



Attorney Misconduct Complaint

To file an attorney misconduct complaint, please read the instructions below, complete the attached complaint form, and mail to:

Office of Chief Trial Counsel Intake
845 South Figueroa Street
Los Angeles, CA 90017

You may use the State Bar's online Attorney Search (www.calbar.ca.gov) to see whether an attorney has a public record of prior discipline in California and whether the attorney is licensed to practice law in California.

Instructions

- Please provide your name, address, zip code, email address (if available), and telephone numbers (work, home and cell).
- Be sure to give the full name, address and phone number of the attorney you are complaining about. If you wish to complain about more than one attorney, complete a separate statement of complaint for each attorney.
- If any of the blank spaces do not apply to your case, write N/A (Not Applicable). If you do not know the size of the attorney's law firm, please state "Unknown" for Size of Law Firm.
- In the Statement of Complaint section, tell us about your complaint against the attorney. Tell us what the attorney did or failed to do that you believe may warrant disciplinary action. We need to know the background of your case. Tell us in your own words what happened.
 - If your complaint is about the attorney you hired, tell us: When did you hire the attorney? What agreement did you make with the attorney? Was the agreement verbal or in writing?
 - If the complaint is about an attorney who has not represented you, please tell us: What is the connection you have with this attorney? If the attorney is

representing a person or entity in a dispute with you, please identify that person or entity and explain the nature of the dispute.

- Provide any helpful documents. Send only copies and keep the originals. All documents you send, originals or copies, become the property of the State Bar and are subject to future destruction.
 - If you are complaining about an attorney who represented you, provide copies of written fee agreements, payments or other letters (written or electronic) to the attorney. It may be helpful to provide copies of the front and back sides of all canceled checks and/or copies of receipts showing your payments to the attorney. Any documents in your possession could be very helpful.
 - If you are complaining about some other attorney, provide any court documents or correspondence with the attorney which will help to explain your complaint. If you are represented by counsel in the matter involving the attorney, please provide your attorney's name, address and telephone number.

The State Bar accepts complaints in over 200 languages. If you need translation services to communicate with the State Bar, please let us know by completing the Translation Information section of the complaint form. We will communicate with you through a translation service in the language of your choice. If you have a trusted friend or family member whom you would prefer to provide translation assistance and that person will accept communications from the State Bar in English, please provide their contact information in the Translation Information section of the complaint form.

The State Bar will review and evaluate your complaint to determine whether investigation and prosecution is appropriate. You will be notified of our decision in writing. [This chart explains what happens after you file a complaint.](#) Thank you for your cooperation.

Additional Information

The State Bar's Office of Chief Trial Counsel (OCTC) reviews complaints of unethical conduct by attorneys licensed to practice in California. Should OCTC prosecute allegations contained in your complaint, you may be required to testify before the State Bar Court in order to prove charges against the attorney(s) involved. Below is a list of what OCTC can and cannot do when it considers a complaint against an attorney:

- OCTC can recommend that an attorney be disciplined only for a violation of the California State Bar Act or the California Rules of Professional Conduct.

- OCTC cannot act as your attorney or otherwise help you in legal matters connected with your complaint. For example, OCTC cannot give you legal advice or perform legal service for you (such as pursuing damages or other legal action against the attorney(s) involved in your complaint). You may have legal remedies available to you, but OCTC cannot advise you on your rights in a given situation or what you should do. The State Bar is not a court that can provide civil remedies to you.
- OCTC cannot give you the name of a particular attorney to help you with your legal matters. The State Bar does certify lawyer referral services, and a [list of certified lawyer referral services is available on the State Bar's website \(www.calbar.ca.gov\)](#) or by calling 800-843-9053. The State Bar pamphlet [Finding the Right Lawyer](#) is also available online.
- OCTC can seek discipline for an attorney's failure to refund an unearned fee or failure to account for fees. Please keep in mind, however, that attorney fees are not refundable simply because you are dissatisfied with your attorney's services. In other words, OCTC cannot decide whether an attorney's fee is reasonable. If you are disputing your attorney's fees, you may seek to resolve the dispute through a fee arbitration process. Information about [fee arbitration is available online](#) or by calling 800-843-9053.
- OCTC can seek an order of restitution if an attorney has misappropriated client funds. In addition, the State Bar's Client Security Fund (CSF) may reimburse funds dishonestly taken by the attorney (but not simply because the lawyer acted incompetently, committed malpractice or failed to take certain action). CSF cannot process applications for reimbursement until final discipline has been ordered against the attorney by the California Supreme Court. An [application for reimbursement from CSF is available online](#) or by calling 800-843-9053.
- If you have further questions, you may call the complaint line at 800-843-9053. Also, the State Bar pamphlet [Having A Problem With Your Lawyer is available online](#). The pamphlet has helpful answers to questions about dealing with an attorney.



