



FILED

SEP 30 2015

1 Case No.: SG14-0322

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STATE BAR OF NEVADA  
BY: *[Signature]*  
OFFICE OF BAR COUNSEL

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STATE BAR OF NEVADA  
SOUTHERN NEVADA DISCIPLINARY BOARD

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STATE BAR OF NEVADA,

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Complainant,

8

vs.

PUBLIC REPRIMAND

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G. RANDALL ROSTAD,  
NEVADA BAR NO. 5473,

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Respondent.

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TO: G. Randall Rostad, Esq.  
Nevada State Bar No. 5473  
6351 Hinson Street  
Suite F  
Las Vegas, NV 89118

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This Public Reprimand is issued to you pursuant to a Conditional Guilty Plea In Exchange For Stated Form of Discipline, i.e., Public Reprimand, pursuant to Nevada Supreme Court Rule, ("NSCR") 113(1) and (4).

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In early 2008, you were retained by *Charles McGarvey* to probate the Estate of his wife, *Norene McGarvey*, who passed away in late 2007. On June 11, 2008, you initiated Case No. 08-PO 63214 in the Probate Court of the Eighth Judicial District Court of Nevada by filing a Petition for Probate of Will and Issuance of Letters Testamentary and Summary Administration on behalf of the *Estate of Norene McGarvey*. The claims being pursued on behalf of the *Estate of Norene McGarvey* were settled by her surviving spouse and husband, *Charles McGarvey*, in December, 2011 (for an amount that is still confidential) and in April, 2012 the El-Jen claim for \$7,500. Settlement of both claims had to be approved by the Probate Court.

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You then filed a Petition with the Probate Court for approval of those settlements in May, 2012, which were then approved at a hearing in June, 2012, and an Order Approving Settlement was issued thereafter that same month. According to the records of the Eighth Judicial District Court of Nevada, no further filings occurred in *Norene McGarvey's Probate* from June 2012, to

1 March 22, 2013, at which time you filed a Supplemental Petition for Summary Administration.

2 At or about that time, *McGarvey* filed a complaint with the Nevada State Bar against you.

3 The Nevada State Bar then sent a letter of investigation to you on August 23, 2013,  
4 regarding the status of the probate and, in turn, you provided a copy of a check from attorney  
5 Michael Hagemeyer to the State Bar that had been issued to you on April 17, 2012, in the  
6 amount of \$178,162.20 for the benefit of *Norene McGarvey's Estate*.  
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8 Furthermore, according to the Eighth Judicial District Court records of Nevada, the  
9 following occurred in the Probate of *Estate of Norene McGarvey* during your representation  
10 therein:

- 11       ⊖ The First and Final Report and Accounting and Petition for Final  
12       Distribution was filed on or about November 13, 2013.
- 13       ⊖ A second Notice of Hearing on First and Final Report and Accounting and  
14       Petition for Final Distribution was filed on or about December 16, 2013.
- 15       ⊖ A hearing was held on January 3, 2014, at which time the petition was  
16       approved and distribution granted.
- 17       ⊖ On or about January 21, 2014, the Order Settling First and Final Account,  
18       Report of Personal Representative and Petition for Final Distribution was  
19       entered in the probate matter approving the distribution for \$191,149.27  
20       to *Charles McGarvey*.
- 21       ⊖ You then provided *Charles McGarvey* with a check for \$191,149.27  
22       written on your trust account on March 7, 2014.
- 23       ⊖ On or about March 12, 2014, the State Bar sent additional  
24       correspondence to you asking you to explain the delay in issuing *Charles*  
25       *McGarvey's* funds, why the original check issued by Hagemeyer was less  
26       than the amount paid to *Charles McGarvey*, and to provide copies of all  
27       checks that you had received or issued on behalf of *Norene's* estate.
- 28       ⊖ You advised the State Bar that you had issued the funds to *Charles*  
      *McGarvey* as soon as you had received the funds from Hagemeyer.
- ⊖ As part of its investigation into the matter, the State Bar subpoenaed your  
      trust account records from Wells Fargo Bank.
- ⊖ Those records showed that the balance in your trust account then was  
      only \$2.59 (from August 5, 2013, to February 20, 2014) when you then  
      transferred \$3,400 into your trust account.
- ⊖ You then made a cash deposit of \$8,900 into your trust account on March  
      7, 2014.
- ⊖ Hagemeyer then wired \$178,938.20 into your trust account on March 10,  
      2014, from an account at U.S. Bank. The wire transfer was initiated on  
      Friday, March 7, 2014 and finalized on Monday, March 10, 2014.

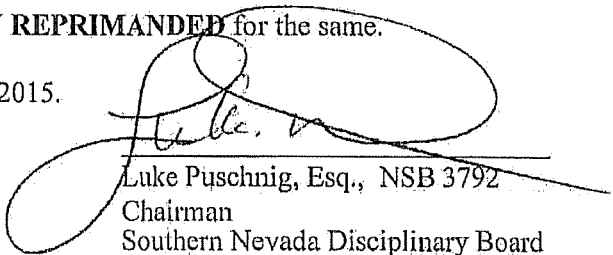
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- ⊖ On or about May 19, 2014, the State Bar sent you additional correspondence which asked you to explain why the amount paid to Charles was \$12,211.07 more than the amount wired from Hagemeyer, and given that the balance in your trust account on February 19, 2014, was only \$2.59, meaning where did the additional funds come from to pay Charles McGarvey?
- ⊖ After Hagemeyer sent the wire, you noticed that the amount of the wire was still different than the amount in the court's order.
- ⊖ After investigating the matter further, you determined that due to a clerical error, money that you had deposited into your trust account on behalf of Charles McGarvey was moved to your general account.
- ⊖ You then deposited the necessary funds into your trust account to make sure that Charles McGarvey received the proper amount.

In summary, in March, 2014, you were finally able to provide Charles McGarvey a check settling the estate of his wife Norene McGarvey vis-à-vis monies paid to you by Michael Hagemeyer, Esq. Records obtained by the Nevada State Bar since then showed that Michael Hagemeyer, Esq., wired \$178,938.20 into your trust account on March 10, 2014, from an account at U.S. Bank. Because the amount wired was less than the amount owed to Mr. McGarvey, you deposited the balance you owed to him into your trust account so that he could be paid immediately. In short, your trust account was out of balance with respect to the funds you owed to Mr. McGarvey. Accordingly, you have since admitted these trust account irregularities on your part to the Nevada State Bar since then and, therefore, your failure to "safekeep property" in violation of NRPC 1.15.

Your conduct Respondent Rostad, as stipulated, agreed and admitted to herein, therefore violated Nevada Rules of Professional Conduct ("NRPC") 1.15 (Safekeeping Property) and, therefore, you are hereby **PUBLICALLY REPRIMANDED** for the same.

Dated this 23<sup>rd</sup> day of September, 2015.

  
Luke Puschmig, Esq., NSB 3792  
Chairman  
Southern Nevada Disciplinary Board