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| 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 LEE ANN KERN 1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1157 Bar # 156623 | Case number(s) 03-0-02690 | (for Court's use) <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center;">SEP 30 2005 <i>SKC</i></div> <div style="text-align: center; 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 DOUGLAS W. DAVIS 2811 Foose Road Malibu, CA 90265 Bar # 132620 | Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | |
| In the Matter of DOUGLAS W. DAVIS Bar # 132620 A Member of the State Bar of California (Respondent) | | |

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 14, 1987
(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 14 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.

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

- (a) costs added to membership fee for calendar year following effective date of discipline
(b) costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 282, Rules of Procedure)
(c) costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
(d) 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 02-0-15331

(b) Date prior discipline effective 9/18/03

(c) Rules of Professional Conduct/ State Bar Act violations: Rule 3-110(A), Rules of

Professional Conduct and Business and Professions Code Section 6068(m)

(d) Degree of prior discipline Private Reprimand

(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. Respondent's failure to inform his client Scott of the order imposing sanctions against them resulted in a Levy on Scott's bank account.

(5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. Respondent did not advise Scott that sanctions had been ordered against Respondent and Scott. Respondent admitted to Scott that sanctions had been ordered only after Scott's bank account had been levied upon. Respondent never paid any part of the sanction and made no attempt to reimburse Scott after Scott was made to pay 100% of the sanctions.

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- (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) **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.

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- (10) **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.
- (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 Two 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.
- iii. and until Respondent does the following: _____

The above-referenced suspension is stayed.

2. Probation.

Respondent is placed on probation for a period of Three Years, which will commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

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E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) Within 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.
- (4) 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 in each report 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.

- (5) 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.
- (6) 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.
- (7) 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 State Bar Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: Respondent attended Ethics School in March 2005, as required by the discipline imposed in case 02-0-15331
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions
 - Medical Conditions
 - Law Office Management Conditions
 - Financial Conditions

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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 within one year. 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:** Respondent was ordered to take the MPRE in his prior discipline, case number 02-0-15331.
- (2) **Other Conditions:**

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| In the Matter of DOUGLAS W. DAVIS | Case Number(s): 03-0-02690 |
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF of the amount(s) paid, plus applicable interest and costs.

| Payee | Principal Amount | Interest Accrues From |
|-----------------------|------------------|-----------------------|
| Cornelius Scott, M.D. | \$35,523.50* | January 23, 2001 |
| | | |
| | | |
| | | |

* of the total amount of the sanctions ordered by the court against the Respondent and his client, Scott.

- Respondent must pay the above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than _____.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

| Payee/CSF (as applicable) | Minimum Payment Amount | Payment Frequency |
|---------------------------|------------------------|------------------------------|
| Cornelius Scott, M.D. | \$1,000.00 | At least one time per month. |
| | | |
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c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:

- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DOUGLAS W. DAVIS

CASE NUMBER(S): 03-O-02690

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he/she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

COUNT ONE: Business and Professions Code, section 6103
 [Failure to Obey a Court Order - Arbitration]

1. On or about January 20, 1999, Cornelius C. Scott, III, M.D. ("Scott"), hired Respondent to represent him in connection with a breach of contract and discrimination action by Scott against his former employer, Gallatin Medical Corporation and others ("the defendants"). The matter was entitled, *Scott vs. Gallatin Corporation et al.*, case number BS057068.
2. On or about May 7, 1999 Respondent, on Scott's behalf, filed a petition in which he prayed for arbitration of the matter pursuant to Scott's employment agreement. On or about June 30, 1999, Respondent filed a First Amended Petition seeking the same relief.
3. The defendants filed a Motion to Stay Proceedings Pending Arbitration and on or about August 18, 1999, the court granted the motion and ordered that arbitration be completed, pursuant to the Gallatin Medical Corporation Arbitration Rules and Procedure, on or before January 18, 2000.
4. Thereafter, Respondent filed a Motion for Order Removing Stay and Reversing Prior Arbitration Order. On or about December 18, 1999, the court denied Respondent's motion and ordered, for the second time, that arbitration be completed on or before March 31, 2000.
5. On or about February 3, 2000, Respondent called defendants' counsel and informed her that Scott would not arbitrate the matter pursuant to Gallatin's rules. As a result of the telephone call, the defendants moved to dismiss the case. In response to defendants' Motion to Dismiss, Respondent filed an Ex Parte Application for an Order Shortening time; Petition to Appoint Neutral Arbitrator in which he sought relief from the court's orders to arbitrate, as well as the court's order to arbitrate under the Gallatin rules.
6. On or about March 30, 2000, the court denied Respondent's Ex Parte Application, as well as the defendant's Motion to Dismiss. The parties were again ordered to arbitrate the matter.
7. Respondent again filed a Petition to Remove Stay and Reverse Order. On or about September 29, 2000, the court denied the motion and, for the fourth time, ordered the parties to

proceed with arbitration to be completed by January 29, 2001.