Attorney Misconduct Complaint Form

| Your Contact Information | | |
|--|-------------------|-------|
| First Name: | Middle Name: | |
| Last Name: | | |
| Address: | | |
| City: | State: | Zip: |
| Email: | | |
| Home Phone: | Work: | Cell: |
| Attorney's Information | | |
| First Name: | Middle Name: | |
| Last Name: | | |
| Address: | | |
| City: | State: | Zip: |
| Email: | CA Bar License #: | |
| Home Phone: | Work Phone: | |
| Cell Phone: | Website: | |
| <p>Have you or a member of your family complained to the State Bar about this attorney previously?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Did you hire this attorney?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Enter the approximate date you hired the attorney and the amount paid (if any) to the attorney.</p> <p>Date: _____ Amount Paid: _____</p> | | |

What is your connection to this attorney? Explain briefly.

Attorney's Information

Statement of Complaint

Include with your submission, a statement of what the attorney did or did not do that is the basis of your complaint. Please state the facts as you understand them. Do not include opinions or arguments. If you hired the attorney(s), state what you hired the attorney(s) to do. Additional information may be requested.

Related Court Case Information (If known)

| | |
|--|-------------------------------------|
| Name of Court: | Case Name: |
| Case Number: | Approx. date case was filed: |
| Size of law firm complained about: | |
| If you are not a party to this case, what is your connection with it? Explain briefly. | |

Translation Information

Not Applicable

The State Bar accepts complaints in over 200 languages. If you need translation services to communicate with the State Bar, please let us know by completing this section of the complaint form. We will communicate with you through a translation service in the language of your choice. Do you need translation services?

YES **NO**

Please state the language in which you need formal translation:

.....

The State Bar’s mission is to protect complainants regardless of their immigration status. Complainants who are unable to complete this form due to disability, language restrictions, or other circumstances may obtain help by calling the complaint line at 800-843-9053.

Attestation

By checking this box I certify that all information on this form is true and correct. I understand that the content of my complaint can be disclosed to the attorney. I understand that I waive the attorney client privilege and any other applicable privilege between myself and the attorney to the extent necessary for the investigation and prosecution of the allegations.

Signature: _____ **Date:** _____

From: James Adams <james@adamslawnevada.com>
Subject: RE: Document Of Shareholder Meeting on November 7, 2017
Date: November 8, 2017 at 4:33:39 PM PST
To: "ken@kenmanqueros.com" <ken@kenmanqueros.com>
Cc: Mike Lathigee <mike@mikelathigee.com>

Dear Mr. Manqueros:

My name is James Adams and I am an attorney who represents Michael Lathigee. I have represented Mr. Lathigee for a number of years. My office is located in Las Vegas, NV. I have been practicing commercial, class action and defamation trial law for over 17 years. I have appeared before the Nevada Supreme Court on a number of occasions, including a seminal Nevada Supreme Court case on defamation. Mr. Lathigee forwarded your email to me for response.

I would like to first state that Mr. Lathigee is NOT a "convicted felon." That is a false and defamatory statement. I am surprised and shocked that a licensed attorney would utter this defamatory and false statement without evidence. The attorney's statement that, "I am a 15 year Corporate Attorney and I know the law. He is a convicted felon and is prohibited from selling securities of any form and the fact that there is a PPM means that he sold securities to investors and invested that money into a club that I am involved in, and I will not have anything to do with a convicted felon" is patently ludicrous. Apparently this "15 year Corporate Attorney" knows very little about the law of defamation. In a separate case, another individual uttered somewhat similar defamatory comments and suffered a \$250,000 judgment against him (attached).

