



ORIGINAL

(Do not write above this line.)

State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT CHARLES A. MURRAY 1149 South Hill Street, 9th Floor Los Angeles, California 90015-2299 Telephone: (213) 765-1000 Bar # 146069	Case number(s) 03-C-00723 03-C-00724 04-C-11676 05-0-00411 (Inv. Matter)	(for Court's use) <div style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 18pt; font-weight: bold;">MAR -8 2005 <i>MC</i></div> <div style="text-align: center; font-size: 10pt; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per Respondent Kenneth B. Alexander 9325 Brightwood Ct. Northridge, CA 91325 Phone (818) 886-9500 Bar # 15336	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge <div style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</div>	
In the Matter of Kenneth B. Alexander Bar # 115336 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING <div style="text-align: center; font-weight: bold;">ACTUAL SUSPENSION</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 3, 1984
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 16 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years:
2006, 2007, 2008
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case S099222/97-0-12300 et al

(b) Date prior discipline effective October 18, 2001

(c) Rules of Professional Conduct/ State Bar Act violations: RPC 3-110(a); B & P Code 6068(m)

RPC 3-700(A)(2); RPC 3-700(D)(2); RPC 4-100; B & P Code 6106 (multiple counts) and DUI

(d) Degree of prior discipline 1 yr. actual; 3 yr stayed; 4 yrs probation

(e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

(2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

(Do not write above this line.)

- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____
in restitution to _____ without the threat or force of disciplinary,
civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(Do not write above this line.)

- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of FOUR (4) years
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions ~~form~~ attached to this stipulation. (see pages 12).
- iii. and until Respondent does the following: _____
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of FIVE (5) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

(Do not write above this line.)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of eighteen (18) months
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

(Do not write above this line.)

- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|--|--|
| <input checked="" type="checkbox"/> Substance Abuse Conditions
<i>see pages 13 & 14</i> | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions
<i>See page 12</i> |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: June 7, 2004
- (5) **Other Conditions:**

On August 16, 2002, a criminal complaint was filed in the Los Angeles Superior County Superior Court charging Respondent with violation of Vehicle Code section 20002(a), misdemeanor hit and run/property damage, regarding the above-described incident.

On November 7, 2002, Respondent entered a plea of nolo contendere to the charge. The Court accepted the plea, found him guilty, stayed imposition of sentencing and place him on 36 months summary probation on conditions that included 90 days in jail, obey all laws, driving restrictions and full civil restitution to the victim.

03-C-00724

On July 3, 2002, - two weeks after the June 21 hit-and-run incident described in case no. 03-C-00723 above - Respondent was driving drunk and arrested. On July 5, 2002, he was charged in the Los Angeles County Superior Court with misdemeanor drunk driving, specifically, violating Vehicle Code section 23152(a), driving under the influence of alcohol, and other misdemeanor violations. There was also an enhancement alleged on the drunk driving charge due to two prior drunk driving convictions in 1998.

On November 7, 2002, Respondent entered a plea of nolo contendere to the drunk driving charge [VC section 23152(a)] and admitted his two drunk driving priors. The Court accepted the plea and found him guilty. The other charges were dismissed due to plea negotiation. The Court stayed imposition of sentencing and placed Respondent on 60 months summary probation on conditions that included 124 days in jail, 3 years revocation of driving privileges and restitution, not operate a vehicle with alcohol in his system, and not refuse to take a blood alcohol test. In addition, Respondent was declared a habitual offender and was also ordered to attend a 12 month batterer's program and complete 150 AA meetings - at a minimum of 2 meetings per week. Subsequently, Respondent was ordered to a residential alcohol rehabilitation center for 120 days.

04-C-11676

On January 15, 2004, - only fourteen months after his 3rd DUI conviction as described in case no. 03-C-00724 above - Respondent was arrested after a citizen reported that Respondent's vehicle was recklessly swerving into oncoming traffic, as if the driver was intoxicated. Respondent appeared visibly intoxicated when an officer stopped his car but he denied that he had been drinking.

On or about February 3, 2004, Respondent was charged in the Los Angeles County Superior Court with a felony violation of Vehicle Code section 23152(a), driving under the influence - enhanced by his three prior DUI convictions - and a misdemeanor violation of Vehicle Code section 14601.2(a), driving when privilege suspended for prior DUI conviction.

On April 14, 2004, Respondent entered a plea of nolo contendere to the drunk driving charge [VC section 23152(a)] and admitted his priors. The Court accepted the plea and found him guilty of felony drunk driving. The other charge was dismissed due to plea negotiation. The Court suspended execution of the sentence and place Respondent on 3 years formal probation on conditions that included 365 days in the Los Angeles County jail and payment of a court security assessment.

Respondent's conduct in this matter violated several court ordered conditions of his criminal probation in his previous criminal matters described above.

