


Counsel for the State Bar MARK HARTMAN, No. 114925 Office of the Chief Trial Counsel 180 Howard Street San Francisco, CA 94105 Telephone: (415) 538-2000	Case number(s) 03-0-03974 kwiktag® 035 115 491 	(for Court's use) PUBLIC MATTER FILED AUG 19 2004 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for Respondent FRANK WILLIAM DEDMAN, Jr. No. 39050 1355 Florin Road, #19 Sacramento, CA 95822 Telephone: (916) 429-7000 IN PROPRIA PERSONA	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of FRANK WILLIAM DEDMAN, JR. Bar # 39050 A Member of the State Bar of California (Respondent)		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 23, 1966 (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 10 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." See pages 6 through 8.
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law." See page 8.
- (6) 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. See page 8.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- ☒ costs added to membership fee for calendar year following effective date of discipline (public reproof)
- ☐ case ineligible for costs (private reproof)
- ☐ costs to be paid in equal amounts for the following membership years:

(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)

- ☐ costs waived in part as set forth under "Partial Waiver of Costs"
- ☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

(8) The parties understand that:

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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 BM 3597

(b) ☒ Date prior discipline effective July 23, 1976

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Disciplinary referral resulting

from criminal conviction of grand theft and preparing false documentary evidence.

(d) ☒ degree of prior discipline 5-year stayed suspension and 5-year probation, conditioned on a 3-year actual suspension.

(e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

Respondent received a restricted private reproof on December 21, 1977. The reference number for this case is Yolo 6.

- (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.

- (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:

See page 9.

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 to 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.
- (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:

Respondent has done pro bono work for the poor.

D. Discipline:

(1) ☐ Private reproof (check applicable conditions, if any, below)

(a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).

(b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2) ☒ Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproval:

(1) ☒ Respondent shall comply with the conditions attached to the reproof for a period of one (1) year.

(2) ☒ During the condition period attached to the reproof, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) ☒ Within ten (10) days of any change, Respondent shall report to the Membership Records Office and to the Probation Unit, 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) ☒ Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (5) ☐ Respondent shall be assigned a probation monitor. Respondent shall 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 shall furnish such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 conditions attached to the reproof.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- ☐ No Ethics School ordered.
- (8) ☐ Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.
- (9) ☒ Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year of the effective date of the reproof.
- ☐ No MPRE ordered.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |
- (11) ☐ Other conditions negotiated by the parties:

In the Matter of	Case No. 03-O-03974
FRANK WILLIAM DEDMAN, JR., No. 39050,	STIPULATION RE FACTS, CONCLUSIONS OF LAW, AND DISPOSITION
A Member of the State Bar.	

FACTS

In April 2003, Svend Robinson owned a house and lot at 2730 Clay Street, Sacramento, California ("property"). He held the property in joint tenancy with his ex-wife, Sonja Robinson. The property had many code violations.

On April 7, the City of Sacramento ("City") served Svend and Sonja Robinson with a notice and order ("Order") that the property had to be repaired or demolished. The Order provided that if the owners chose to repair the property, "all required permits for repair shall be secured therefore and the work physically commenced within 30 days from the date of this Order and completed within 60 days." (Emphasis in the original.)

On April 22, 2003, Svend Robinson asked respondent Frank William Dedman, Jr., ("respondent") to prevent the property's demolition by taking out a building permit to make repairs to the property ("building permit"). Svend Robinson signed a special power of attorney authorizing respondent to act for him with respect to the property.

On April 29, 2003, Svend Robinson died. He was survived by Sonja Robinson; by his live-in partner, Barbara Owens, who claimed to have married him before his death; and by his four adult daughters.

Svend Robinson's death terminated respondent's authority to act for him.

Upon Svend Robinson's death, title to the property passed to Sonja Robinson.

Upon Svend Robinson's death, Nanette Robinson, one of his daughters, became the administrator of his estate ("the estate").

In May 2003, Barbara Owens and Nanette Robinson asked respondent to get the building permit. Respondent told the City that he wanted to get the building permit. The City informed respondent that the building permit could only be issued to a legal agent of the owner or a licensed contractor.

On June 23, 2003, respondent asked the City to prepare the building permit for him. The City again informed respondent that the building permit could only be issued to a legal agent of the owner or a licensed contractor.

