

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST AMOUN VANG  
SAYAOVONG, ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

CASE NO. 2015AP<sup>680</sup>-D

Complainant;

AMOUN VANG SAYAOVONG,

Respondent.

**RECEIVED**

APR 06 2015

CLERK OF SUPREME COURT  
OF WISCONSIN

**COMPLAINT**

NOW COMES the Wisconsin Supreme Court - Office of  
Lawyer Regulation (OLR) by Assistant Litigation Counsel  
Jonathan E. Hendrix, and alleges as follows:

1. The OLR was established by the Supreme Court of  
Wisconsin and operates pursuant to Supreme Court Rules.  
This Complaint is filed pursuant to SCR 22.11.

2. Respondent Amoun Vang Sayaovong (Attorney  
Sayaovong) is an attorney admitted to the State Bar of  
Wisconsin on April 9, 2007. Attorney Sayaovong's address  
on file with the State Bar of Wisconsin is Law Office of  
Amoun Sayaovong LLC, 5626 N. 91st St., Suite 205, Saint  
Paul, Minnesota 55107-1636. However, there is no such  
address in Saint Paul, Minnesota. On information and  
belief, Attorney Sayaovong may have had an office at 5626

N. 91st Street, Suite 205, Milwaukee, Wisconsin 53225, but mail OLR sent to that address has been returned as "unclaimed." On information and belief, for some government registrations, Attorney Sayaovong has used an address of 941 Payne Ave., Saint Paul, Minnesota 55106-4003, which is occupied by a non-legal retail business. Attorney Sayaovong has also listed an address of Law Offices of Amoun Sayaovong LLC, 3111 W. Wisconsin Ave., Milwaukee, WI 53208 in some 2014 correspondence.

3. Attorney Sayaovong's disciplinary history consists of a 2014 public reprimand for misconduct in two separate client matters consisting of failing to advance a client's interests, failing to have a written fee agreement setting forth the rate for his fee, failing to hold an advanced fee in trust, failing on termination of representation to timely provide an itemized statement as to legal services rendered and failure to cooperate with OLR's investigation. *Disciplinary Proceedings Against Sayaovong*, 2014 WI 94.

4. As of October 31, 2013, Attorney Sayaovong's Wisconsin law license has been administratively suspended for failure to pay mandatory bar dues.

5. As of February 19, 2014, Attorney Sayaovong's Wisconsin law license has been suspended for non-cooperation with OLR in the Sayaovong Matter (OLR Matter No. 2013MA880) discussed below. *OLR v. Sayaovong*, Wis. Sup. Ct. Case No. 2013XX1616-D.

6. As of June 3, 2014, Attorney Sayaovong's Wisconsin law license has been administratively suspended for failure to comply with continuing legal education requirements.

**Regarding Pangying and Chimeng Sayaovong  
(OLR Matter No. 2013 MA880)**

7. In 2009, Attorney Sayaovong represented Pangying and Chimeng Sayaovong (the Sayaovongs) in an accident case against Justin Nigorski (Nigorski). *Sayaovong v. Nigorski*, Milwaukee County Case No. 2009-CV-19636.

8. On November 2, 2010, Judge John Siefert entered a judgment of \$6,500 against Nigorski in the *Sayaovong* case, including \$500 in statutory attorney fees.

9. In April of 2011, Attorney Sayaovong started garnishment actions on the Nigorski judgment.

10. In June of 2011, Attorney Sayaovong collected the \$500 in statutory attorneys fees from Nigorski through garnishing his wages.

11. Beginning in early July of 2011, Nigorski's employer sent Attorney Sayaovong garnishment checks every two weeks. Attorney Sayaovong did not notify the Sayaovongs upon his receipt of the garnished funds, but issued checks to the Sayaovongs periodically.

12. Attorney Sayaovong did not deposit a garnishment check issued on January 27, 2012, and did not send a corresponding check to the Sayaovongs. Although the Sayaovongs later questioned Attorney Sayaovong about the missing payment, he never forwarded funds from that garnishment to them.