CONCLUSIONS OF LAW:

The facts and circumstances surrounding Respondent's conviction for wilfully violating Vehicle Code section 20002(a), hit and run, does not involve moral turpitude but does involve other misconduct warranting discipline.

The facts and circumstances surrounding Respondent's misdemeanor conviction for violating California Vehicle Code section 23152 (a), driving under the influence of an alcoholic beverage and/or a drug, does not involve moral turpitude but does involve other misconduct warranting discipline.

The facts and circumstances surrounding Respondent's felony conviction for violating California Vehicle Code section 23152(a), driving under the influence of an alcoholic beverage and/or a drug, does not involve moral turpitude but does involve other misconduct warranting discipline.

STIPULATED FACTS:

05-O-00411 Investigative Matter [Violations of Disciplinary Probation]

On September 18, 2001, the Supreme Court of the State of California issued an Order in case no. S099222 (State Bar case nos. 97-O-12300, et al.) imposing discipline upon Respondent for his misconduct in several separate matters. The discipline ordered included suspension for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), and until he has made restitution as specified therein, execution of that suspension stayed, and he was placed on four years probation on condition that he actually be suspended for one year and comply with other conditions of disciplinary probation including, among others, that he provide to the Office of Probation proof of monthly payment of restitution as set forth therein and that each January 10, April 10, July 10, and October 10, he submit quarterly written reports re his compliance with probation; report his attendance at AA meetings; and, report his compliance with drug testing.

Respondent was properly served with a copy of the September 18, 2001 Supreme Court Order and he had executed a Stipulation with the State Bar upon which the level of discipline and the conditions of probation were based. He knew and was aware of his probationary conditions.

The September 18, 2001 Supreme Court Order was effective October 18, 2001. For a period of time Respondent complied with his probationary conditions. However, commencing in October 2002, and thereafter, Respondent quit paying restitution. On October 21, 2003, Respondent filed a motion to defer payment of restitution as had been ordered. In consideration of his inability to work, incarceration, and participation in an in-patient substance abuse recovery program, the State Bar Court granted Respondent's motion in part by deferring the restitution payments, *nunc pro tunc*, from October 31, 2002, and ordering that commencing on February 1, 2004, Respondent continue making restitution payments as set forth in pages 30-34 of the stipulation filed May 16, 2001, until restitution is complete. The probationary period was extended for an additional two years from its original termination date of October 18, 2005 to October 18, 2007, to allow Respondent to complete restitution.

However, Respondent violated the September 18, 2001 Supreme Court Order, the December 30, 2003 State Bar Court Order, and the conditions of his probation by:

- Failing to file his written quarterly reports due April 10, July 10, and October 10, 2004 and his written quarterly report due January 10, 2005 (4 violations);

- Failing to provide proof of his attendance at AA meetings due October 10, 2003, January 10, April 10, July 10, and October 10, 2004, and January 10, 2005 (6 violations);
- Failing to provide a drug screening report due July 10 and October 10, 2003, January 10, April 10, July 10 and October 10, 2004, and January 10, 2005 (7 violations);
- Failing to resume monthly restitution payments due commencing February 1, 2004, through January 1, 2005 (11 violations).

By the foregoing conduct, 28 separate violations of his disciplinary probation and/or court orders, Respondent willfully violated Business and Professions Code, sections 6068(k) and 6103.

AUTHORITIES SUPPORTING DISCIPLINE:

The Supreme Court has held that a second conviction for driving under the influence of alcohol is conduct warranting discipline (*In re Kelly* (1990) 52 Cal.3d 487, 495-499.). Multiple impaired driving convictions warrant significant actual suspension (*In re Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208).

“The fact that respondent’s drunk driving did not result in serious injury or death to another was merely fortuitous. It does not render the respondent’s conduct any less serious.” (*Anderson*). Protection of clients, the public, the courts, and the integrity of the legal profession guide our imposition of discipline. Respondent’s repeated failed attempts to address his problem, its effect on his life, and its potential effect on his professional practice, heighten the need for discipline.

In *Kelly*, despite the finding that her two DUIs were serious and involved a threat to the public, the Court found the misconduct did not cause specific harm to the public and the courts. Further several significant mitigating factors were found in *Kelly*. For these reasons the Court found that a relatively minimal level of discipline was appropriate in *Kelly* and they imposed upon her a public reproof and ordered her to the then existing State Bar Program on Alcohol Abuse. Here the offenses are clearly more numerous and significant.

In re Anderson (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208, is instructive as to the seriousness of this matter and the discipline that should be imposed. The decision must be based on the facts and circumstances of the case. (Citation omitted, *Anderson* at 214). This Respondent’s seeming indifference to his endangerment of the public, his disregard of the law and orders of the court, and the number of recurring incidents, indicate a serious threat. In *Anderson*, the discipline imposed included actual suspension for 60 days.

