violation at all; however, if it's a	16	chose to rent it. So it's not like his violation
17	violation, I would say in the scheme of things in	17	caused that impact.
18	what we need to teach the Bar, what we need to teach	18	And he had the Maserati back. And the panel
19	our members, and what we need to teach the public,	19	found there was no violation of that. So he chose on
20	this is not worthy of a suspension. It just isn't.	20	his own to rent the Escalade. And then what's he do?
21	He didn't follow the forms, and she gave him	21	He puts he puts that bill into his grievance to
22	stolen property. He's got to live with that, and	22	get Mr. Leventhal's attention, as he says. And then
23	that's what he's doing now. But it's not like he's a	23	he says, And now we're all good. He goes, I didn't
24	predator out there taking advantage of her. He	24	ask him for the money back, he agreed to pay me.
25	got he got set up on this one. He shouldn't have	25	We again still don't know what he's talking
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### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 247 1 about. He didn't pay him. But Mr. Mitrov did this on his own accord. It's not that like Mr. Leventhal 2 3 abused his office and put pressure on Mr. Mitrov. 4 Mr. Mitrov said he didn't feel any pressure. So, 5 ves, he borrowed the car. He didn't know how long he 6 had it. He drive it once. Mr. Mitrov said it looked 7 like it had never been driven. It was in the shop. 8 It didn't deprive him of a car because he said he alwavs had a car. He had the Maserati. 9 10 So, yes, did he take a possessory interest 11 in this? You found that he has. I would submit to 12 you that it's among these two, one who buys and 13 drives vintage cars and Mr. Leventhal, this is not a 14 suspension-worthy event. He's not a predator. He's 15 not out there needing to be removed from the practice 16 of law. 17 And remember what he did for Mr. Mitrov. He 18 got him a good deal when he was facing felonies. He 19 got him -- he got it reduced. He got him a deal for 20 restitution outside the order so it couldn't be court 21 enforced, and Mr. Mitrov walked away from that. He 22 said, I'm not even going to pay that. 23 So he did what he was retained to do. He 24 did it well. He didn't benefit financially from 25 this. He got to drive the car once, and then it was

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1 in the shop and he, you know, I quess he forgot about 2 it. But should he have filed the forms? Yes. Okay, 3 you should have filed those forms. But this is not a 4 suspension-worthy infraction because the impact on 5 the consequences are not suspension-worthy. 6 He received a public five years ago on many 7 violations, and this is what he agreed to, this was a 8 conditional quilty plea, he pled to this, he agreed 9 to -- he accepted responsibility for it. He said, 10 I'll take my lumps for this. It wasn't contested. 11 He didn't fight it, he agreed to it. 12 And there was a 1.8 violation there, but all 13 the other ones are not present here. It's just a 1.8 14 violation. And that was a house, this is stolen 15 property and the temporary use of a car. I would submit to you that he is not -- he's not getting 16 17 worse. He is not down this road and not learning 18 from his mistakes and getting worse such that we have 19 to ramp up the suspension, ramp up the discipline for 20 a suspension. 21 What he's doing is he's got these two small 22 matters. It's not like he had the last time with the 23 house for which he got a public, all right. He 24 agreed to a 1.8 violation for a house and got a 25 public.

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į	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Page 249 Leventhal, Todd on 05/20/2021 Page 249
1	Here he's got a 1.8 violation for accepting
2	as collateral stolen property that he later turned
3	over to the police and for driving a vehicle from a
4	client who never thought it was part of his
5	representation and didn't even miss the car. He
6	wanted it back, but it didn't prevent him from
7	driving the other cars.
8	So we would submit that this is not a
9	suspension case. We would submit that this is,
10	frankly, a letter of reprimand case, at most a
11	public, but I think it I don't it does not
12	rise he's not a threat to the public here. He's
13	not demonstrated that he's a threat to the public.
14	He was doing them a favor. He did them good work.
15	And I think that under these circumstances,
16	under what he was found guilty and what his
17	violations are, it does not land in suspension.
18	Thank you.
19	CHAIRMAN EDWARDS: For the State Bar?
20	MR. GOSIOCO: Nothing further, Mr. Chairman.
21	CHAIRMAN EDWARDS: Mr. Clark, I guess my gut
22	reaction is in light of this 2016 public reprimand
23	for, at least in part the same violation, it seems to
24	me that that did not work to deter respondent's
25	conduct in this situation. He got reprimanded for

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### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Levenihal, Todd on 05/20/2021 Page 251 1 learned from that one. It's certainly not on that 2 scale. And I still maintain I think they're very --3 they're quite technical. It's not an equivalent and 4 it's not amplification of his prior misconduct, so he 5 has learned. 6 He is learning and this is nowhere near of 7 the scope of that misconduct, nowhere near the scope 8 of that client harm. And in this case, again, he was ٩ helping his clients. He did good work for his 10 clients; whereas, in the other one, the prior public 11 reprimand talks about, well, did he actually follow through on it. Here he did. He did his job. 12 13 And the Avila Sosa one, he did it without 14 pay. And in the Zan Mitrov one he actually didn't 15 get fully paid on that one either, and neither did the victim get their restitution. But he did his 16 17 job. 18 So that's why I would say -- you could say, 19 well, we have to take a step up because it's the same violation, I would submit to you that it's not the 20 21 same violation. It's the same rules violation, but 22 the characteristic of the two are very different. 23 And because this one is such a diminished one, these 24 two, it doesn't warrant an escalation of discipline 25 that the State Bar wants, suspension, a two-year

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1	taking property from a client without going through
2	the, without complying with the Rule 1.8, and then
3	just a few years later he's doing the exact same
4	thing. And I guess my concern is a reprimand
5	apparently wasn't enough the first time, but talk me
6	through that.
7	MR. CLARK: I would thank you, Mr. Chair.
8	I appreciate the chance to respond to your concerns.
9	Remember that the public reprimand was for a host of
10	violations: 1.8, 1.5, 5.4, 8.4 and then warranted a
11	public. And again for the narrow 1.8, it was a
12	house. She signed over the deed to a house.
13	And, I mean, if you look up possessory
14	interest, that always comes up with a property
15	interest. And, in fact, that's what happened here.
16	So he's not doing that again. It's not it's not
17	the same equivalency of getting a house signed over;
18	whereas, here he says, Fine, I'll quash your warrant,
19	and if you want to give me collateral until you get
20	the money to pay me, I'm okay with that. Or, fine,
21	I'll defend you in this felony as long as you pay the
22	restitution and can I drive your car. He didn't kick
23	anybody out of their house.
24	I would suggest and, again, if this is
25	the only violation, I would submit to you that he has

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1	suspension which would require him to apply for
2	reinstatement, so that adds another 18 months to it.
3	So I would submit on that. Thank you.
4	CHAIRMAN EDWARDS: Mr. Clark, I apologize if
5	I missed it, but do you have a recommended sanction
6	that we should consider?
7	MR. CLARK: I'd recommend I think for
8	Avila Sosa I think it should be a caution. It's a
9	technical violation, but the panel is empowered to
10	say even with a violation we can impose no sanction,
11	but a caution. This is this is an odd one, I
12	would submit to you. And as for Zan Mitrov, I would
13	think a reprimand in that regard would be sufficient.
14	CHAIRMAN EDWARDS: Okay. Mr. Moore, any
15	questions?
16	COMMISSIONER MOORE: No sir.
17	CHAIRMAN EDWARDS: Mr. Lee?
18	COMMISSIONER LEE: I also echo Mr. Edwards'
19	concern related to the prior discipline. I didn't
20	hear you address the aggravating or mitigating
21	circumstances, you know, category by category like
22	Bar Counsel did, other than perhaps the prior
23	discipline. If you want to put anything on the
24	record related to the aggravating or mitigating
25	circumstances, that would probably be helpful.

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1	MR. CLARK: Okay. I thank you for that.	1	gift. And there's nothing to dispute the fact that
2	Under 102.5(2), circumstances in mitigation, absence	2	it was, in fact, a gift, other than his misstatement
3	of a dishonest motive or dishonest motive, either	3	in his letter to Louise Watson.
4	way. Absence of a selfish motive in Miss Sosa-Avila.	4	I think his character and reputation came
5	You can argue that he did act out of self interest	5	out when he said he's been practicing here since, you
6	for the vehicle.	6	know, 2000. He was a U.S. Attorney. He, you know,
7	No personal problems. I think he did make	7	worked for Kamala Harris. He, you know, he's been a
8	timely, good faith efforts to rectify the	8	prosecutor. He's been a longtime criminal defense
9	consequences of his misconduct with Sosa-Avila. He	9	attorney. He does good work.
10	found out they were stolen and he returned the stolen	10	I don't believe there's any delay in the
11	property to the police so they could do the right	11	proceedings. I think he does have remorse. You
12	thing. And, again, she's gone.	12	talked to him when he said, look, you know, he's
13	Full and free disclosure to the disciplinary	13	still concerned that he's the only one being punished
14	authority. Yes, I took the collateral. Yes, I	14	for the stolen property. He's still concerned that
15	borrowed the car to drive it. He didn't hide that.	15	Mr. Mitrov said, look, we're all good, we're all
16	He was not unforthcoming with the State Bar. I know	16	good, I don't want to do anything else, and he's
17	the panel has problems with while his response said	17	still being punished for that or being disciplined
18	one thing, which was more damning than what he said	18	for that.
19	under oath, but I think the fact that he didn't, you	19	But I think he does realize that, look, you
20	know, the drone was not part of this, and his	20	know, I won't I won't do this anymore. I'm sorry
21	assistant confirmed that, that just goes to his, you	21	I did it, if I didn't spell this out, you know, in
22	know, he just dismissed it.	22	2020 when time stands still, I'm you know, he's
23	But when the truth was told when he filed	23	like I probably should have, and that's on him and
24	his verification, he files his declaration he said,	24	now he's going to have to live with that.
25	look, I didn't take the drone as collateral, it was a	25	So I think those are the mitigating factors,
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1	as said along with what actually landed on the
2	clients, along with what work he did do for them,
3	along with the fact that he didn't really profit from
4	this at all. Okay, he drove a car once, twice. I
5	don't see that there's a real monetary profit from
6	that. And from Miss Sosa there was nothing. He got
7	nothing. He worked for nothing.
8	So those are the mitigating factors as I see
9	them. Thank you for letting me do that.
10	COMMISSIONER LEE: Thank you. No more
11	questions.
12	CHAIRMAN EDWARDS: I have a question for the
13	State Bar. You heard Mr. Clark suggest (inaudible).
14	THE REPORTER: I'm sorry, Mr. Edwards. I
15	couldn't hear you. Can you repeat that?
16	CHAIRMAN EDWARDS: Sorry. Can you hear me
17	better now?
18	THE REPORTER: Yes.
19	CHAIRMAN EDWARDS: Okay. Mr. Clark
20	suggested one type of penalty for Count 1 and another
21	penalty for Count 2. I'm locking at the, I call it
22	the cheat sheet, or I guess the jury verdict form
23	that the state Bar usually circulates, and footnote 1
24	says the ultimate sanction imposed should at least be
25	consistent with the sanction for the most serious