13. In May of 2012, the Sayaovongs stopped receiving regular payments from Attorney Sayaovong.

14. By mid-July of 2012, Nigorski was no longer employed, but agreed to make payments to Attorney Sayaovong. Attorney Sayaovong did not communicate this to the Sayaovongs until over a month after he made the agreement.

15. In September of 2012, Attorney Sayaovong sent the Sayaovongs a check for payments he had received in May through August of 2012. The Sayaovongs received no further payments from Attorney Sayaovong.

16. In September of 2012, Attorney Sayaovong told the Sayaovongs that he was negotiating with Nigorski to have him pay the Sayaovongs directly. The Sayaovongs never received payments from Nigorski.

17. Attorney Sayaovong was frequently unresponsive to the Sayaovongs' emails and phone calls. For example, on April 18, 2013, Pangying Sayaovong wrote to Attorney Sayaovong that:

My husband has emailed you, called you and you've never responded. I have also emailed you and you've continued to ignored [sic] all of my emails, questions and concerns.

18. When Attorney Sayaovong did respond to the Sayaovongs' emails, he wrote that he was still waiting for Nigorski to provide him with financial information.

19. The Sayaovongs asked Attorney Sayaovong for an accounting of the funds he had received for them concerning Nigorski. Attorney Sayaovong never provided the Sayaovongs with an accounting of the funds he received for them.

20. In May of 2013, the Sayaovongs filed a grievance with OLR against Attorney Sayaovong.

21. On August 21, 2013, OLR wrote to Attorney Sayaovong at several addresses via regular and certified mail requesting information and his response to the

Sayaovongs' grievance by September 13, 2013. The certified and regular mail letters were returned. Attorney Sayaovong did not respond.

22. In October of 2013, OLR made multiple attempts to have Attorney Sayaovong personally served, which were unsuccessful.

23. On November 5, 2013, OLR emailed Attorney Sayaovong at his last known email address, amoun@hotmail.com, notifying him of the Sayaovongs' grievance and requesting a response. Attorney Sayaovong did not respond.

24. On December 11, 2013, based on an OLR motion, the Supreme Court of Wisconsin ordered Attorney Sayaovong to show cause why his license should not be suspended for failure to cooperate with OLR's investigation of the Sayaovongs' grievance. Attorney Sayaovong did not respond.

25. On February 19, 2014, the Supreme Court of Wisconsin temporarily suspended Attorney Sayaovong's Wisconsin law license for failure to cooperate with OLR. *OLR v. Sayaovong*, Wis. Sup. Ct. Case No. 2013XX1616-D.

COUNT ONE

26. By failing to timely pursue collection actions against Nigorski, Sayaovong violated SCR 20:1.3.<sup>1</sup>

COUNT TWO

27. In failing to consistently keep the Sayaovongs informed of collection efforts, and failing to return numerous phone calls or respond to various emails received from the Sayaovongs, Sayaovong violated SCR 20:1.4(a)(3) and (4)<sup>2</sup>.

COUNT THREE

28. By failing to consistently and promptly notify the Sayaovongs of his receipt of funds received for their benefit, or provide them with an itemized accounting as to amounts that were collected, despite having received

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<sup>1</sup> SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

<sup>2</sup> SCR 20:1.4(a)(3) and (4) provide: " A lawyer shall: (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests by the client for information."

numerous requests from his clients that he do so, Sayaovong violated SCR 20:1.15(d)(1) and (d)(2)<sup>3</sup>.

COUNT FOUR

29. In failing to provide to OLR a required written response to the Sayaovongs' grievance, Sayaovong violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).<sup>4</sup>

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<sup>3</sup> SCR 20:1.15(d)(1) and (2) provide: "(1) Upon receiving funds or other property in which a client has an interest, or in which the lawyer has received notice that a 3rd party has an interest identified by a lien, court order, judgment, or contract, the lawyer shall promptly notify the client or 3rd party in writing. Except as stated in this rule or otherwise permitted by law or by agreement with the client, the lawyer shall promptly deliver to the client or 3rd party any funds or other property that the client or 3rd party is entitled to receive. (2) Accounting. Upon final distribution of any trust property or upon request by the client or a 3rd party having an ownership interest in the property, the lawyer shall promptly render a full written accounting regarding the property."

