



FILED

JUN 16 2017

STATE BAR OF NEVADA
BY: *Shelley Forney*
OFFICE OF BAR COUNSEL

Case Nos.: OBC17-0298

**STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA,)
)
Complainant,)
)
vs.)
)
SAMUEL F. STAPLETON, ESQ.,)
Nevada Bar No. 3819)
Respondent.)

LETTER OF REPRIMAND

To: Samuel F. Stapleton, Esq.
600 S. Third St.
Las Vegas, NV 89101

On March 7, 2017, the State Bar received a notice from Wells Fargo Bank that an overdraft had occurred on your trust account ending in 6110. The notice indicated that a \$4,000 withdrawal was made in the bank on February 23, 2017 which left a negative balance of \$11.00. The transaction was paid and added a \$35 fee.


A Letter of Investigation was sent to you on March 10, 2017 from the State Bar. On March 30, 2017. you came to the State Bar offices and requested to speak to the State Bar Investigator. During that conversation, you felt the overdraft was due to bank error, however, the bank had refused your request to advise the State Bar as such. You said that this overdraft occurred because the bank "took out more in wire fees than normally."

1 You went on to describe that a client, for "many years", has had cash
2 transferred into your trust account from overseas, which you then withdraw in cash
3 and give it to her. The receipts are signed and dated by the client with the statement:
4 "*I acknowledge receipt of the above noted cash funds from S. Frank Stapleton, Esq.*
5 *I understand I have sole responsibility to pay all Federal and local taxes on the*
6 *funds received.*" You said that this occurs several times a month, because she "has
7 no bank account."

8 You thought that the bank paid the wire transfer fees from the transferred
9 funds, but your statements and receipts to the client indicate that you were paying
10 the transfer fees from the residual funds in the account. This is a violation of the
11 Rule of Professional Conduct 1.15 (Safekeeping).

12 Accordingly, you are hereby **REPRIMANDED** for this violation. Pursuant
13 to SCR 120(1) we are imposing fees of \$1,500 to be paid to the State Bar within 30
14 days of receipt of this letter. We trust that this Letter of Reprimand will serve as a
15 reminder to you of your ethical obligations, and that no such problems will arise in
16 the future.
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18
19 DATED this 9th day of May, 2017.

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22 By: 
23 Kenneth Hogan, Esq.,
24 Screening Panel Chair
Southern Nevada Disciplinary Panel

RECEIPT OF LETTER OF REPRIMAND
AND COVER LETTER – Case No. OBC17-0298

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4 SAMUEL F. STAPLETON, ESQ. hereby acknowledges receipt of the Letter of
5 Reprimand issued by the May 9, 2017 Screening Panel Chair, Kenneth Hogan, as well
6 as the cover letter giving appeal rights dated May 25, 2017 in case number OBC17-
7 0298.

8 I also acknowledge receipt of the May 15, 2017 returned certified mailing the
9 State Bar of Nevada attempted to send to my SCR 79 address at 600 S. Third Street,
10 LV NV 89101.

11 Dated this 25th day of May, 2017.

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15 Samuel F. Stapleton, Esq.
16 Respondent, Case No. OBC17-0298
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