Mr. Lathigee takes pride in his reputation and business accomplishments. Those are key elements to his business success and the success for those who join him in business pursuits. The statements that Mr. Lathigee is a convicted felon constitute "defamation per se". To constitute defamation per se, the statement must fall into one of four categories: "(1) that the plaintiff committed a crime; (2) that the plaintiff has contracted a loathsome disease; (3) that a woman is unchaste; or, (4) the allegation must be one which would tend to injure the plaintiff in his or her trade, business, profession or office." Nev. Indep. Broad. Corp., 99 Nev. 404, 409, 664 P.2d 337, 341. Clearly, the statement that Mr. Lathigee is a "convicted felon" falls with the first and fourth definition of defamation per se.

As such, unless the statements are immediately withdrawn and a retraction is published to all those who have been adversely affected by these falsities, those individuals who uttered such false and defamatory statements will likely have to defend their statements

in a court of law. This decision is, of course, up to Mr. Lathigee. Feel free to call with any questions. Thank you.

James R. Adams, Esq.
Adams Law Group, Ltd.
5420 W. Sahara Ave., Suite 202
Las Vegas, NV 89146
Ph: 702-838-7200 Fax: 702-838-3636

CONFIDENTIAL. This e-mail message and the information it contains is intended only for the named recipient(s) and may contain information that is a trade secret, proprietary, privileged, or attorney work product. This message is intended to be privileged and confidential communications protected from disclosure. If you are not the named recipient(s), any dissemination, distribution or copying is strictly prohibited. If you have received this e-mail message in error, please notify the sender at 702-838-7200 or by e-mail at james@adamslawnevada.com and permanently delete this message and any attachments from your workstation or network mail system.

Tax Opinion Disclaimer. To comply with IRS regulations, we advise that any discussion of Federal tax issues in this E-mail was not intended or written to be used, and cannot be used by you, i) to avoid any penalties imposed under the Internal Revenue Code or, ii) to promote, market or recommend to another party any transaction or matter addressed herein.

-----Original Message-----

From: Ken Manqueros [<mailto:ken@kenmanqueros.com>]
Sent: Wednesday, November 08, 2017 10:49 AM
To: Mike Lathigee <mike@mikelathigee.com>
Subject: Document Of Shareholder Meeting on November 7, 2017

Mike,

I am compelled to write you to make you aware of and make inquiry regarding the claims made against CFG Carmel Valley LLC, and Capital Fitness Group LLC.

The related parties consisted of 4 of the Managers of Capital Fitness Group LLC, (Ken Manqueros, Frank Gibilisco, Jeff Hunter, John Romeo) in addition to shareholders, (Michael Do, Marc Odenweller, Charlie Schleicher, Steven Loew, Adam Loew, Sean Barry, Matt Onaitis, Todd Larocca, Jeff Clark, and lastly the Club Manager of Operations Ray Chung.

I began the meeting to set rules of engagement given the pending litigation between present parties. As neither side was represented by counsel, I wanted to make sure that