8. On or about December 19, 2000, the defendants moved to dismiss Scott's First Amended Complaint for various reasons, including Respondent and Scott's failure to follow the orders of the court, which had ruled on the issues of arbitration on four separate occasions. The defendants also requested that sanctions be imposed against Scott and Respondent for their failure to arbitrate the matter.

9. On or about January 23, 2001, the court granted the motion to dismiss and imposed sanctions in the amount of \$70,650.99 against Respondent *and* Scott for failing to comply with the orders of the court ("the January 23, 2001, hearing"). The sanctions were ordered to be paid to defendants' counsel within 30 days of the court's ruling.

10. LEGAL CONCLUSION: By failing to follow the four orders of the court to proceed with arbitration of Scott's claims against the defendants, Respondent willfully disobeyed orders of the court, in violation of Business and Professions Code section 6103.

COUNT TWO: Business and Professions Code, section 6103
[Failure to Obey a Court Order - Payment of Sanctions]

11. The allegations of paragraphs 1 through 9 are incorporated by reference.

12. Respondent was present at the January 23, 2001, hearing and heard the court impose sanctions in the amount of \$70,650.99 against Respondent and Scott

13. At the January 23, 2001, hearing, defendants' counsel was ordered by the court to serve a Notice of Ruling as to the court's orders dismissing Scott's case and imposing sanctions against Respondent and Scott. Defendants' counsel served Respondent with the Notice of Ruling and Respondent received and read the Notice.

14. Respondent was aware of the imposition of sanctions against him, but did not pay all or any part of the sanctions to defendants' counsel within 30 days and, to date, has never paid any part of the sanctions. Respondent did not seek relief from the court due to his failure to pay the sanctions.

15. LEGAL CONCLUSION: By failing to pay all or part of the \$70,650.99 in sanctions within 30 days of the court's January 23, 2001, order, Respondent failed to obey an order of the court, in wilful violation of Business and Professions Code section 6103.

COUNT THREE: Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

16. The allegations of paragraphs 1 through 9 and 12 through 14 are incorporated by reference.

17. Respondent was aware of the imposition of sanctions against him, but never reported the sanction order to the State Bar.

18. LEGAL CONCLUSION: By failing to report to the State Bar, in writing, within 30 days of the time Respondent had knowledge of the imposition of judicial sanctions against him, Respondent willfully violated Business and Professions Code, section 6068(o)(3).

COUNT FOUR: Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

19. The allegations of paragraphs 1 through 9, 12 through 14, and 17 are incorporated by reference.

20. Scott was not present at the January 23, 2001, hearing. Respondent later informed Scott that his action had been dismissed, but Respondent did not inform Scott that sanctions had been imposed against Respondent and Scott in the amount of \$70,650.99.

21. On or about July 2, 2001, Respondent filed bankruptcy under Chapter 11 of the Bankruptcy Code.

22. On or about November 13, 2002, defendants filed a Writ of Execution (Money Judgment). On or about November 20, 2002, Scott received a Notice of Levy and learned of the sanction order for the first time. Defendants' counsel also levied on Respondent, but was ordered by the bankruptcy court to release it.

23. On or about November 21, 2002, Scott and Scott's wife, Debra wrote to Respondent to inform him of their receipt of the Notice of Levy. Scott also asked several questions as to the amount of the sanctions and informed Respondent that Scott was interested in contesting the sanction order.

24. On or about November 24, 2002, Scott and Respondent met to discuss the sanctions. At that meeting, Respondent informed Scott that Respondent was aware of the sanction order, but Respondent did not tell Scott why he failed to inform Scott of the order.

25. On or about November 24, 2002, Scott called Respondent on numerous occasions and left messages asking Respondent to contact Scott to discuss the sanction order. Respondent did not return Scott's calls on that day.