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1 instance of misconduct among a number of violations. 2 I guess do you agree with Mr. Clark that we can do I guess two -- one type of sanction for Count 3 4 1 and a different type of sanction for Count 2 or do they need to be combined? What's your take? 5 MR. GOSIOCO: Thank you, Mr. Chairman. And 6 7 my position on that is I believe that both instances with regard to Miss Sosa-Avila and Mr. Mitrov are 8 very similar in nature. I think that it would be an 9 10 error to apportion one type of discipline for 11 Miss Sosa-Avila and one different sanction for Mr. Mitrov. I think because the nature of both 12 grievances are very similar, both 1.8 violations, 13 both very similar as far as the rule violation, I 14 15 believe that there should be just one sanction for 16 both violations. 17 CHAIRMAN EDWARDS: Okay. Mr. Clark, any 18 response to that? 19 MR. CLARK: As I put in my brief, ABA standard 1.3 says that the sanctions must be 20 21 tailored. We've looked at these -- these have been tried as separate viclations. They're not 22 23 intertwined. Mr. Mitrov showed up, you know, 24 Miss Sosa-Avila did not show up. I think they're 25 clearly distinct. They clearly have different

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1	impacts on the client.
2	So I think I certainly think you can. I
3	certainly think that that's a measured thing to look
4	at because the sanction must conform to the
5	violation, and it must conform to the attorney's
6	individual conduct in each. So I think I think
7	it's perfectly acceptable to do that.
8	CHAIRMAN EDWARDS: Okay. Mr. Moore,
9	anything else?
10	Mr. Lee?
11	COMMISSIONER LEE: Bar Counsel, it seems to
12	go from a public reprimand to a two-year suspension
13	is quite a jump. How do you justify the two-year
14	suspension? And if you've already addressed it, I
15	appreciate that, it just seems to be quite a jump.
16	MR. GOSIOCO: Right. Thank you. And as
17	Mr. Edwards and you had stated, our concern is
18	essentially in 2016 Mr. Leventhal had received a
19	public reprimand for numerous violations but
20	including one of them being the same exact RPC
21	violation that we are, you know, discussing today. I
22	think that the State Bar, the State Bar's goal is
23	really to protect the public, not necessarily punish
24	the lawyer.
25	But as the panel members had stated, 2016

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1	collateral because nobody kept it. The cost was to
2	him.
3	So the fact that he, well, he didn't learn
4	from prior mistake, this isn't that mistake. It's a
5	1.8 violation but there's a whole range of 1.8
6	violations. You have to look at, you know, what
7	actually happened, and you have to look at, you know,
8	what is this worth. What would we have to do here to
9	protect the public? What would we have to do here so
10	that other lawyers don't do this, you know, don't
11	take collateral and then get their client out of
12	warrant and then get stiffed. You know, borrow a car
13	for a while but then give it back.
14	And I don't think I just I don't think
15	that in order tc send a message, in order to correct
16	his behavior that you have to, you know, put him on
17	suspension for two years. I don't think this is I
18	just I don't find a suspension is appropriate for
19	what you need to correct, let me put it that way.
20	You don't need to suspend him and take him
21	out of circulation, remove his livelihood in order to
22	say, you know what, don't take collateral, you know,
23	and then turn around, you know what, you know, have
24	your clients, if they're going to lend you a car on
25	their own accord, not as a lawyer, you know, put it
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1	was not that long ago. The evidence in this case
2	states that Mr. Mitrov retained Mr. Leventhal in
3	2019, I believe that was the same case for
4	Miss Sosa-Avila, but he was already reprimanded in
5	2016, and one of those violations was for 1.8
6	violation. And in that order it mentioned
7	essentially the same things here, he didn't inform
8	the client reasonably of the terms in writing, didn't
9	have the opportunity to seek independent counsel,
10	there was no informed consent.
11	So it's clear that Mr. Leventhal didn't
12	learn from this public reprimand. And as far as the
13	State Bar's recommendation, as I stated, I believe a
14	one- to two-year suspension would be appropriate, or
15	whatever the panel deems is appropriate in this case.
16	COMMISSIONER LEE: I have no more questions.
17	CHAIRMAN EDWARDS: Okay. Anything else,
18	Mr. Clark?
19	MR. CLARK: I would just say that the cases
20	that talk about violations of 1.8 speak to business
21	transactions, they speak to getting loans from
22	clients on sweetheart terms, they speak to, you know,
23	taking advantage of clients. And I don't think in
24	these two cases you have that. You don't have I
25	mean, what's the cost of the car? There's no cost to

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1	in writing, okay. Just remember to do that so that
2	your clients can have a more informed consent. Just
3	do that.
4	But at the end of the day these are
5	violations of the forms. But it's not the injury, I
6	would submit to you, that the rule is designed to
7	prevent on a larger scale that would bring disrepute
8	to lawyers and disrepute to the integrity of the
9	legal system, you know, that a big loan would do or
10	frankly even, you know, getting the house. This is
11	not that this is not that violation. It is the
12	same violation, it's not the same severity of
13	violation. Thank you.
14	CHAIRMAN EDWARDS: All right. Thank you.
15	We will did the State Bar have something they
16	wanted to say in response?
17	MR. GOSIOCO: Yes, if possible,
18	Mr. Chairman. Just just one minute. I would like
19	to comment on the mitigating factors that Mr. Clark
20	had mentioned in response to panel member Lee's
21	injury.
22	Mr. Clark mentioned several mitigating
23	factors under SCR 102.5 sub 2. The State Bar
24	disagrees with each one of those mitigating factors,
25	but specifically I just did want to point out two,

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1	particularly 102.5 sub 2 sub C, which is personal or
2	emotional problems.
3	I believe what I heard Mr. Clark testify
4	state was that Mr. Leventhal does not have any
5	personal or emotional problems. If my if
6	that's if that was a correct statement by
7	Mr. Clark, then I would, I would argue that sub C
8	does not apply as mitigation.
9	MR. CLARK: I didn't say that it did. I'm
0	sorry, if I misspoke, I apologize. I didn't say that
1	it did. I say, well, he doesn't have personal or
2	emotional problems. I was just talking out loud. I
3	apologize if I was confusing.
.4	MR. GOSIOCO: Okay. Then I'll move on. And
.5	then the next subsection, sub D, a timely good faith
6	effort to make restitution or to rectify consequences
7	of misconduct. Our position is that Mr. Leventhal
8	did not make timely good faith effort to make
9	restitution or to rectify the consequences of his
20	misconduct, especially for Mr. Mitrov.
21	Mr. Mitrov, as we saw in his heard in his
22	testimony that he asked numerous times to get the
23	Viper back. We saw the text messages of the numerous
4	text messages to Mr. Leventhal from Mr. Mitrov asking
25	for the Viper back, and it was only until Mr. Mitrov

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### STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD Leventhal, Todd on 05/20/2021 Page 263 injury. And I guess maybe more precisely we find 1 2 injury. 3 He was without his Viper for almost six months after he requested it back, and he was, during 4 the summer, forced to rent a vehicle because he did 5 6 not have that Viper. Despite the fact that he had 7 another vehicle that he could have used, that vehicle did not have air conditioning, which is why he rented 8 another one. So we believe he had -- that Mr. Mitrov و 10 suffered an actual injury. 11 Based on those findings, we believe that ABA standard 4.32 applies, and that the baseline sanction 12 is a suspension. Analyzed the aggravating and 13 14 mitigating circumstances. For aggravating 15 circumstances we find prior disciplinary offenses. We find a selfish motive. At least two of the panel 16 17 members were concerned that the keeping of Mr. Mitrov's car for such a long period of time made 18 19 it look like he was holding the car hostage in able 20 to -- in an effort to get payment from the client. 21 We find a pattern of misconduct based on these two counts here. Some of the panel members had 22 23 concerns about Mr. Leventhal's credibility in his 24 testimony, but we did not find it sufficient to find 25 an aggravating circumstance of submission of false

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1	filed a grievance against Mr. Leventhal that
2	Mr. Leventhal returned the Viper. And so, therefore,
3	the State Bar's position is sub D especially should
4	not apply as a mitigating factor. And with that the
5	State Bar submits.
6	CHAIRMAN EDWARDS: What about full and free
7	disclosure?
8	MR. GOSIOCO: I'll submit to that. I have
9	no comment to that.
10	CHAIRMAN EDWARDS: Okay. Thank you. Let's
11	go off the record.
12	(A recess was taken.)
13	CHAIRMAN EDWARDS: We are back on the
14	record. The panel has now deliberated on the penalty
15	phase of this proceeding. We started analyzing the
16	lawyer's mental state, and we believe the mental
17	state was knowingly. The respondent knowingly agreed
18	to accept property from Miss Sosa-Avila as security
19	but didn't comply with 1.8 and knowingly kept
20	possession of Mr. Mitrov's Viper after he repeatedly
21	asked to have it returned.
22	As for injury, as to Miss Sosa-Avila we find
23	little cr no injury because the property that was
24	conveyed to respondent was not actually hers. As to
25	Mr. Mitrov and the Viper, we find injury or potential