In re Carr (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr.108.), actual suspension for six months and until a showing of compliance with Standard 1.4(c)(ii) for multiple drunk driving convictions.

Significant violations of probation typically result in the imposition of the stayed period of suspension.

The Standards:

Standard 3.4 provides that the discipline for an attorney convicted of a crime not involving moral turpitude but involving other misconduct warranting discipline is discipline that is appropriate to the nature and extent of the misconduct.

Standard 1.7(a) provides that the appropriate discipline for an attorney in any proceeding who has a prior record of one prior imposition of discipline shall be greater than that imposed in the prior proceeding.

Standard 2.6 provides that culpability of a member for violations of Business and Professions Code sections 6068 and 6103 shall result in disbarment or suspension depending on the gravity of the offense or harm to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Probation Violations:

Respondent's numerous probation violations alone, in standard Probation Violation proceedings, would typically have resulted in an imposition of the stayed period of suspension. Respondent's stayed suspension here is:

three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), and until he has made restitution as specified in the stipulation of the parties filed May 16, 2001 and as modified by the State Bar Court in its Order filed December 30, 2003.

///
///
///

[continued on next page]

FINANCIAL CONDITIONS, RESTITUTION:

Pursuant to disciplinary orders in case no. S099222 (State Bar Court case nos. 97-O-12300 et al), Respondent was required to make restitution to the following payees: (1) Abdul Rasool ("Rasool") or the Client Security Fund ("CSF") if paid, the amount of \$620.00, plus 10% interest from May 14, 1999; (2) Henrik Shakhbandaryan ("Shakhbandaryan") or CSF if paid, the amount of \$1,000.00, plus 10% interest from January 6, 1999; (3) Marie Cole ("Cole") or CSF if paid, the amount of \$833.33, plus 10% interest from January 11, 1999; (4) John K. Reed ("Reed") or CSF if paid, the amount of \$500.00, plus 10% interest from November 16, 1998; (5) Ernest Grant ("Grant") or CSF if paid, the amount of \$4,775.00, plus 10% interest from February 27, 1997; and (6) Saul Olivares ("Olivares") or CSF if paid, the amount of \$50.00, plus 10% interest from July 8, 1998. CSF made the following payments to the aforementioned payees: (1) \$620.00 to Rasool on August 27, 2001; (2) \$1000.00 to Shakhbandaryan on August 27, 2001; (3) \$773.33 to Cole on July 2, 2002; (4) \$500.00 to Reed on August 27, 2001; and (5) \$6,678.72 to Grant on August 6, 2002.

Respondent shall now make restitution payments to as outlined below and provide satisfactory proof of such payments to the Office of Probation with each quarterly report. The minimum monthly restitution payments are consistent with Respondent's original discipline orders in S099222 (State Bar Court case nos. 97-O-12300 et al). All monthly payments shall be made by the 15th of each month, commencing upon the effective date of discipline. All restitution payments previously made by Respondent pursuant to the disciplinary orders in case no. S099222 shall be applied to the amounts outlined below.

Abdul Rasool: Respondent shall pay interest owed to Rasool in minimum monthly payments of \$21.00, until interest owed is paid in full. Thereafter, Respondent shall continue making minimum monthly payments of \$21.00, to CSF for reimbursement of Rasool's claim and processing costs.

Henrik Shakhbandaryan: Respondent shall pay interest owed to Shakhbandaryan in minimum monthly payments of \$34.00, until interest owed is paid in full. Thereafter, Respondent shall continue making minimum monthly payments of \$34.00, to CSF for reimbursement of Shakhbandaryan's claim and processing costs.

Marie Cole: Respondent shall pay interest owed to Cole in minimum monthly payments of \$27.00, until interest owed is paid in full. Thereafter, Respondent shall continue making minimum monthly payments of \$27.00, to CSF for reimbursement of Cole's claim and processing costs.

John K. Reed: Respondent shall pay interest owed to Reed in minimum monthly payments of \$18.00, until interest owed is paid in full. Thereafter, Respondent shall continue making minimum monthly payments of \$18.00, to CSF for reimbursement of Reed's claim and processing costs.

Ernest Grant: Respondent shall pay interest owed to Grant in minimum monthly payments of \$150.00, until interest owed is paid in full. Thereafter, Respondent shall continue making minimum monthly payments of \$34.00, to CSF for reimbursement of Grant's claim and processing costs.

Saul Olivares: Respondent shall pay interest owed to Olivares, which to date is \$17.79. Respondent shall make minimum monthly restitution payments of \$2.00, until interest owed to Olivares is paid in full.

///
///

[continued on next page]

SUBSTANCE ABUSE AND MENTAL HEALTH CONDITIONS:

The following conditions are derived from recommendations of a psychiatrist qualified in addiction medicine after his evaluation of the Respondent and determination that Respondent suffers from major depression and has an alcohol dependency condition that he recommends be addressed with treatment. Respondent is currently in treatment with the staff of the Department of Mental Health, County of Los Angeles.

