

# STATE BAR OF NEVADA



April 18, 2017

## LETTER OF REPRIMAND

Anthony DeLuca, Esq.  
7580 W. Sahara Ave.,  
Las Vegas, NV 89117

Re: Grievance File Nos. SG14-0417/Trinity Kahooohanohano  
SG14-1493/  
SG13-0317/Megyn Wolff

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Dear Mr. DeLuca:

Pursuant to the Conditional Guilty Plea you executed on January 29, 2016 please find the Letter of Reprimand confirming the resolution of the above disciplinary matters.

### **COUNT 3** **SG14-0417/ Trinity Kahooohanohano**

Your client retained you to file a bankruptcy petition, and informed your office that a foreclosure sale was scheduled for September 27, 2013. At the initial meeting in June of 2014, your client did not meet with you, but met with Brandon Allen ("Allen"), whom she believed, was an attorney. Mr. Allen is not an attorney, but your office's "Chapter 13 Department Manager."

Your client indicates that she never met with you, only with Allen and while Allen never actually told her he was an attorney your client believed that he was.

Although your client met with the firm in June of 2014, she waited until September of 2014, approximately ten days before her foreclosure sale to retain the law firm. According to your client when she retained your firm in September of 2014, she was instructed to make payments until she had paid her retainer in full which was \$1,500. According to the you, she was also instructed to complete her paperwork appointment which required her to provide six months wage statements, six months of bank statements, and four years of tax returns. She was also instructed to complete a credit counseling course, which was mandatory to file the bankruptcy.

While she eventually made the payments required, she did not show up for her paperwork appointment, did not provide any bank statements, tax returns, or wage statements, and did not complete the mandatory credit counseling course until seven hours after her house was already sold. If the bank statements, tax returns, and wage statements were provided, the case would not have been filed as Chapter 13 as there was not sufficient income to save the home. The case was ultimately converted to Chapter 7 and a discharge of her debts was successfully obtained.

The foreclosure sale went through at 9:00 a.m. on September 27, 2013 as scheduled, as a result of your client not paying her mortgage for approximately three years. Your client never met with you directly, although you reviewed the bankruptcy petition filed with the Bankruptcy Court.

In light of the foregoing, you violated Rule of Professional Conduct ("RPC") RPC 1.4 (Communication), RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants).

**COUNT 4**

**Case No. SG14-1252/ Prudence Ticknor**

Your client retained you in May 2009 to handle a Chapter 13 Bankruptcy matter. According to your client she paid on her bankruptcy for 5 years and was told by your office that she had completed her case only to subsequently receive a letter from the Trustee that it had been dismissed. Your client's case was dismissed due to the fact that she failed to make payments required by the plan, even after five continuances over a nine month period had been attained by you from the Bankruptcy Court to provide her the opportunity.

Your client received a tax refund of \$1,492 for the 2011 tax year and \$1,861 for the 2012 tax year and kept the money. According to the plan these monies were to be turned over to the Trustee.

Your client indicates, she was originally working with your employee Tiffany Watson (Watson) in 2012. At this time your client did not have a job or any income and asked Watson if she could lower her payments and keep her tax refund. According to your client on October 2, 2012 she received an email from Watson indicating that Watson would ask the Trustee if this was possible.

The following day, Watson called your client back and told her that her payments would be reduced from \$200 a month to \$150. Your client claims that she was told that she would not have to pay back the tax refund, which you deny. There is no record of the purported agreement that your client could keep the tax refunds but there is a record that her payments were reduced to \$150 a month. Your client did not speak with you, only with Ms. Watson.

After your client received a letter indicating that her bankruptcy matter had been dismissed she immediately contacted your office and spoke with your employee Wendy

on July 25, 2014. She was told that someone would call her back either that day (which was a Friday), or the following Monday.

Your client did not receive a return phone call until July 30, 2014 when Allen called her back. According to your client during this conversation Allen was rude and disrespectful then ultimately hung up on your client. Allen denies this.

Allen did follow up later that day with an email indicating that the office would contact your client in short order to go over her options. Your client was receptive to this idea and left a message for Allen that she was interested reopening her case.

On August 6, 2014 your client received another email from Allen indicating that Allen did not have time to call your client and again explained her options going forward including reopening her case. Your client emailed back indicating that she was interested in having your office reopen the case, but was feeling frustrated with no one at your office actually explaining what would be required to reopen the case. She closed by indicating that she wanted to actually speak to someone as she was confused by what her options were.

Ultimately, on August 8, 2014 Allen emailed your client back indicating that she would have to pay \$500 to reopen the case, and an additional \$750 to file a motion with the Bankruptcy Court to request that your client would not have to repay the tax refunds from 2011 and 2012.

On August 22, 2014 your client called the office to pay the \$1,250 requested so that you would reopen the case.

On September 2, 2014 your client followed up with Allen because she had not heard anything since paying the money on August 22. Allen returned this phone call and indicated that she should change her filing to a Chapter 7 instead of the Chapter 13, and your client agreed to this. During this conversation your client informed Allen that she was about to start a new job.

According to your client, Allen indicated that this would not be a problem and that as long as she made less than approximately \$55,000 a year she would be fine. Your client asked if it would be a problem if she made more and Allen purportedly told her that it was "no big deal" but that her request that she not have to pay back the tax refunds would likely be denied since she had income.

Your client heard nothing from Respondent's firm for the next two weeks. On September 17, 2014 she informed Allen that she would be starting a job in Nevada on or around October 20, 2014 and that she would be making approximately \$62,500 a year.

Allen responded to this email by indicating that that he had intended to contact her to inform her of a recent decision by the Bankruptcy Court wherein the judge

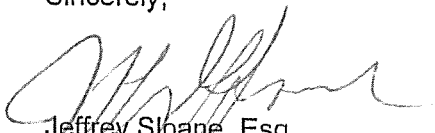
declined to reopen a case because the request was filed after 60 days, which was the situation that your client was in. Allen indicated that DeLuca and Associates would be refunding your client the \$1,250 she paid to re-open the case and that she had the option to re-file in the state she was currently residing in.

Your client was frustrated by this email since she was moving back to Nevada soon to take the job offer she had. She called Allen and spoke with him for approximately one minute with Allen telling her they could not re-file because the 60 day time had lapsed and they were refunding her money. Your client claims that Allen then hung up on her.

Your client then called back and asked to speak directly to you. She was told that Allen's manager would call her back, but never did despite more calls and emails requesting a response.

In light of the foregoing, you violated Rule of Professional Conduct ("RPC") 1.4 (Communication) and RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffrey Sloane', is written over the typed name.

Jeffrey Sloane, Esq.  
Hearing Panel Chair  
Southern Nevada Disciplinary Board