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1	evidence or false statement, that we don't believe
2	that one applies.
3	We believe that there's been a refusal to
4	acknowledge the wrongful nature of the conduct.
5	Didn't get a sense that Mr. Leventhal really
6	understood that this was a big deal, especially in
7	light of his past conduct.
8	And the last aggravating circumstance is
9	substantial experience in the practice of law.
10	As for mitigating circumstances, we find
11	that Mr. Leventhal had full and free disclosure to
12	the disciplinary authority and a cooperative attitude
13	toward the proceeding.
14	We did not consider the fact that Mr. Mitrov
15	withdrew his grievance, and we likewise did not
16	consider that Mr. Sosa-Avila did not appear to
17	testify today at the hearing.
18	With those findings, we believe the
19	appropriate sanction is a one-year suspension
20	suspended to go into effect only if respondent
21	receives a reprimand or worse over the next five
22	years.
23	In addition, over that five-year period, the
24	respondent needs to do one additional hour of ethics
25	CLE a year and one additional hour of law practice

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1	management CLE a year. Again that's over the entire
2	five-year period. Plus costs.
3	Do the parties have any questions?
4	MR. CLARK: Yes. When you this is David
5	Clark. When you say "reprimand," a letter of
6	reprimand or public reprimand?
7	CHAIRMAN EDWARDS: I guess it's my
8	understanding they're all one and the same now,
9	right?
10	MR. CLARK: Well, they're different levels
11	but they practically come out the same. They're
12	published.
13	CHAIRMAN EDWARDS: I guess the idea is any
14	reprimand.
15	MR. CLARK: Okay.
16	CHAIRMAN EDWARDS: We're not talking about
17	an admonition, right, because that's a dismissal.
18	MR. CLARK: Or a caution, yeah. I'd ask
19	reprimand for any viclation or for this rule?
20	CHAIRMAN EDWARDS: Any violation.
21	Panel members, anything I missed?
22	COMMISSIONER LEE: No.
23	CHAIRMAN EDWARDS: Okay. Thank you,
24	everybody.
25	MR. CLARK: Thank you.

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1	CERTIFICATE OF REPORTER
2	STATE OF NEVADA )
3	SS:
4	COUNTY OF CLARK )
5	I, Deborah Ann Hines, certified court
6	reporter, do hereby certify that I took down in
7	shorthand (Stenotype) all of the proceedings had in
8	the before-entitled matter at the time and place
9	indicated; and that thereafter said shorthand notes
0	were transcribed into typewriting at and under my
1	direction and supervision and the foregoing
2	transcript constitutes a full, true and accurate
3	record of the proceedings had.
4	IN WITNESS WHEREOF, I have hereunto affixed
5	my hand this 8th day of June, 2021.
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8	Reland Com Thise
9	Deborah Ann Hines, CCR #473, RPR
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MR.	GOSIC	00:	Thank	yo	u.			
	(The	reup	on the	pr	oceed	lings		
	were	con	cluded	at	4:32	? p.m.	)	
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INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

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V 662         Unputted         Use         Use <th< td=""><td>V 66.2         2015 5240           UUBY         Unreasonable           UUBY         Unreasonable           UUBY         2015 5242           UUBY         2025 215 5243           UUBY         2025 52823           UUBY         2025 52823           UUB         2025 52823           UUB         2025 52823           UUB         155 16 16 17           V         V           V         V           V         215 12 16 17           V         14795 1826           V         14795 1826           V         14795 1826           V         14795 1826</td><td>4</td><td>253:16</td><td>Vorthy 68:5</td><td>42'91'01'C'ESCI</td><td>41.2,15 42.8,15</td></th<>	V 66.2         2015 5240           UUBY         Unreasonable           UUBY         Unreasonable           UUBY         2015 5242           UUBY         2025 215 5243           UUBY         2025 52823           UUBY         2025 52823           UUB         2025 52823           UUB         2025 52823           UUB         155 16 16 17           V         V           V         V           V         215 12 16 17           V         14795 1826           V         14795 1826           V         14795 1826           V         14795 1826	4	253:16	Vorthy 68:5	42'91'01'C'ESCI	41.2,15 42.8,15
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# INTEGRITY COURT REPORTING, LLC 702-509-3121 7835 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

INTEGRITY COURT REPORTING, LLC 702-509-3121 7825 S. RAINBOW BLVD., SUITE 4-25, LAS VEGAS, NV 89139

### EXHIBIT D

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### **DECLARATION OF DAVID A. CLARK**

David A. Clark, declares as follows:

I am an attorney licensed to practice in the State of Nevada. I am counsel of record
for Respondent, Todd Leventhal, in the State Bar proceedings styled State Bar of Nevada v. Todd
Leventhal, Case Nos.: OBC20-0670 and OBC20-0706.

6 2. I make this declaration upon personal knowledge, and if called as a witness, I
7 could and would competently testify to the facts contained in this declaration. I make this
8 Declaration in support of Mr. Leventhal's Motion for New Trial.

3. Attached to the Motion for New Trial as Exhibit A is a true and correct copy of a
hand-written statement delivered to my office on or about Wednesday, May 26, 2021. I have
maintained the original document that our office received. The document was also notarized and
signed, with the stamp bearing the name "Norma Quevedo Pardo."

4. I immediately researched the sufficiency of the document because, although it was notarized, there was no date of signing. After researching the Secretary of State website section on notaries public, and reviewing NRS 240.120, *et al.*, I determined that there is no statutory requirement that the document itself bear the date of the notarization.

17 5. However, the statute also provides that the notary public's journal is public,
18 available for inspection, and that the notary is required to produce a certified copy of the journal
19 page where the notarial act is recorded. NRS 240.120(7). I therefore made efforts to locate the
20 notary identified on the statement, Norma Quevedo Pardo, for that purpose.

On or about June 8, 2021, I determined from Mr. Mitrov's current counsel, John Spilotro,
that Ms. Pardo used to work for the Muslusky law firm. I called left at least two messages for
that firm's office administrator, Don Kay. NOTE: All communication with Mr. Mitrov has been
effected through Mr. Mitrov's current criminal defense attorney, Mr. Spilotro.

6. I also learned through Mr. Spilotro that Mr. Mitrov had his statement notarized at a
business, Senor IPhones, located at 4180 So. Rainbow Blvd., #803, LV, NV 89103. I called that
business and left a voice message.

Page 17 of 18

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The next day, June 9, 2021, I visited the Senor IPhones store and spoke with a
 manager who identified himself as "Rami." He indicated that he knew of Ms. Pardo and that she
 provided notary services through his store. He even indicated that he recalled Mr. Mitrov bringing
 in a statement. I left a duplicate copy of the statement, with my business card, and requested to
 either speak with Ms. Pardo, or secure a certified copy of the relevant notary page. In a follow-up
 telephone call, Rami indicated to me that he was unable to reach Ms. Pardo.

7 8. Finally, on or about June 14, 2021, I spoke with Don Kay, the firm administrator
8 for Muslusky law firm. He confirmed that Ms. Pardo was a former employee but had separated
9 from employment approximately 8 months ago. Coincidentally, Mr. Kay communicated to me his
10 belief that Senor IPhones was owned by Ms. Pardo's fiancé.

9. Thereafter, I retained the services of Mark Preusch, a licensed private investigator with Global Reliance Investigations, to locate Ms. Pardo and secure the certified copy. True and correct copies of his reports, dated 7/2/2021 and 7/8/2021, respectively, are attached collectively, as **Exhibit E**. These reports indicate that he has contacted and spoken with Ms. Pardo, that she had a copy of the Mitrov statement, which identity she confirmed by photo ID, and that she would try to locate her notary journal.

As of July 19, 2021, Mr. Preusch has been unable to make further contact with Ms.
 Pardo or secure a certified copy of the relevant notary page.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 21st day of July 2021, in Las Vegas, Nevada.

<u>/s/ David A. Clark</u> DAVID A. CLARK

Page 18 of 18

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## EXHIBIT E



Case No:

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### ATTORNEY WORK PRODUCT

07/02/2021

Norma Pardo-Follow Up

I, Mark Preusch, a licensed private investigator in the State of Nevada, responded to Norma Pardo's residence, 3768 Silent Hill Las Vegas, Nevada 89147, on July 2, 2021. I knocked and rang the bell at that address but received no response. After I had left, I received a phone call from a man who identified himself as Norma's husband. He asked why I had left my card at his door. After I identified myself and explained the nature of my visit, he informed me that he would have Norma call me when she returned home.

Several hours later I received a phone call from Norma Pardo (562-607-8118). She acknowledged that she was a notary public, and said she had to look for her books because she had recently moved. I informed her that I wanted to examine her notary book and obtain a certified copy of her log entry for Zan Motrov's notarized statement. She told me she would look for her book and re-contact me.

END

GLOBAL RELIANCE INVESTIGATIONS Nevada State License No. 1890A 702-328-2464 FAX: 702-656-7827 Globalrelianceinvestigations.com 9811 W. Charleston., Ste. 2-774 Las Vegas, Nevada 89117



Case No:

*itt* 

#### ATTORNEY WORK PRODUCT

#### 07/08/2021

Norma Pardo-Follow Up

I, Mark Preusch, a licensed private investigator in the State of Nevada, contacted Pardo at (562-607-8118). She stated she found the document she notarized for Zan Mitrov, and the identity was confirmed by a photo ID. Pardo said she had a copy of the notarized document from Mitrov because she keeps copies of all the documents she notarizes.

I explained to her that I needed to examine her notary book and wanted a certified copy of her notary log from the book showing the date, signature, and method of confirming Zan Motrov's identity. She said she had not had time to find her notary book because she was working every day. I told her I would give her a couple of days to find the book and provide a certified copy of the log entry.

