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State Bar Court of California

Hearing Department ☒ Los Angeles ☐ San Francisco

Counsel for the State Bar ELI D. MORGENSTERN DEPUTY TRIAL COUNSEL 1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1334 Bar # 190560	Case number(s) 04-O-14236-RMT [05-O-00133] #206	(for Court's use) FILED FEB 15 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES PUBLIC MATTER
☐ Counsel for Respondent ☒ In Pro Per, Respondent David J. Etezadi 1801 North Kingsley Drive, (323) 467-6601 Los Angeles, CA 90027-3709 Bar # 125552		
In the Matter of David J. Etezadi Bar # 125552 A Member of the State Bar of California (Respondent)	Submitted to ☒ assigned judge ☐ settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL ☐ PRIVATE ☒ PUBLIC ☐ 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 11, 1986 (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 18 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.

(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 (public reproval)

(b) ☐ case ineligible for costs (private reproval)

(c) ☒ costs to be paid in equal amounts for the following membership years:
2007, 2008, 2009
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)

(d) ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"

(e) ☐ costs entirely waived

(9) The parties understand that:

(a) ☐ A private reproval 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 inquires and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproval 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 reproval 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 reproval 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 _____

(b) ☐ Date prior discipline effective _____

(c) ☐ Rules of Professional Conduct/ State Bar Act violations: _____

_____

_____

(d) ☐ Degree of prior discipline _____

(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.

(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.

(Do not write above this line.)

(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:

(Do not write above this line.)

D. Discipline:

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

E. Conditions Attached to Reproval:

(1) ☐ Respondent must comply with the conditions attached to the reproval for a period of

One (1) year

(2) ☒ During the condition period attached to the reproval, 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 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 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 condition period attached to the reproval. 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 the reproval 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 thirty (30) days, that report must 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.

(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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the 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 conditions attached to the reproval.

(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 of the Ethics School and passage of the test given at the end of that session.

☐ No Ethics School ordered. 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 required to be filed with the Office of Probation.

(10) ☒ 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 of the effective date of the reproval.

☐ No MPRE ordered. Reason: _____

(11) ☒ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions ☐ Law Office Management Conditions

☐ Medical Conditions ☒ *Financial Conditions*

F. Other Conditions Negotiated by the Parties:

(Do not write above this line.)

In the Matter of	Case Number(s):
David J. Etezadi	04-0-14236-RMT [05-0-00133]

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

☐ 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 reproval), 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

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";

b. Respondent has kept and maintained the following:
   i. a written ledger for each client on whose behalf funds are held that sets forth:
      1. the name of such client;
      2. the date, amount and source of all funds received on behalf of such client;
      3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      4. the current balance for such client.
   ii. a written journal for each client trust fund account that sets forth:
      1. the name of such account;
      2. the date, amount and client affected by each debit and credit; and,
      3. the current balance in such account.
   iii. all bank statements and cancelled checks for each client trust account; and,
   iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
   i. each item of security and property held;
   ii. the person on whose behalf the security or property is held;
   iii. the date of receipt of the security or property;
   iv. the date of distribution of the security or property; and,
   v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID JOSEPH ETEZADI

CASE NUMBER(S): 04-O-14236; 05-O-00133-RMT

FACTS AND CONCLUSIONS OF LAW.

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

Facts in Case No. 04-O-14236

1. At all times relevant herein, Respondent maintained a client trust account at Wells Fargo Bank designated account no. 031-2715766 ("client trust account").

2. At all times relevant herein, Respondent deposited money received by and on behalf of his clients into his client trust account.

3. Marathon Cooperative, Astoria Gardens Apartments, Four Streets Cooperative, and Mission Plaza Apartments are low income housing cooperatives owned by their respective tenants. Respondent represents the Board of Directors of Marathon Cooperative, Astoria Gardens Apartments, Four Streets Cooperative, and Mission Plaza Apartments.