there was no discussion of any information that could be used in court or arbitration should the case continue on it's present adversarial path. Because there is an ongoing concern that still needs to be run effectively, we thought it wise to get together to inform shareholders of what we were doing at least to address some of their concerns related to the operation itself. Much to our dismay however, the very first commentary from Sean Barry was to inform the group that "before we even get started and agree not to talk about anything other than operations, he thought it was a very serious matter that we sold ownership and turned over management to convicted felons. Specifically he stated, "the biggest issue that I have and I know the rest of the group has is the fact that Michael Lathigee is a convicted felon!" I admonished Sean for saying this out loud, asked him to keep his counsel and advised that my own "mini Miranda" was in effect namely that anything he says or does can be used to bolster each others case. He continued on stating emphatically that "I am a 15 year Corporate Attorney and I know the law. He is a convicted felon and is prohibited from selling securities of any form and the fact that there is a PPM means that he sold securities to investors and invested that money into a club that I am involved in, and I will not have anything to do with a convicted felon." Despite my admonitions to the contrary, I engaged him and said that "you shouldn't say things like that without Mike here to defend himself or clarify your remarks" and he stated that "I don't need him to clarify his remarks, it's all over the internet. There are multiple articles that you guys didn't bother to read obviously, but I did and it's a big problem." I stated that I was certain that this is something that would come up in the future, in an effort to move the conversation along. Before doing so however I asked once more, "so you believe that Mike Lathigee is a convicted felon and that's your biggest issue with this case?" to which he responded "Mike Lathigee is a convicted felon for securities fraud and you guys turned the club over to him".

Obviously the effect that these statements made as fact had a very sobering effect on the room. The individuals in the room have substantial investments and of course they are rightfully cautious of their dealings with anyone convicted of a felony for any reason, never mind the securities fraud that Sean clearly stated as fact. We were able to move on from the subject in any case and Jeff and Ray did a fantastic job of describing what they are doing with the club and how it should perform going forward. At one point Matt Onaitis stated that he believed we should move on and look forward as opposed to dealing with mistakes of the past of which there might be many. He indicated that "these guys names are being trashed with a lawsuit alleging fraud among other things" and that he wants no part of it. It was at that point that Adam Loew stated, "we can move past much of this but we cannot move past the fact that a convicted felon is going to be involved. I asked him what he meant and he stated that "Mike Lathigee is a convicted felon and that has to be addressed" in addition to mentioning some other inconsistencies.

I asked that this information be set aside for a moment and Steven Loew stated "it's material if someone involved in the club is a convicted felon" to which I responded that "Jeff Clark is running the operation and he is not a convicted felon." Steve Loew then stated incredulously that "Michael Lathigee IS a convicted felon however and Jeff is just a front for him!"

My question to you is this Mike, are you a convicted felon? I have not had this fact disclosed to me and neither of the other partners have either, but if true, you have withheld that information which has now put us in very serious jeopardy from a legal standpoint. We are now dealing with a lawsuit alleging fraud among other items. I ask for your written response to this serious charge, which if true we had no knowledge.

I look forward to your response.

Ken Manqueros



A-15-715971-
C-9119...ent.pdf



Untitled
attach...61.html

From: mskousen@aol.com <mskousen@aol.com>
Sent: Friday, July 19, 2019 11:09 AM
To: Mike Lathigee <mike@mikelathigee.com>
Subject: Fwd: CONFIDENTIAL: FRAUD ALERT: Exhibitor - Investment Club of America
- Mike Lathigee - Largest Fraudster in Canada

Still more....MAS

-----Original Message-----

From: Valerie Durham <vdurham@freedomfest.com>
To: Sean Barry <sbarr1@ymail.com>
Cc: vdurham@freedomfest.com <vdurham@freedomfest.com>; autumn@freedomfest.com <autumn@freedomfest.com>; nathan@freedomfest.com <nathan@freedomfest.com>; norann@freedomfest.com <norann@freedomfest.com>
Sent: Fri, Jul 19, 2019 10:40 am
Subject: Re: Fw: CONFIDENTIAL: FRAUD ALERT: Exhibitor - Investment Club of America - Mike Lathigee - Largest Fraudster in Canada

We received your email and will conduct our own inquiry. Thank you.

Regards,
Valerie

On Fri, Jul 19, 2019 at 9:29 AM Sean Barry <sbarr1@ymail.com> wrote:

Hello - I want to follow up with an email I sent yesterday on one of your exhibitors. See below.

I would advise you to forward this email to your legal counsel ASAP.

My goal is to help prevent further harm being done to investors - especially new investors. Mr. Lathigee is attending your event specifically to raise new money for a fraudulent enterprise.

This email is giving you notice, and if no action is taken then FreedomFest could be considered to be facilitating Mr. Lathigee's fraudulent activities, which would be unfortunate.