(Note: I have had many documents notarized over the years, and have never had a notary public take, or make a copy of the document I had notarized)

END

GLOBAL RELIANCE INVESTIGATIONS Nevada State License No. 1890A 702-328-2464 FAX: 702-656-7827 Globalrelianceinvestigations.com 9811 W. Charleston., Ste. 2-774 Las Vegas, Nevada 89117

		FILED AUG 17 2021	
1	DANIEL M. HOOGE Bar Counsel Nevada Bar No. 10620	STATE BAR OF NEVADA BY OFFICE OF BAR COUNSEL	
2	GERARD GOSIOCO Assistant Bar Counsel		
4	Nevada Bar No. 14371 3100 W. Charleston Blvd., Ste. 100		
5	Las Vegas, Nevada 89102 (702) 382-2200		
6	Attorneys for the State Bar of Nevada		
7	STATE BAR	OF NEVADA	
8		DISCIPLINARY BOARD	
9	STATE BAR OF NEVADA,		
10	Complainant,		
11		CASE NO: OBC20-0670; OBC20-0706	
12	TODD M. LEVENTHAL, ESQ., Nevada Bar No. 8543		
13	Respondent.		
14	STATE BAR OF NEVADA'S OPPOSITION	TO RESPONDENT'S MOTION FOR NEW	
15	TRIAL		
16	COMES NOW, the State Bar of Nevada (h	ereinafter "State Bar"), by DANIEL M. HOOGE, Bar	
17	Counsel, through GERARD GOSIOCO, Assistant Bar Counsel, and hereby submits the attached Points		
18	and Authorities in Opposition to Respondent's Motion for New Trial.		
19	This Opposition is based upon all papers and pleadings on file herein, the attached Points and		
20	Authorities in support hereof, and oral argument,	if deemed necessary by the Disciplinary Chair in this	
21	matter.		
22	///		
23	///		
24	///		
25	Page	1 of 8	

1	MEMORANDUM OF POINTS AND AUTHORITIES		
2	INTRODUCTION		
3	On December 4, 2020, the State Bar filed a Complaint against attorney TODD M. LEVENTHAL		
4	(hereinafter "Respondent") with two violations of RPC 1.8(a) (Conflict of Interest: Current Clients:		
5	Specific Rules). On May 20, 2021, a Formal Hearing was held. On July 13, 2021, the Findings of Fact,		
6	Conclusions of Law, and Recommendation after Formal Hearing (hereinafter "Findings") was signed and		
7	filed. The Findings are summarized as follows:		
8	<u>OBC20-0670</u>		
9	On, about, or between February 13, 2020, and June 22, 2020, Respondent		
10	represented Amalia Sosa-Avila (hereinafter "Ms. Sosa-Avila") in two (2) criminal		
11	matters. A retainer agreement for \$6,000.00 was executed between Respondent and		
12	Ms. Sosa-Avila. Ms. Sosa-Avila signed the retainer agreement; Respondent did not.		
13	Ms. Sosa-Avila did not have money to pay the retainer agreement. Respondent		
14	confirmed that he reached an agreement with Ms. Sosa-Avila to accept collateral as		
15	security for the payment of the attorney fees.		
16	Between February 2020 and June 2020, Ms. Sosa-Avila brought items as		
17	collateral to Respondent which were accepted by his office. The items Respondent's		
18	office accepted as collateral are as follows: (1) a Louis Vuitton purse; (2) a diamond		
19	ring; and (3) an iPhone. Respondent's office does not have a policy on accepting		
20	collateral nor does the retainer agreement address a policy on accepting collateral.		
21	Respondent did not abide by RPC 1.8 (Conflict of Interest: Current Clients: Specific		
22	Rules) before receiving possessory interests in the aforementioned items from Ms.		
23	Sosa-Avila.		
24			
25	Page 2 of 8		
	$\mathbf{POA}$ Page 100		

Respondent testified that after reviewing the discovery in Ms. Sosa-Avila's case, he believed that the iPhone, Louis Vuitton purse, and diamond ring were stolen. Respondent testified that upon discovering the items were allegedly stolen, he turned those items into Metro anonymously. On June 17, 2020, Respondent filed a Motion to Withdraw on both of Ms. Sosa-Avila's cases which were granted on June 22, 2020. OBC20-0706 On, about, or between July 17, 2019, and June 22, 2020, Respondent represented Zan Mitrov (hereinafter "Mr. Mitrov") in two (2) criminal matters that went into warrant. During this time, Mr. Mitrov allowed Respondent to borrow a Dodge Viper. On or about July 23, 2019, Mr. Mitrov delivered the Dodge Viper to Respondent's office. Respondent did not abide by RPC 1.8 (Conflict of Interest: Current Clients: Specific Rules) before receiving a possessory interest in Mr. Mitrov's Viper. Mr. Mitrov asked Respondent to return the Dodge Viper to him multiple times between February 2020 and June 2020. On, about, or between June 5, 2020, and June 30, 2020, Mr. Mitrov rented a car because he did not have a vehicle with working A/C. On June 24, 2020, Mr. Mitrov filed a grievance against Respondent with the State Bar in an attempt to get his Dodge Viper back. The Dodge Viper was returned to Mr. Mitrov after he filed a grievance. After Mr. Mitrov received the Dodge Viper, he withdrew his grievance with the State Bar. Findings and Recommendation After deliberations, the Formal Hearing Panel (hereinafter "Panel") unanimously found that the foregoing facts proved by clear and convincing evidence that Respondent knowingly violated RPC 1.8(a) (Conflict of Interest: Current Clients: Page 3 of 8

Specific Rules) which caused little or no injury to Ms. Sosa-Avila. In addition, the Formal Hearing Panel, by a 2-1 vote, found that the foregoing facts proved by clear and convincing evidence that Respondent knowingly violated RPC 1.8(a) (Conflict of Interest: Current Clients: Specific Rules) which caused injury to Mr. Mitrov.

The Panel recommended that Respondent receive a one (1) year suspension from the practice of law to go into effect only if he receives any letter of reprimand/public reprimand or worse over the next five (5) years. The Panel also recommended that over that five (5) year period, Respondent shall complete one (1) CLE hour for ethics and one (1) CLE hour for law practice management in addition to what is already required by the NV CLE Board each year.

On July 20, 2021, the State Bar submit the Record on Appeal (hereinafter "ROA") for the
underlying matter to the Supreme Court of Nevada (hereinafter "Supreme Court"). On July 21, 2021,
the ROA was accepted by the Supreme Court. Also on July 21, 2021, Respondent filed the instant Motion
for New Trial. Due to technical issues, the State Bar did not receive, and was not made aware of, the
instant motion until August 9, 2021. The State Bar responds as follows.

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#### ARGUMENT

17 Jurisdiction

Respondent's motion is untimely in that the Supreme Court of Nevada now has jurisdiction. The Disciplinary Rules of Procedure "govern procedures before the Northern and Southern Nevada Disciplinary Boards . . . involving prosecution and adjudication of attorney misconduct and incapacity." DRP 1(a). The Nevada Rules of Civil Procedure, on the other hand, apply to disciplinary matters only when the DRP is silent. Nevada Supreme Court Rule ("SCR") 119(2) (2020). Pursuant to the DRP, the Supreme Court's review of the instant matter "shall be commenced by bar counsel forwarding the record of the Hearing Panel proceedings to the [Supreme Court] within thirty (30) calendar days of entry of the
 decision." *See* DRP 36(b); SCR 105(3)(b).

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Here, the State Bar forwarded the ROA to the Supreme Court on July 20, 2021. It acted within
30 days pursuant to DRP 36(b) and SCR 105(3)(b). It was unaware of Respondent's intent to move the
Panel Chair for a new trial. However, once the Supreme Court received the hearing record, it obtained
jurisdiction. Accordingly, the instant matter is no longer within the jurisdiction of the Southern Nevada
Disciplinary Board, but rather, the Supreme Court.<sup>1</sup> Assuming *arguendo* that jurisdiction is not with the
Supreme Court, Respondent's arguments nevertheless fail as they are without merit.

#### 9 Newly Discovered Evidence

NRCP 59(a)(1)(D) states that a court may grant a new trial based on "newly discovered evidence
material for the party making the motion that the party could not, with reasonable diligence, have
discovered and produced at the trial[.]" Mr. Mitrov's "hand-written, signed, and notarized statement"
fails to satisfy the requirements of newly discovered evidence under NRCP 59(a)(1)(D). *See* Motion for
New Trial (hereinafter "Motion") 6.

Under NRCP 59(a)(1)(D), newly discovered evidence must meet two requirements. First, it must be material to the case. Second, the party making the motion could not, with reasonable diligence, have discovered and produced the material evidence at the trial. Assuming *arguendo* that Mr. Mitrov's statement is material, it fails to satisfy the second criteria. Respondent failed to establish why he could not, with reasonable diligence, have discovered and produced the evidence at the hearing.

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<sup>1</sup> Respondent's Opening Brief is due on Friday, August 20, 2021.

