

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

mc

RECEIVED BY E-MAIL

In re

Frank J. Prohaska,

Lawyer (Bar No. 27589).

Supreme Court No. 201476-3

DISCIPLINARY COUNSEL
DECLARATION

I, Francesca D'Angelo, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against Respondent lawyer, Frank J. Prohaska. This statement is submitted in support of ODC's Petition for Interim Suspension under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC).

2. On May 28, 2015, ODC received a grievance filed against Respondent.

3. On June 1, 2015, ODC sent Respondent a copy of the grievance and requested a written response within thirty (30) days.

4. Respondent did not provide a written response within thirty (30) days.

5. On July 8, 2015, ODC sent Respondent a "ten day" letter requesting his written response to the grievance within ten (10) days or Disciplinary Counsel would issue a subpoena for his deposition.

6. Respondent did not provide a written response to the grievance within ten days.

7. On July 24, 2015, Disciplinary Counsel issued a subpoena duces tecum requiring Respondent to appear for a deposition on August 13, 2015 and to produce certain documents.

8. A process server attempted to serve Respondent with the July 24, 2015 subpoena at his addresses on file with the Association but was not successful.

9. On September 30, 2015, Disciplinary Counsel issued another subpoena duces tecum requiring Respondent to appear for a deposition on October 22, 2015 and to produce certain documents. The subpoena duces tecum was served on Respondent by certified mail at his office address on file with the Association and at an address in Narbeth, Pennsylvania.

10. On October 5, 2015, Respondent signed a receipt for the certified letter mailed to the address in Narbeth, Pennsylvania. Attached as Exhibit A is a redacted copy of the certified mail receipt signed by Respondent.

11. Respondent did not appear for his October 22, 2015 deposition or otherwise contact Disciplinary Counsel.

12. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Seattle, WA 11/12/15
Date & Place


Francesca D'Angelo, Bar No. 22979
Disciplinary Counsel

EXHIBIT A

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

* Sender. Please print your name, address, and ZIP+4® in this box *

Office of Disciplinary Counsel
Washington State Bar Association
1325 Fourth Avenue, Ste 600
Seattle, WA 98101-2539

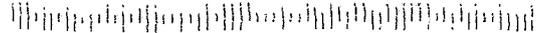
FAO
15-00976

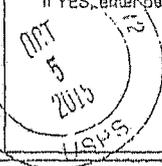
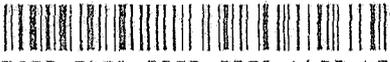
USPS TRACKING#



9590

10/10



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Frank J. Prohaska</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>PROHASKA</i> <input type="checkbox"/> <i>10-5-15</i></p>																
<p>1. Article Addressed to <i>Frank J. Prohaska</i> </p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>NOV 5 2015</i> </p>																
<p>2. Article Number (Transfer from service label)  9590 9403 0072 5073 4633 47 7015 0640 0007 0979 7013</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation®</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation®	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation®																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

OFFICE RECEPTIONIST, CLERK

To: Carol Kinn
Cc: Allison Sato; Francesca D'Angelo
Subject: RE: In Re Frank J. Prohaska, Bar No. 27589

Received 11/12/15

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Carol Kinn [mailto:carolk@wsba.org]
Sent: Thursday, November 12, 2015 3:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Allison Sato <Allisons@wsba.org>; Francesca D'Angelo <Francescad@wsba.org>
Subject: In Re Frank J. Prohaska, Bar No. 27589

Dear Mr. Carpenter:

Attached are the following documents: 1) Petition for Interim Suspension of Frank J. Prohaska, 2) Declaration of Disciplinary Counsel, and 3) Declaration of Mail Service.

Sincerely,

Carol Kinn

Carol M. Kinn
Legal Administrative Assistant
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8291

CONFIDENTIALITY STATEMENT: The information in this e-mail and in any attachment may contain information that court rules or other authority protect as confidential. If this e-mail was sent to you in error, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify me and delete this message. Thank you.