1. Abstinence:

For the entire period of probation set forth herein, Respondent shall abstain from the use of any alcoholic beverages, and shall not consume or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.

2. Reporting Abstinence:

Respondent shall report his compliance with this condition by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order.

3. Residential Treatment

Respondent shall complete a twelve (12) month residential alcohol treatment and recovery program that meets with the approval of the Office of Probation.

Respondent's completion of the twelve month Fresh Start Rehabilitation Program of the Urban Training Institute of the Los Angeles Mission, which he began in November, 2004, will satisfy this condition. Respondent shall provide a copy of this Stipulation to this Program.

4. Reporting Residential Treatment:

Respondent shall report his compliance with this residential alcohol treatment condition by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order and he shall provide to the Office of Probation, as it may request, satisfactory proof of his compliance with and completion of the residential alcohol treatment and recovery program.

5. Abstinence Support Group Meetings:

Commencing upon his completion of his twelve month residential alcohol treatment and recovery program, Respondent shall attend at least four (4) meetings per week of any acceptable sobriety maintenance program. At least two (2) of these meetings each month shall be a meeting of the Other Bar.

Respondent has been advised that he may choose one of any acceptable sobriety maintenance program, including any self-help maintenance program which includes (i) a subculture to support recovery (i.e., meetings); and (ii) a process of personal development that does not have financial barriers. Appropriate 12-step groups are acceptable. Examples of acceptable programs include, without limitation, Alcoholics Anonymous ("AA"), the Other Bar, Narcotics Anonymous ("NA"), Rational Recovery ("RR"), Self Management and Recovery Training ("SMART"), Secular Organization for Sobriety ("SOS"); and LifeRing.

6. Reporting of Meeting Attendance to the Probation Unit:

For each calendar month during the probation period, on or before the tenth (10th) day of the following month, Respondent shall provide to the Office of Probation satisfactory proof of attendance at the above-described meetings. Proof of attendance shall include submission of a writing which clearly provides, for each meeting he attends: (a) the date and time of the meeting; (b) name of the meeting; (c) the location of the meeting; and, (d) which bears the initials and/or signature of the secretary of the meeting, verifying Respondent's attendance at that meeting.

7. Medication Management:

Respondent shall comply with all recommendations for medication management of his depression made by a qualified medical provider meeting the approval of the Office of Probation. The staff of the Los Angeles County Department of Mental Health is one such qualified medical provider.

8. Report compliance with Medication Management:

Respondent shall report his compliance with this medication management condition by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order and he shall provide to the Office of Probation, as it may request, satisfactory proof of his compliance with this condition.

9. Copy of this Stipulation to all Treatment Providers and Release:

Respondent shall deliver a copy of this stipulation to all treatment providers who provide to him the services described above re substance abuse and mental health, including the Los Angeles County Department of Mental Health.

Respondent shall execute a written consent authorizing any treatment or recovery program or any medical provider providing the services described above to release such information to the Office of Probation of the State Bar as it shall request regarding his condition re alcohol and mental health and his compliance with treatment recommendations.

10. Reporting Delivery of Stipulation:

Respondent shall report his compliance with the condition of providing consent to release treatment and recovery information and the condition that he deliver a copy of this stipulation to treatment providers by statement under penalty of perjury in each written quarterly report to the Office of Probation required pursuant to this order and he shall provide to the Office of Probation satisfactory proof of his compliance if requested.

MODIFICATION OF CONDITIONS:

Modification of these conditions shall be pursuant to the Rules of Procedure of the State Bar of California, rule 550 et seq.

///
///
///
///
///
///
///
///

(Do not write above this line.)

In the Matter of KENNETH B. ALEXANDER	Case number(s): 03-C-00723; 03-C-00724; 04-C-11676 05-0-00411 (Inv. matter)
--	---

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

3-1-05
Date


Respondent's signature

Kenneth B. Alexander
Print name



3-1-05
Date


Respondent's Counsel's signature

Print name

3-1-05
Date


Deputy Trial Counsel's signature

Charles A. Murray
Print name

(Do not write above this line.)

In the Matter of KENNETH B. ALEXANDER	Case number(s): 03-C-00723; 03-C-00724; 04-C-11676 05-0-00411 (Inv. matter).
--	--

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

3/7/05

Judge of the State Bar Court



ROBERT M. TALCOTT

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 8, 2005, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION, filed March 8, 2005

in a sealed envelope for collection and mailing on that date as follows:

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

Kenneth B. Alexander
9325 Brightwood Ct
Northridge, CA 91325

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 8, 2005.



Tammy R. Cleaver
Case Administrator
State Bar Court