1	Respondent states that Mr. Mitrov delivered his statement - unsolicited - on May 26, 2021.		
2	Motion 6. Mr. Mitrov's statement reads as follows:		
3	When I first filed the bar complaint I deleted some messages from Mr. Leventhal about where my Viper was located. At that time I was on		
4	drugs. When I told Ms. Watson this she told me not to say anything		
5	because that can get me in trouble. She also told me that nothing is going to hapen [ <i>sic</i> ] to Todd Leventhal I feel bad for lying but I felt		
6	forced by Ms. Watson also [ <i>sic</i> ] saw document Ms. Watson made statements that i [ <i>sic</i> ] didn't say.		
7	Motion, Exhibit A. However, none of the information contained in Mr. Mitrov's statement constitutes		
8	new evidence as the statements contained therein could have been discovered and produced at trial.		
9	Respondent had ample opportunity to produce the alleged newly discovered evidence at or before the		
10	time of trial.		
11	First, Respondent was in contact with Mr. Mitrov prior to the Formal Hearing as evidenced by		
12	the Affidavit of Zan Mitrov that was attached to Respondent's Motion for Summary Judgment filed on		
13	December 31, 2020. Yet, Respondent fails to explain why he could not interview or otherwise		
14	communicate with Mr. Mitrov.		
15	Second, the text messages in question were between Respondent and Mr. Mitrov. The State Bar		
16	served its Initial Disclosure, which included the text messages, on March 16, 2021. If Respondent had		
17	reason to believe that text messages were deleted after reviewing the State Bar's Initial Disclosure,		
18	Respondent could have easily produced the alleged deleted messages at or before the time of trial with		
19	reasonable diligence. They were Respondent's communications. He could have downloaded his own		
20	text messages or contacted his carrier. Therefore, the alleged deleted text messages do not constitute		
21	newly discovered evidence that warrants a new trial.		
22	Lastly, with regard to Mr. Mitrov's alleged drug use and Ms. Watson's alleged statements,		
23	Respondent had the opportunity to cross examine both Mr. Mitrov and Ms. Watson at the Formal Hearing.		
24	In fact, Respondent's counsel questioned both Mr. Mitrov and Ms. Watson regarding their conversations.		
25	Page 6 of 8		

1	Therefore, the statements regarding Mr. Mitrov's alleged drug use and Ms. Watson's alleged statements	
2	do not constitute newly discovered evidence that warrants a new trial.	
3	Respondent fails to produce any evidence that could not, with reasonable diligence, have been	
4	discovered and produced at trial. As such, Respondent request for a new trial should be denied as he fails	
5	to meet his burden pursuant to NRCP 59(a)(1)(D).	
6	In the alternative, Respondent requests that the instant motion be treated as a Motion to Alter or	
7	Amend a Judgment pursuant to NRCP 59(e), or Motion for Reconsideration pursuant to NRCP 56.	
8	Motion 8, 10. For the same reasons the evidence fails to support granting a new trial, it fails to support	
9	Respondent's alternative requests.	
10	CONCLUSION	
11	Based upon the foregoing, the State Bar of Nevada respectfully requests that Respondent's	
12	Motion for New Trial be DENIED.	
13	DATED this 17th day of August, 2021.	
14		
15	STATE BAR OF NEVADA	
	DANIEL M. HOOGE, BAR COUNSEL	
16		
17		
18		
19	Gerard Gosioco, Assistant Bar Counsel	
20	Nevada Bar No. 14371 3100 West Charleston Boulevard, Suite 100	
21	Las Vegas, Nevada 89102 (702) 382-2200	
22		
23	Attorneys for the State Bar of Nevada	
24		
25	Page 7 of 8	
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,	CEDTIELCATE OF SEDVICE
1	CERTIFICATE OF SERVICE
2	The undersigned hereby certifies a true and correct copy of the foregoing STATE BAR OF
3	NEVADA'S OPPOSITION TO RESPONDENT'S MOTION FOR NEW TRIAL was served via
4	email to:
5	1. F. Thomas Edwards, Esq. (Hearing Panel Chair): <u>tedwards@nevadafirm.com</u>
6	2. David A. Clark, Esq. (Counsel for Respondent): dclark@lipsonneilson.com
7	3. Gerard Gosioco, Esq. (Assistant Bar Counsel): gerardg@nvbar.org
8	Dated this 17th day of August, 2021.
10	Tiffany Bradley, an employee
11	of the State Bar of Nevada
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23	Page 8 of 8

1	Case Nos.: OBC20-0670 and OBC20-0706	SEP 1 3 2021 STATE BAR OF NEVADA		
2	STATE BA	BY: MAA OFFICE OF BAR COUNSEL		
3				
4	SOUTHERN NEVADA	DISCIPLINARY BOARD		
5	STATE BAR OF NEVADA,			
6 7	Complainant, vs.	DECISION AND ORDER REGARDING RESPONDENT'S MOTION FOR NEW TRIAL		
8				
9	TODD LEVENTHAL, ESQ., Nevada Bar No. 8543			
10	Respondent.			
11				
12	DECISION			
13	3 On September 9, 2021, the Parties came before Thomas Edwards, Esq., the duly-appoin			
14	<ul> <li>Trial pursuant to NRCP 59 filed July 21, 2021. Complainant State Bar of Nevada filed its</li> <li>Opposition to Respondent's Motion August 17, 2021. Respondent filed his Reply in Support of</li> </ul>			
15				
16				
17 18	his Motion for New Trial on September 2, 2021.			
19	Based upon the pleadings, exhibits thereto, and argument of counsel at hearing, the			
20	Respondent's Motion is GRANTED, IN PAR	<b>T</b> , as follows:		
21	1. The Chair has jurisdiction to he	ar this Motion under NRCP 59 and NRAP 4. See,		
22	also, Chapman Indus. v. United Ins. Co. of A.	m., 110 Nev. 454, 457, 874 P.2d 739, 741 (1994)		
23	("The timely motions filed by United pursuant	to NRCP 52(b) and NRCP 59(a) and (e) tolled the		
24	running of the appeal period and rendered ine	ffective all the notices of appeal which were filed		
25 00	before the formal disposition of the timely post-judgment motions.").			
26 27		the Panel for the purposes of considering the new		
27 28	statement of Zan Mitrov and deciding whether			
20	satement of Zan Wittov and deciding whether	1		

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	1	a. Affirm the prior Findings of Fact, Conclusions of Law, and				
	2	Recommendations;				
	3					
	4	b. Alter or amend the judgment, pursuant to NRCP 59(e), with or without				
	5	additional proceedings;				
	6	c. Open the judgment, take additional testimony, amend findings of fact and				
	7	conclusions of law or make new findings and conclusions, and direct the entry of a new judgment,				
	8	pursuant to NRCP 59(a)(2), with or without additional proceedings, or;				
	9	d. Grant a new trial on all or some of the issues pursuant to NRCP 59(a).				
	10	THEREFORE, good cause appearing,				
	11	IT IS HEREBY ORDERED that Respondent's Motion is GRANTED, IN PART, for the				
_	12	purposes set forth above.				
<b>P.C.</b> Suite 120 8144 382-1512	13	IT IS FURTHER ORDERED that:				
Lipson Neilson P.C. 900 Covington Cross Drive, Suite 121 Las Vegas, Nevada 89144 (702) 382-1500 FAX: (702) 382-1512	14 15	<ol> <li>The parties are directed to survey the Panel members for a new date in the range of</li> </ol>				
n Cross as, Nev 00 FAX:	15	September 20, 2021, through October 1, 2021, convenient to all.				
Lipson Neilson   Covington Cross Drive, Las Vegas, Nevada 89 382-1500 FAX: (702)	17	2. The State shall serve on the Panel members only:				
9900 C	18					
	19	a. Statement of Zan Mitrov;				
	20	b. Filed Findings of Fact, Conclusions of Law, and Recommendations, and;				
	21	c. An accurate transcript of the prior proceedings.				
	22	••••				
	23	••••				
	24	••••				
	25					
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	28	2				

	1	State Bar of Nevada, v. Todd Leventhal, Esq., Case Nos.: OBC20-0670 and OBC20-0706	
	2	3. Unless otherwise ordered by the Chair, the new hearing on the above options will	
	3	be conducted via Zoom.	
	4	IT IS SO ORDERED.	
	5	DATED this $13^{\uparrow}$ day of September, 2021.	
	6 7	SOUTHERN NEVADA DISCIPLINARY BOARD	
	8	500 MERN NEVADA DISCH LINART DOARD	
	9		
	10	By: <u>()</u> F. Thomas Edwards, Esq.	
	11	Hearing Panel Chair	
	12	CERTIFICATE OF SERVICE	
e 120 1512	13	The undersigned hereby certifies a true and correct copy of the foregoing I served via	
<b>n P.C</b> /e, Suite 89144 2) 382-	14	email the foregoing <b>DECISION AND ORDER REGARDING RESPONDENT'S MOTION</b>	
Lipson Neilson P.C. 9900 Covington Cross Drive, Suite 12( Las Vegas, Nevada 89144 (702) 382-1500 FAX: (702) 382-1512	15	FOR NEW TRIAL was served via email to the following:	
on N ngton C vegas, -1500 F	16	1. Gerard Gosioco, Esq., Assistant Bar Counsel, State Bar of Nevada: gerardg@nvbar.org	
Lips 10 Covi Las 12) 382	17	2. David A. Clark, Esq. Counsel for Respondent: dclark@lipsonneilson.com	
)66	18	3. F. Thomas Edwards, Esq., Panel Chair: tedwards@nevadafirm.com;	
	19	ssell@nevadafirm.com	
	20	4. Mike Lee, Esq., Panel Member: <u>mike@mblnv.com</u>	
	21	5. Steve Moore, Lay Member: <u>rotaryactv@cox.net</u>	
	22		
	23 24	Dated this Day of, 2021.	
	24 25		
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1 2 3 4 5	Case No: OBC20-0670; OBC20-0706 SEP 17 2021 STATE BAR OF NEVADA BY OFFICE OF BAR COUNSEL	
6	STATE BAR OF NEVADA SOUTHERN NEVADA DISCIPLINARY BOARD	
7 8 9 10 11 12 13 14	STATE BAR OF NEVADA, Complainant, vs. TODD M. LEVENTHAL, ESQ., Nevada Bar No. 8543, Respondent. PLEASE TAKE NOTICE that the hearing in the above-entitled action has been scheduled for <b>one day on September 27, 2021, at the hour of 9:00 a.m.</b> The hearing	
15	will be conducted via audio/visual simultaneous transmission (using Zoom) hosted from	
16	Las Vegas Nevada.	
17	DATED this day of September 2021.	
18	<b>STATE BAR OF NEVADA</b> DANIEL M. HOOGE, BAR COUNSEL	
19		
20 21	GI S.	
22		
23	Gerard Gosioco, Assistant Bar Counsel	
24	Nevada Bar No. 14371 3100 West Charleston Boulevard, Suite 100	
25	Las Vegas, Nevada 89102 (702) 382-2200	
	-1-	