<sup>4</sup> SCR 22.03(2) and (6) provide: "(2) Upon commencing an investigation, the director shall notify the respondent of the matter being investigated unless in the opinion of the director the investigation of the matter requires otherwise. The respondent shall fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct within 20 days after being served by ordinary mail a request for a written response. The director may allow additional time to respond. Following receipt of the response, the director may conduct further investigation and may compel the respondent to answer questions, furnish documents, and present any information deemed relevant to the investigation. (6) In the course of the investigation, the respondent's wilful failure to provide relevant information, to answer questions fully, or to furnish documents and the respondent's misrepresentation in a disclosure are misconduct, regardless of the merits of the matters asserted in the grievance."

SCR 20:8.4(h) provides: "It is professional misconduct for a lawyer to... fail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by SCR 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1)."



Regarding Practice During Suspension  
(OLR Matter No. 2014MA200)

30. On September 20, 2013, Attorney Yeng Kong Lee filed a small claims complaint for his client Chia X. Ly against D&D Auto Services LLC (D&D). *Ly v. D&D Auto Services LLC*, Milwaukee County Case No. 2013-SC-28021.

31. On October 31, 2013, Attorney Sayaovong's Wisconsin law license was administratively suspended for his failure to pay mandatory bar dues. This suspension remains in effect.

32. In December of 2013, Attorney Sayaovong contacted Lee on behalf of D&D.

33. In early January of 2014, Attorney Sayaovong sent Attorney Lee a draft stipulation to settle the small claims lawsuit. Attorney Sayaovong listed an address of 3111 W. Wisconsin Ave., Milwaukee, WI 53208 on the stipulation. After Attorney Lee received the stipulation he discovered that Attorney Sayavong's Wisconsin law license was suspended.

34. On January 28, 2014, Lee filed a grievance with OLR against Attorney Sayaovong.

35. On March 17, 2014, OLR wrote to Attorney Sayaovong at several addresses via regular and certified

mail requesting a response to Attorney Lee's grievance by April 9, 2014. The certified letters were returned, except for one sent to a group office, for which an unrelated person signed. Two of the regular mail letters were also returned. Attorney Sayaovong did not respond.

#### COUNT FIVE

36. By preparing and sending a proposed stipulation to opposing counsel while his license to practice law in Wisconsin was suspended due to failure to pay mandatory bar dues, Sayaovong violated SCR 10.03(6)<sup>5</sup> and SCR 22.26(2)<sup>6</sup>, enforced via SCR 20:8.4(f)<sup>7</sup>.

#### COUNT SIX

37. By failing to provide a written response to OLR in the matter of Attorney Lee's grievance, Sayaovong failed

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<sup>5</sup> SCR 10:03(6) provides: "If the annual dues or assessments of any member remain unpaid 120 days after the payment is due, the membership of the member may be suspended in the manner provided in the bylaws; and no person whose membership is so suspended for nonpayment of dues or assessments may practice law during the period of the suspension."

<sup>6</sup> SCR 22.26(2) provides: "An attorney whose license to practice law is suspended or revoked or who is suspended from the practice of law may not engage in this state in the practice of law or in any law work activity customarily done by law students, law clerks, or other paralegal personnel, except that the attorney may engage in law related work in this state for a commercial employer itself not engaged in the practice of law."

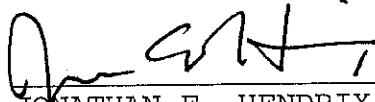
<sup>7</sup> SCR 20:8.4(f) provides: "It is professional misconduct for a lawyer to . . . violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers."

to cooperate with OLR's investigation, Sayaovong violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).

WHEREFORE, the Office of Lawyer Regulation asks the Supreme Court of Wisconsin to find Attorney Amoun Vang Sayaovong violated Supreme Court Rules as alleged in this Complaint; to suspend Attorney Sayaovong Wisconsin law license for six months; and to grant such other and further relief as may be just and equitable, including an award of costs.

Dated this 6<sup>th</sup> day of April, 2015.

OFFICE OF LAWYER REGULATION



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