26. On or about November 26, 2002, defendants' counsel, in the case of *Scott vs. Gallatin Corporation et al.*, case number BS057068, filed an Abstract of Judgment with the Los Angeles County Recorder.

27. On or about November 29, 2002, Respondent left a voice mail message for Scott in which he told Scott that Respondent would fax him three pages of exemptions to levies by 3:00 p.m. that day. Respondent did not send Scott a fax.

28. By on or about November 30, 2002, Scott had not received any communications from Respondent. Scott wrote another letter to Respondent that day in which Scott asked Respondent several questions about the sanctions, including how to vacate the judge's order. Scott also asked for a copy of the order imposing sanctions. Respondent did not reply to Scott's November 30, 2002, letter and has not communicated with Scott since Respondent left Scott the voice mail

message on November 29, 2002.

29. Thereafter, Scott retained new counsel.

30. Beginning in or about February 2003, Scott's bank account was debited \$2,906.00 per month until approximately April 18, 2005, when the sanction order was paid in full to defendants' counsel and the abstract of judgment was released.

31. **LEGAL CONCLUSION:** By failing to inform Scott of the January 23, 2001, sanction order, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was September 13, 2005.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.7(a) provides that if a respondent has a prior record of discipline, the discipline in the present proceeding shall be greater than that imposed in the prior proceeding.

Standard 2.6 provides that culpability of a member of a violation of [Business and Professions Code, sections 6068(m) and 6103] shall result in disbarment or suspension depending on the gravity of the offense or harm, if any, to the victim.

In *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, the attorney, who had no prior record of discipline, was privately reprovved for failing to pay sanctions in the amount of \$1,000 and for failing to report the imposition of those sanctions to the State Bar.

In *In the Matter of Boyne* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 389, the Review Department held that despite an attorney's lack of money, he was culpable of misconduct for failing to pay court-ordered attorney fees to the opposing party, where the attorney knew of the order and failed to seek relief from it. The *Boyne* decision cited the case of *Papdakis v. Zelis* (1991) 230 Cal. App.3d 1385, 1389, which held that an attorney who sought bankruptcy court relief could not avoid payment of a court sanctions.

In the instant matter, as in *Respondent Y*, Respondent never sought relief from the order in the civil courts because of an inability to pay. *Respondent Y* held that even assuming the attorney lacked the ability to pay, it would not be a "defense" to the charged violation of section 6103.

The facts in the case at bar are more serious than those in *Respondent Y* and therefore a greater degree of discipline is warranted than that which was imposed in *Respondent Y*. Specifically, Respondent Y violated a single court order when he failed to pay sanctions in the amount of \$1,000. Here, the Respondent violated four orders of the court to arbitrate his client's matter, as well as the order of the court to pay sanctions within 30 days of the date of the order. Additionally, the amount of the sanctions in this matter – \$70,650.99 – is much greater than the

sanctions ordered in *Respondent Y*.

As such, two years stayed suspension is just and warranted.

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| In the Matter of DOUGLAS W. DAVIS | Case number(s): 03-0-02690 |
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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.

09/26/05 _____ DOUGLAS W. DAVIS
Date Respondent's signature Print name

_____ Respondent's Counsel's signature _____
Date Print name

9/29/05 _____ LEE ANN KERN
Date Deputy Trial Counsel's signature Print name

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| In the Matter of DOUGLAS W. DAVIS | Case number(s): 03-0-02690 |
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ORDER

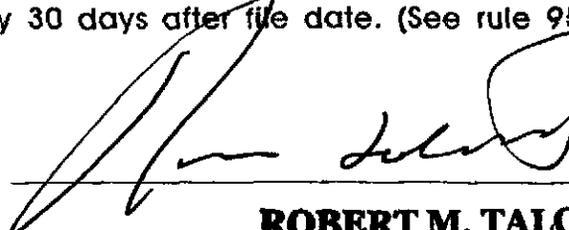
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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

9-30-05


ROBERT M. TALCOTT
Judge of the State Bar Court

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 September 30, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL
SUSPENSION**

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

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

**Douglas W. Davis
2811 Foose Rd
Malibu, CA 90265**

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

LEE ANN KERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 30, 2005.**



Tammy R. Cleaver
Case Administrator
State Bar Court