1	CERTIFICATE OF SERVICE		
2	The undersigned hereby certifies a true and correct copy of the foregoing <b>NOTICE</b>		
3	OF HEARING was served via email to:		
4	1. F. Thomas Edwards, Esq. (Panel Chair): <u>tedwards@nevadafirm.com;</u>		
5	2. Mike Lee, Esq. (Panel Member): <u>mike@mblnv.com</u>		
6	3. Steve Moore (Lay Member): <u>rotaryactv@cox.net</u>		
7	4. David Clark, Esq. (Counsel for Respondent): <u>DClark@lipsonneilson.com</u>		
8	5. Gerard Gosioco, Esq. (Assistant Bar Counsel): <u>gerardg@nvbar.org</u>		
9	Deted this soft devis f Contempore		
10	Dated this 17th day of September 2021.		
11	Sonia Del Rio		
12	Sonia Del Rio, an employee of the State Bar of Nevada		
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1 2 3	Case Nos.: OBC20-0670; OBC20-0706	FILED NOV 10 2021 STATE BAR OF NEVADA BY OFFICE OF BAR COUNSEL	
4	STATE BAR OF SOUTHERN NEVADA DIS		
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6	STATE BAR OF NEVADA,		
7	Complainant,		
8	-vs- TODD M. LEVENTHAL, ESQ., Nevada Bar No. 8543		
9	Respondent.		
10			
11	ORDER DENYING RESPONDENT'S MOTION FOR NEW TRIAL		
12	On July 21, 2021, TODD M. LEVENTHAL (hereinafter "Respondent") filed a Motion for New		
13	Trial. <sup>1</sup> On August 17, 2021, the State Bar of Nevada (hereinafter "State Bar") filed its Opposition to		
14	Respondent's Motion for New Trial. On September 2, 2021, Respondent filed his Reply in Support of		
15	his Motion for New Trial.		
16	On September 9, 2021, the Parties came bef	ore F. Thomas Edwards, Esq. (hereinafter "Panel	
17	Chair"), the duly appointed Formal Hearing Panel Chair in the instant matter. See Transcript of		
18	Proceedings, September 27, 2021 (hereinafter "Transcript"). Based upon the pleadings, exhibits thereto,		
19	and arguments of counsel at the hearing, the Panel Chair found that good cause exists to reconvene the		
20	Formal Hearing Panel (hereinafter "Panel") for the p	purposes of considering the new statement of Zan	
21	Mitrov (hereinafter "Mr. Mitrov") and deciding with	hether to: (a) affirm the prior Findings of Fact,	
22	Conclusions of Law, and Recommendation After For	mal Hearing (hereinafter "Findings"); <sup>2</sup> (b) alter or	
23	Although the Panel Chair and Panel member Lee received the	e electronic service of the motion, the State Bar was not	
24	aware of, and did not receive, Respondent's motion until Augus <sup>2</sup> The Formal Hearing for the instant matter was held on Thursday	t 9, 2021.	
25	Page 1 of 3		

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amend the judgment, with or without additional proceedings; (c) open the judgment, take additional testimony, amend the Findings or make new Findings, and direct the entry of a new judgment, with or without additional proceedings; or (d) grant a new trial on all or some of the issues.

On September 27, 2021, the Panel of the Southern Nevada Disciplinary Board reconvened on the
online video conferencing platform Zoom. The Panel consisted of the Panel Chair, Mike Lee, Esq., and
Steve Moore, Laymember. Transcript 13. Assistant Bar Counsel Gerard Gosioco, Esq., represented the
State Bar. *Id.* David A. Clark, Esq., represented the Respondent who was not present. *Id.* Based on the
Parties' stipulation, the Panel was given the new statement of Mr. Mitrov, the Findings, and the transcript
of the May 20, 2021, Formal Hearing. Transcript at 10. The Panel did not reconsider any of the findings
or recommendations as it relates to Amalia Sosa-Avila. Transcript at 7.

After deliberations, the Panel concluded that the new statement of Mr. Mitrov does not change any of the Panel's findings, conclusions, or recommendation. Transcript at 11. The Panel stated that Mr. Mitrov's testimony at the Formal Hearing still supports their Findings even absent the text messages. Transcript at 11-12. The Panel further stated that they are concerned that Respondent did not show what the deleted text messages were during the Formal Hearing, and thus, the Panel could not conclude that the deletion of the text messages was actually material. Transcript at 12.

As to Mr. Mitrov's alleged drug use, the Panel concluded that his statement conflicts with his prior testimony, but that it did not change their analysis. *Id.* Lastly, as it pertains to Louise Watson (hereinafter "Ms. Watson"), the Panel concluded that Mr. Mitrov's new statement is too vague for the Panel to reconsider the Findings. *Id.* Further, Mr. Mitrov's allegation that Ms. Watson advised him to lie is potentially collateral to the issues the Panel is considering. *Id.* 

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- 23 ////
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1	CONCLUSION
2	Based upon the foregoing, the Hearing Panel finds no good cause to grant Respondent's motion.
3	Therefore, the Hearing Panel hereby DENIES the Motion for New Trial and AFFIRMS the Findings of
4	Fact, Conclusions of Law, and Recommendation After Formal Hearing, filed on July 13, 2021.
5	IT IS SO ORDERED.
6	DATED this $10$ th day of November 2021.
7	
8	Tom Edwards
9	Tom Edwards (Nov 10, 2021 15:50 PST)
10	F. Thomas Edwards, Esq. Hearing Panel Chair
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25	Page 3 of 3

1	<u>CERTIFICATE OF SERVICE</u>
2	The undersigned hereby certifies a true and correct copy of the foregoing
3	ORDER DENYING RESPONDENT'S MOTION FOR NEW TRIAL was served
4	via email to:
5	1. F. Thomas Edwards, Esq. (Panel Chair): <u>tedwards@nevadafirm.com;</u>
6	2. David Clark, Esq. (Counsel for Respondent): <u>DClark@lipsonneilson.com</u>
7	3. Gerard Gosioco, Esq. (Assistant Bar Counsel): <u>gerardg@nvbar.org</u>
8	Dated this 10th day of November 2021.
9	Sonia Del Rio
10	Sonia Del Rio, an employee of the State Bar of Nevada
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1 2 3	STAF BY	FILED NOV 12 2021 E BAR OF NEVADA CE OF BAR COUNSEL
4 5	STATE BAR OF NEVADA	
	SOUTHERN NEVADA DISCIPLINARY BOARD	
6	STATE BAR OF NEVADA, )	
7	Complainant,	
8	vs. ) <u>AMENDED ST</u>	
9	TODD M. LEVENTHAL, ESQ., NV Bar No. 8543)OF NEVAL MEMORANDUM	
10	) Respondent.	
11		
12	Description	Amount
13	Court Reporter Fee & Transcript Fee Hearing Held on May 20, 2021	\$1,935.50
14 15	Court Reporter Fee & Transcript Fee Hearing Held on September 27, 2021	\$959.50
16	Nation Wide Legal Services	\$80.00
17	SCR 120	\$2,500.00
18	Certified Mail Costs (1 x \$6.78)	\$6.78
19	7019 2280 0001 9440 7062	
20	TOTAL	\$5,481.78
21		
22	1. I am Assistant Bar Counsel with the State Bar of Neva	da. I have personal
23	knowledge of the above-referenced costs and disbursements expended.	
24	2. The costs set forth above are true and correct to the best of	f my knowledge and
25	belief and were necessary and reasonably incurred and paid in connection	with this matter.
	-1-	

True and correct copies of invoices supporting these costs are attached to this Memorandum
 of Costs.

As stated in the Findings of Fact, Conclusions of Law and Recommendation, 3. 3 Respondent shall be ordered to pay the fees and costs of these proceedings within thirty (30) 4 days of receipt of the Nevada Supreme Court Order or service of a Memorandum of Costs, 5 whichever is later in this matter pursuant to Supreme Court Rule 120(1). 6 Dated this 12th day of November 2021. 7 **STATE BAR OF NEVADA** 8 Daniel M. Hooge, Bar Counsel 9 10 11 12 13 By: Gerard Gosioco, Assistant Bar Counsel 14 3100 W. Charleston Boulevard, Ste. 100 Las Vegas, Nevada 89102 15 Attorney for State Bar of Nevada 16 17 18 19 20 21 22 23 24 25 -2-

1	CERTIFICATE OF SERVICE BY MAIL
2	
3	The undersigned hereby certifies a true and correct copy of the foregoing <b>AMENDED</b>
4	STATE BAR OF NEVADA'S MEMORANDUM OF COSTS was served electronically to:
5	1. David Clark, Esq. (Counsel for Respondent): <u>dclark@lipsonneilson.com;</u> <u>dmarquez@lipsonneilson.com</u>
6	2. Gerard Gosioco, Esq. (Assistant Bar Counsel): <u>gerardg@nvbar.org</u>
7	
8	DATED this <u>12th</u> day of November 2021.
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10	By: Sonia Del Rio
11	Sonia Del Rio, an employee of the State Bar of Nevada
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Integrity Court Reporting 7835 S. Rainbow Boulevard Suite 4-25 Las Vegas, NV 89139 (702)509-3121

# Invoice

Number: 1787 Date: 6/8/2021

PAYMENT DUE UPON RECEIPT

Bill To:

Belinda Felix State Bar of Nevada 3100 W. Charleston Boulevard Suite 100 Las Vegas, NV, 89102

Job Date	Witness Name	Case Name	Case No.
5-20-21	Todd Leventhal	State Bar v Leventhal	OBC20-0670 & OBC20-07

DescriptionAmountFull Day Appearance Fee\$200.00Transcript -267 Pages @ 6.50\$1,735.50

6-17-21sdr

Tax I.D. No. 01-0974768	Total	\$1,935.50
Received On:		
Dessived Dur		
Received By:		