On June 24, 2003, respondent submitted a written application for the building permit. On the application, respondent falsely and misleadingly represented that he was acting as the legal agent of Sonja Robinson and Barbara Owens ("the representation"). He also falsely and misleadingly signed Sonja Robinson's name ("the signature") on the application.

The representation was false and misleading because respondent was not the legal agent of Sonja Robinson. The signature was false and misleading because respondent, not Sonja Robinson, had signed the application.

The representation and the signature were material because Sonja Robinson had title to the property and because the building permit could only be issued to a legal agent of the owner or a licensed contractor.

Respondent knew that the representation and the signature were false and misleading because he had not tried to contact Sonja Robinson, who was outside of California; because Sonja Robinson had not authorized him to act on her behalf; and because Sonja Robinson had not signed the application.

Respondent knew that the representation and the signature were material because he was aware of Sonja Robinson's title to the property and because the City had informed him that the building permit could only be issued to a legal agent of the owner or a licensed contractor.

Respondent intended to deceive the City with the representation and the signature.

On June 30, 2003, relying on the representation and the signature, the City issued the building permit to respondent.

In early July 2003, Sonja Robinson contacted the City about the property. When the City informed her about the issuance of the building permit, she stated that she had never heard of respondent.

On July 7, 2003, the City revoked the building permit because respondent had obtained it through the false and misleading representation and signature.

On September 17, 2003, the City filed a complaint with the State Bar about the representation and the signature.

On October 22, 1003, the State Bar sent respondent a letter asking him for a written response to the City's complaint. Respondent received this letter.

On November 12, 2003, respondent submitted a declaration under penalty of perjury to the State Bar. In this declaration, he admitted that he had applied for the building permit without authority from, or communication with, Sonja Robinson and that he had forged Sonja Robinson's name on the application.

CONCLUSION OF LAW

Respondent wilfully violated section 6106 of the Business and Professions Code by committing acts involving moral turpitude and dishonesty as follows: he made the representation and signed the signature when he knew they were false, misleading, and material and when he intended to deceive the City with them.

AGGRAVATING CIRCUMSTANCES

Respondent's prior records of discipline deserve little weight because more than 23 years elapsed between his return to active status on November 9, 1979, and his current misconduct on June 23, 2004.

Respondent's current misconduct was aggravated by two factors:

- (1) He made no attempt to contact Sonja Robinson between Svend Robinson's death on April 29, 2004, and the application for a building permit on June 24, 2004.
- (2) He submitted the false and misleading application despite two warnings from the City that a building permit could only be issued to a legal agent of the owner or a licensed contractor.

DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION OR PROCEEDING

On July 30, 2004, deputy trial counsel Mark Hartman ("Hartman") delivered a disclosure letter to respondent by hand. In this disclosure letter, Hartman advised respondent of any pending investigation or proceeding not resolved by this stipulation.

ESTIMATED PROSECUTION COSTS OF THE CURRENT CASE

The estimated prosecution costs of case number 03-O-03974 ("the current case") are \$1,983.00. This sum is only an estimate and does not include any State Bar Court costs in a final cost assessment. If this stipulation is rejected or if relief from this stipulation is granted, the prosecution costs of the current case may increase because of the costs of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE

The Rules of Procedure of the State Bar, Title IV, Standards for Attorney Sanctions for Professional Misconduct, standards 1.3, 1.6, and 2.3 support the discipline in this stipulation.

July 30, 2004
Date

Frank William Dedman, Jr.
Respondent's signature

FRANK WILLIAM DEDMAN, JR.
print name

Date

Respondent's Counsel's signature

print name

July 30, 2004
Date

Mark Hartman
Deputy Trial Counsel's signature

MARK HARTMAN
print name

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

August 16, 2004
Date

Pat McElroy
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. 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 San Francisco, on August 19, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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

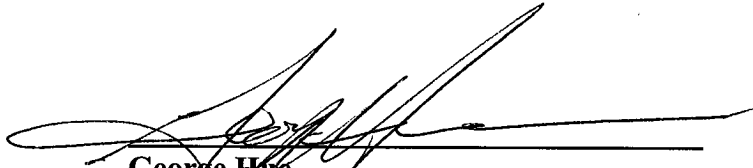
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

FRANK W. DEDMAN, JR.
1355 FLORIN RD #19
SACRAMENTO CA 95822

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

MARK HARTMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **August 19, 2004.**


George Hue
Case Administrator
State Bar Court