Please let me know if you would like any further detail on the below.

Best Regards,

Sean A. Barry
Personal Email
Direct Mobile: 858-945-4314

----- Forwarded Message -----

From: Sean Barry <sbarry1@ymail.com>

To: vdurham@freedomfest.com <vdurham@freedomfest.com>

Sent: Thursday, July 18, 2019, 02:02:19 PM PDT

Subject: CONFIDENTIAL: FRAUD ALERT: Exhibitor - Investment Club of America - Mike Lathigee - Largest Fraudster in Canada

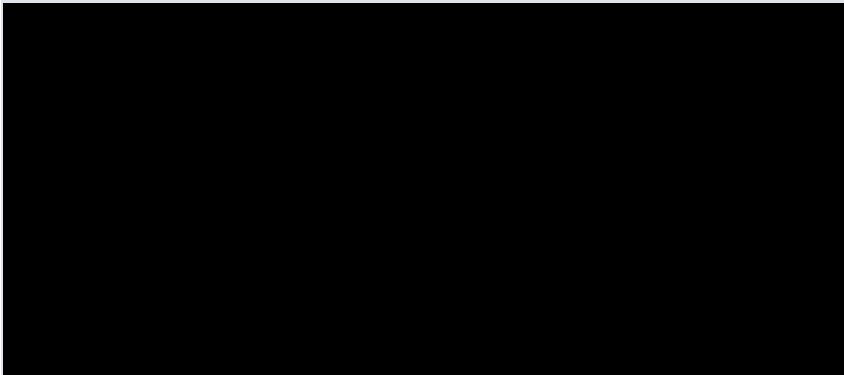
Hello - I am attorney here in San Diego.

It is my opinion that one of your exhibitors - Investment Club of America, which is operated and owned by Mike Lathigee, is most likely operating an investment ponzi scheme. It appears Mr. Lathigee is utilizing FreedomFest to facilitate his ability to defraud new investors.

You should not allow him to lure new unwitting investors into his scheme.

I would urge you to contact the FBI, who is actively investigating Mr. Lathigee.

Additionally, Mr. Lathigee is a known fraudster - having committed one of the largest investment frauds in Canadian history. (See link: [BCSC wins in U.S. court to enforce order against fraudster](#))

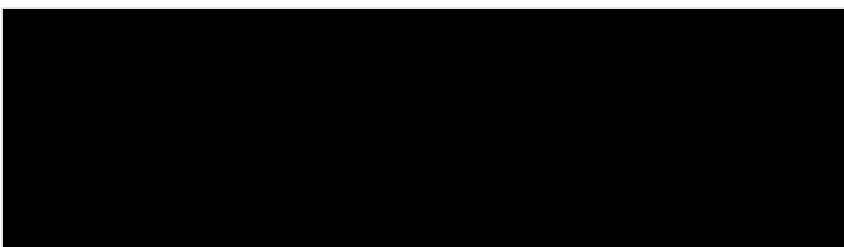



BCSC wins in U.S. court to enforce order against fraudster

VANCOUVER, May 22, 2019 /CNW/ - The British Columbia Securities Commission (BCSC) has won a victory in a Nevada ...

I would also urge you to contact the British Columbia Securities Commission as well to verify contents of this email.

Additionally, he has a recent judgment as of June, 2019 against him filed in Nevada State Court for over \$20M. [Nevada court orders former Vancouver man to pay back \\$21.7 million to investors](#)





**Nevada court orders former Vancouver man to pay
back \$21.7 million to in...**

The B.C. Securities Commission says it is the first time a court in
the United States has recognized an order fr...

**You should immediately have Mr. Lathigee cease and desist from any contact with
FreedomFest now that you are on notice of Mr. Lathigee and his Investment Club of America.**

Sean A. Barry
Personal Email
Direct Mobile: 858-945-4314

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Sincerely,

Valerie Durham
Executive Director
FreedomFest
"The Wild West" July 17-20, 2019
Paris Resort Las Vegas
Global Financial Summit: Mexican Mosaics, November 2019
855-850-3733 ext 101