#### **First Legal Depositions**

1517 Beverly Boulevard Los Angeles, CA 90026 Phone: (855)-348-4997



State Bar of Nevada Gerard Gosioco 3100 W. CharlestonSuite 100 Las Vegas, NV 89102

## *Invoice* **#70116**

Date	Terms
10/12/2021	Net 30

Firm Case#: OBC20-0670 & OBC20-0706 Case: State Bar of Nevada vs. Todd Leventhal, Esq.	Shipped On: 10/11/2021 Shipped Via: Email Only Delivery Type: Normal Services: Court Reporter	
Description	Price	Amount
Original Transcript of Hearing		
Original & One - Electronic (19 Pages)	\$ 5.50	\$ 104.50
Per Diem (Half Day)	\$ 750.00	\$ 750.00
Condensed Transcript	\$ 25.00	\$ 25.00
Processing & Handling	\$ 50.00	\$ 50.00
Remote Surcharge (50 Page Minimum) (50 Pages)	\$ 0.60	\$ 30.00
		\$ 959.50
	Amount Due:	\$ 959.50
	Paid:	\$ 0.00
	Balance Due:	\$ 959.50
	Payment Due:	11/11/2021
		40/00/0

10/22/21- sdr

We appreciate your business - Where the client comes first! Billing questions? Please call us at (855) 348-4997 or email us at depoclientcare@firstlegal.com

Remit Payment To: First Legal Deposition Services LLC P.O. Box 841441 Dallas, TX 75284-1441

Tax ID: 46-3364757 First Legal Depositions Phone: 855-348-4997



Attention: Accounts Payable OFFICE OF BAR COUNSEL

3100 W. Charleston, # 100

Las Vegas, NV 89102

T (702) 382-2200

### INVOICE

Invoice No.	Customer No.
00000030063	21191
INVOICE DATE:	Total Due
5/31/2021	\$ 260.00

PLEASE MAKE REMITTANCE TO:

Nationwide Legal, LLC 1609 James M Wood Blvd. Los Angeles, CA 90015 TAX ID # 20-8284527

21191 00000030063 5/31/2021 \$ 260.00 1		
Date         Order No         Service Detail         Charges	es Units	Total
5/14/2021       STATE BAR OF NEVADA       Amalia Sosa-Avila         NV242044       3100 W. Charleston 100       9457 Las Vegas Blvd S.       Base Cha         032 - RUSH PROCESS (24 HRS)       Las Vegas, NV 89102       Las Vegas, NV 89123       Total:         Caller: Kristi Faust       Case Number: OBC20-0670/0706       Client/Matter: OBC20-0670       Description: Please attempt service. Once         Docs: Subpoena;;       Attorney Name: Gerard Gosioco, Esq.,       naffidavit of service is       needed. Thank you.	arge : narges for Ref.	\$ 80.00 \$ 80.00 \$ 80.00

INVOICE PAYMENT DUE UPON RECEIPT

1	CERTIFICATE OF SERVICE
2	The undersigned hereby certifies that a true and correct copy of the foregoing
3	SUPPLEMENTAL RECORD ON APPEAL was placed in a sealed envelope and sent by U.S.
4	certified mail in Las Vegas, Nevada, postage fully prepaid thereon for certified mail addressed to:
5	Todd M. Leventhal, Esq. c/o David Clark, Esq. 9900 Covington Cross Dr., Ste. 120.
6	Las Vegas, NV 89144 CERTIFIED MAIL RECEIPT NO. 7020 1810 0002 0425 1993
7	
8	DATED this 12th day of November 2021.
9	Sonia Del Rio
10	Sonia Del Rio, an Employee of the State Bar of Nevada
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#### STATE BAR OF NEVADA

#### SOUTHERN NEVADA DISCIPLINARY BOARD

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STATE BAR OF NEVADA,

Complainant,

vs.

TODD M. LEVENTHAL, ESQ., Nevada Bar No. 8543, Respondent.

REPORTER'S TRANSCRIPT OF FORMAL HEARING PROCEEDINGS BEFORE HEARING PANEL CHAIR F. THOMAS EDWARDS Grievance File Nos.: OBC20-0670 and OBC20-0706 By Zoom Videoconference Taken on Monday, September 27, 2021 At 9:04 a.m. Las Vegas, Nevada Reported by: Carla N. Bywaters, CCR 866

Job No. 63932

1	APPEARANCES:		
2	Panel Members:		
3	F. THOMAS EDWARDS, ESQ., Hearing Chair		
4	MICHAEL B. LEE, ESQ., Panel Member		
5	STEVE MOORE, Lay Member		
6	Also Present:		
7	J. GERARD GOSIOCO, ESQ., Assistant Bar Counsel		
8	SONIA DEL RIO, Hearing Paralegal		
9	TIFFANY BRADLEY		
10	DAVID A. CLARK, Counsel for Respondent		
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L	First Legal Deposition-Calendar@firstlegal.com 2		

September 27, 2021

1		EXHIBITS	
2	NUMBER	DESCRIPTION	ADMITTED
3	Respondent's		
4	G	Statement of Zan Mitrov	11
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9		TRANSCRIFT OF PROCCEEDINGS September 27, 2021	
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September 27, 2021

1	PROCEEDINGS
2	CHAIR EDWARDS: Let's go on the record.
3	Okay. We are reconvened because, after the
4	hearing, one of the witnesses, Zan Mitrov, sent a
5	notarized statement to counsel for Respondent. Based
6	upon that notarized statement, Respondent filed a motion
7	for a new trial, which I granted in part, ordering that
8	this panel reconvene and consider the statement by
9	Mr. Mitrov and consider whether it changes our findings
10	or conclusions or recommendations.
11	As I was preparing for the hearing today, I
12	took a look at the Standard 4.32 for ABA Standards for
13	Imposing Lawyer Sanctions to try to figure out what the
14	default-level sanction that would apply to the findings
15	as it relates to Ms. Sosa-Avila. So the idea is, for
16	purposes of the Panel, we aren't going to reconsider
17	anything that we're talking about as it relates to
18	Ms. Sosa-Avila, only as it is relates to Mr. Mitrov.
19	But nonetheless, for purposes of determining
20	what the appropriate sanction is, I need to understand
21	what the default level sanction is as it relates to
22	Ms. Sosa-Avila. And Section 4.3 talks about various
23	states of mind and various levels of injury, but I don't
24	see one that's consistent with our findings that says
25	there was a knowing violation, which caused little or no
1	

1	injury.
2	So, for both the State Bar and Mr. Clark, can
3	you please explain to the panel what you believe the
4	default level sanction is as it relates to our findings
5	with regard to Ms. Sosa-Avila?
6	MR. GOSIOCO: Court's indulgence, Mr. Edwards.
7	I will look through the standards and see which one is
8	most appropriate for Ms. Sosa-Avila.
9	MR. CLARK: And month my part, as the chair and
10	the panel know, it is our position that you have to
11	break it down, and the State Bar has the burden of proof
12	to show the elements of an unfair transaction ahead of
13	time, and one of those elements is an adverse possessory
14	interest.
15	And, again, it is our position and the panel
16	heard it and disagreed with it. And since the State Bar
17	has not proven and established an adverse possessory
18	interest, their entire I.8 Violation fails on its face.
19	Now, if they have proven it, the burden shifts to me to
20	prove that it was fair and reasonable.
21	But, at this point, we would our position
22	would be that they didn't prove their case, they didn't
23	prove a prima facie case, because they haven't
24	established an adverse possessory interest, which is an
25	element that they must prove.

1	However, if I would think that if you prove
2	that I know the ABA Standards, you know, impose a
3	baseline that's that's that's established before
4	the application of mitigating or aggravating factors,
5	but I would submit to you here that, since that the
6	baseline I know what the baseline is for the
7	standard of the ABA Standards.
8	But applying the mitigation, I would say that
9	it's it's a letter of a because he one, it
10	was never her property to begin with. She did take it
11	as collateral, but then she never paid him for it. So,
12	you know, all things considered, even with though
13	there's no harm to her, that he did not he did not
14	take an unfair advantage of anything, because there was
15	nothing to take advantage of.
16	In this case, even though you may find a
17	technical violation, the Rules still say that whether or
18	not discipline should be imposed for a violation is up
19	to the panel based upon a consideration of all the
20	circumstances. So, even if there's a violation, I would
21	submit that under the Nevada Rules of Professional
22	Conduct, you can even dismiss or impose a letter of
23	caution.
24	The ABA Standards are black letter, and they
25	tend to be tougher on their face, but then you'll apply

1	mitigating and aggravating circumstances. And, as even
2	the ABA Standards say, each factual situation is is
3	unique, and you must apply it to the particular
4	circumstances of each attorney. That's my long answer.
5	Thank you.
6	CHAIR EDWARDS: Okay. And, Mr. Clark, just
7	to just to make sure we're all on the same page, I
8	want to make clear that we are not going to reconsider
9	any of the findings or recommondations I guess the
10	findings as it relates to Ms. Sosa-Avila.
11	So my question is simply focused on what I
12	guess, hypothetically speaking, if we pretended that the
13	claim as it relates to Mr. Mitrov did not exist, what
14	would the baseline sanction be for the findings we have
15	already made as it relates to Ms. Sosa-Avila. That's
16	my my
17	MR. CLARK: So, sort of a carve-out, if we
18	yeah. I I I agree With that. I wouldn't expect
19	you to revisit Sosa Avila-Sosa, but that would be my
20	feelings in this case, or our position in this case,
21	that if you carve it out, and it's a stand-alone, then
22	that would be that would be the the appropriate
23	rem the appropriate sanction.
24	CHAIR EDWARDS: Okay. And the State Bar?
25	MR. GOSIOCO: Thank you, Mr. Chairman. And,

respectfully, the State Bar would disagree with 1 2 Mr. Clark's position that the State Bar did not prove an 3 adverse possession. 4 CHAIR EDWARDS: Don't waste your time. No, 5 We're only talking about sanctions. no, no. 6 MR. GOSIOCO: As it relates to sanctions, the 7 State Bar believes that Standard 4.33 would be most 8 applicable for Ms. Sosa-Avila, which states that 9 "Reprimand is generally mappeopriate when a lawyer is negligent in determining whether the representation of a 10 11 client may be materially affected by the lawyer's own interests or whether the representation will adversely 12 affect another client and causes injury or potential 13 14 injury to a client." 15 CHAIR EDWARDS: And I guess -- and my concern 16 about that is that's a negligence standard, and we found 17 there was a knowing violation, and that standard 18 requires injury or potential injury, and we found little 19 or no injury. 20 How do I square that or is -- or are we at a 21 stage where there simply isn't guidance, so the panel 22 has the leeway to figure it out ourselves? 23 MR. GOSIOCO: And I apologize, Mr. Chairman, I 24 did overlook the "knowingly" finding. In that case, the 25 standard -- the appropriate standard would be 4.32,

which states that "Suspension is generally appropriate 1 when a lawyer knows of a conflict of interest and does 2 not disclose to a client the possible effect of that 3 conflict and causes injury or potential injury to a 4 client." 5 6 CHAIR EDWARDS: Even -- even though we found 7 there was little or no injury? 8 MR. GOSIOCO: Correct, Mr. Chairman, the end 9 of ABA Standard 4.32 contemplates that it causes injury or even potential injury to a client. 10 11 CHAIR EDWARDS: Okay. 12 Mr. Clark, anything in response? 13 MR. CLARK: I would submit that, on these 14 facts, you cannot even have potential injury, and I'll 15 submit on that. 16 CHAIR EDWARDS: Okay. 17 All right. Before we go into deliberations, any questions from the parties members? 18 19 MR. LEE: No, no questions. 20 MR. MOORE: (Moves head side to side.) 21 CHAIR EDWARDS: Okay. All right. Then, we 22 will go off the record and head to our deliberation 23 Thank you. room. 24 (Recess taken.) 25 (Discussion held off the record.)

> First Legal Deposition-Calendar@firstlegal.com L.A. 855.348.4997

CHAIR EDWARDS: Okay. My understanding is the 1 parties stipulate to admit Mr. Mitrov's new statement 2 3 into evidence; is that right? 4 MR. CLARK: So stipulated. 5 MR. GOSIOCO: That is correct. CHAIR EDWARDS: Do we know which -- what's the 6 7 next exhibit in order? 8 MR. GOSIOCO: The exhibits that should be 9 admitted are No. 1, Mr. Mittice statement; No. 2, the Findings of Fact and Conclusions of Law resulting from 10 the formal hearing as well as the certified transcript 11 12 from the hearing. 13 CHAIR EDWARDS: And I guess, just so we don't 14 make the appellate record too confusing, can we continue 15 those numbers from the prior hearing; meaning, if we had 16 five exhibits --17 MR. CLARK: Yeah, numbers or letters. The Mitrov statement is Responsed in next in order. 18 19 CHAIR EDWARDS: Okay. And do you happen to 20 know what letter that is? 21 MR. CLARK: I knew you were going to ask that. 22 Let me check the caption. On page --23 MR. GOSIOCO: The next -- sorry. 24 MR. CLARK: -- 6 would be -- we had -- the 25 State Bar -- I mean, Respondent had exhibits A through

F, as in Frank. So I think it would be G? 1 2 MR. GOSIOCO: That is correct. 3 MR. CLARK: Okay. CHAIR EDWARDS: Okay. So Respondent's 4 Exhibit G is admitted. 5 (Exhibit G was admitted into evidence.) 6 7 CHAIR EDWARDS: Anything else that we need to address before we go into deliberations? 8 9 MR. CLARK: Anapoointernof clarification --Mr. Clark -- was the panel privy to the briefing on this 10 11 motion? 12 CHAIR EDWARDS: No. 13 MR. CLARK: Okay. 14 CHAIR EDWARDS: Anything else? 15 MR. GOSIOCO: Nothing further from the State 16 Bar. 17 CHAIR EDWARDS: Okay. We'll go off the record again and head into our delition room. 18 19 (Recess taken.) 20 CHAIR EDWARDS: All right. We are back on the 21 record. 22 The panel had an opportunity to consider 23 Respondent's Exhibit G and concluded that it does not change any of our Findings of Fact, Conclusions of Law 24 25 or Recommendations. We are troubled at the possibility

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September 27, 2021

that text messages were deleted, yet we find that there 1 2 is -- Mr. Mitrov's testimony, even absent the text messages, still supports our findings. 3 4 We are also concerned that we haven't --Mr. Leventhal did not show us what these deleted 5 messages were, and without that, we weren't -- we can't 6 7 conclude that the deletion of the text messages was 8 actually material. 9 As to the statement about drug use, clearly that conflicts with his prior testimony, but that does 10 11 not change the panel's analysis. 12 And, as to the statement that Ms. Watson told 13 him not to say anything about something -- we don't know 14 what -- we find that statement to be too vague to -to -- to make us reconsider. And it also appears to be 15 16 potentially collateral to the issues that we were 17 considering, so those are our findings. 18 19 MR. MOORE: (Moves head up and down.) 20 MR. LEE: No, nothing. 21 CHAIR EDWARDS: And I guess now I just 22 realized that we didn't go through the formality of 23 having everybody introduce themselves with being in the transcript, so I guess let's -- just so we don't screw 24 25 that up.

1 I'm Tom Edwards, the panel chair. 2 Would the Panel please introduce themselves, lay member first. 3 4 MR. MOORE: Steve Moore, lay member. MR. LEE: Michael Lee, panel member. 5 CHAIR EDWARDS: Okay. For the State Bar. 6 7 MR. GOSIOCO: Gerard Gosioco on behalf of the 8 State Bar. 9 CHAIR EDWARDS TRANSCRIPT APRICAEDING for Respondent. MR. CLARK: David Clark on behalf of 10 Respondent, Todd Leventhal. 11 12 CHAIR EDWARDS: Okay. With that, any other --13 any other items we need to take care of before 14 concluding the hearing today? 15 MR. GOSIOCO: Nothing further, sir. 16 CHAIR EDWARDS: Okay. Mr. Clark? 17 MR. CLARK: Nothing further. CHAIR EDWARDS: """"" Thank you all for 18 19 reconvening, and have a good rest of your day. 20 MR. CLARK: Thank you. 21 MR. GOSIOCO: Thank you, everyone. 22 (Reporter's Transcript of Proceedings was 23 recessed at 9:33 a.m.) 24 25

1	REPORTER'S CERTIFICATE
2	STATE OF NEVADA )
3	) ss County of clark )
4 5	I, Carla N. Bywaters, a duly certified court reporter licensed in and for the State of Nevada, do hereby certify:
6	That I reported the taking of the foregoing proceedings at the time and place aforesaid;
7	That I thereafter transcribed my shorthand notes
8	into typewriting and that the typewritten transcript of said proceedings is a complete, true and accurate record
9	of testimony provided at said time to the best of my ability.
10	I further certify that I am not a relative,
11	employee or independent contractor of counsel of any of the parties involved in said action; nor a person
12	financially interested in the action; nor do I have any other relationship with any of the parties or with
13	counsel of any of the parties involved in the action
14	that may reasonably cause my impartiality to be questioned.
15	IN WITNESS WHEREOF, I have hereunto set my hand in
16	the County of Clark, State of Nevada, this 7th day of October 2021.
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19	CARLA N. BYWATERS/, NV CCR #866
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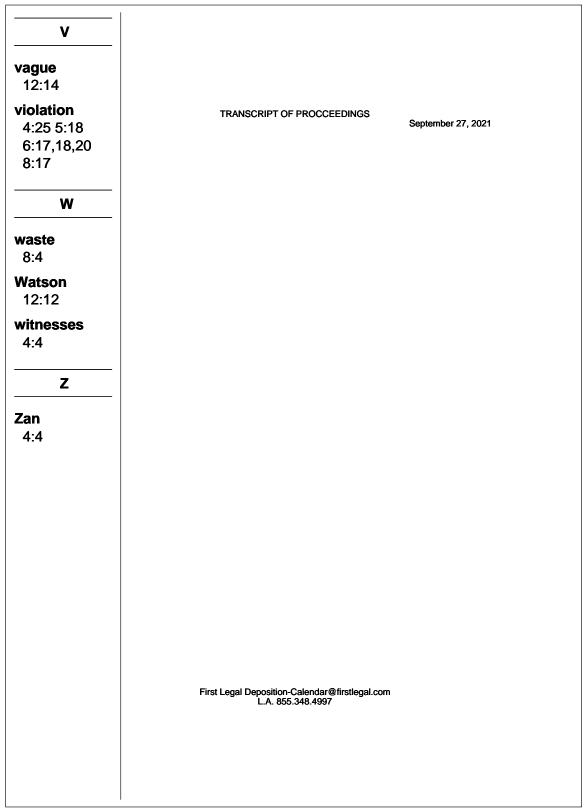
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WHEN I FIRST FILED THE BAR COMPLAINT I DELETED SOME MESSAGES FROM MR. LEVENTHAL ABOUT WHERE MY VIPER WASLOCATED. ATTHAT TIME I WAS ON OPUGS. WHEN I TOLD MS. WATSON THIS SHE TOLD ME NOTTO SAT ANYTHING BECAUSE THAT CAN BET ME IN TROUBLE. SHE ALSO TOLD ME THAT HAPEN TO TODO LEVENTHAL NOTHING is GOING TO FEEL BAD FOR LYING BUT I FELT MS WATSON ALSO HAS FORCED BY MS WATSON MADE SAW DOCUMENT STATMENTS THAT I DIDN' PO1/ 'AA NOTARY PUBLIC NORMA QUEVEDO PARDO STATE OF NEVADA - COLINTY OF CLAR POINTMENT EXP. MAY No: 20-2473-01