4. Between in or about April 2004 and in or about June 2004, Respondent deposited the following funds into his client trust account, as follows:

DATE OF DEPOSIT	DEPOSIT AMOUNT($)	FORM OF DEPOSIT
4/23/04	427.50	Check from Marathon Coop.
4/26/04	341.80	Check from Astoria Gardens
4/26/04	185.63	Check from Four Streets
5/10/04	253.20	Check from Astoria Gardens
5/13/04	1,759.50	Check from Astoria Gardens
5/13/04	1,082.17	Check from Marathon Coop.
5/27/04	2,636.09	Check from Mission Plaza
6/08/04	701.03	Check from Mission Plaza
6/16/04	801.27	Check from Four Streets
6/23/04	641.25	Check from Marathon Coop.

5. Each of the checks listed in paragraph 4 were issued to Respondent for fees earned in connection with legal services performed by Respondent.

6. During the period between April 2004 and June 2004, Respondent repeatedly issued checks drawn upon Respondent's client trust account to pay his personal expenses, including, but not limited to the following:

CHECK NUMBER	DATE ISSUED	PAYEE	CHECK AMOUNT ($)
Cash W/D	5/05/04	David Etezadi	50.00
1222	4/22/04	Kaiser Permanente	473.00
Cash W/D	5/18/04	David Etezadi	100.00
Cash W/D	5/19/04	David Etezadi	300.00
Cash W/D	5/20/04	David Etezadi	150.00
1245	5/25/04	Capital-One	100.00
1246	5/24/04	Comcast	127.00
1247	5/27/04	Kaiser Permanente	319.00
1259	6/07/04	Verizon Wireless	182.28
1260	6/05/04	Capri Equities	1055.00
1262	6/10/04	Cash	75.00
1263	6/10/04	Cash	300.00
1265	6/11/04	Capital-One	200.00
1266	6/11/04	Capital-One	50.00
1269	6/14/04	Cash	150.00
1271	6/18/04	Cash	100.00
1272	6/19/04	Cash	650.00
1273	6/25/04	Cash	60.00
Cash W/D	6/26/04	David Etezadi	100.00
1274	6/26/04	Cash	300.00

7. On or about May 5, 2004, the balance in Respondent's client trust account was $866.82.

8. On or about May 5, 2004, Respondent issued client trust account check number 1228 in the amount of $1,055 and made payable to Capri Equities. Capri Equities is a property management firm that manages the apartment building in which Respondent lives and the firm to whom Respondent pays his rent.

9. On or about May 11, 2004, the balance in the client trust account was $977.66.

10. On or about May 11, 2004, Wells Fargo Bank received check number 1228 and

paid the check against insufficient funds.

11. On or about May 29, 2004, Respondent issued client trust account check number 1252 in the amount of $122.20 and made payable to Ed Kimble. The memo section of check number 1252 included the notation "Partial Refund of Legal Fee". Mr. Kimble was a client of Respondent's in a landlord/tenant matter; and Respondent in fact issued the check to Mr. Kimble in order to partially refund the legal fee paid by Mr. Kimble.

12. On or about June 1, 2004, the balance in the client trust account fell to $9.24.

13. On or about June 2, 2004, Wells Fargo Bank received check number 1252 and paid the check against insufficient funds.

Legal Conclusions in Case No. 04-O-14236

By failing to promptly withdraw earned fees from the CTA, and by using the CTA for his personal expenses, Respondent failed to properly administer a trust account in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

By issuing checks drawn upon his client trust account when there was insufficient funds in the account, Respondent failed to properly administer a trust account in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

Facts in Case No. 05-O-00133

14. The facts set forth in paragraphs 1 through 3 are incorporated by reference.

15. Between November 2004 and December 2004, Respondent deposited the following funds into his client trust account, as follows:

DATE OF DEPOSIT	DEPOSIT AMOUNT	FORM OF DEPOSIT
11/27/04	$ 829.40	Four Streets Cooperative
12/08/04	$2,399.63	Four Streets Cooperative

16. Each of the checks listed in paragraph 15 were issued to Respondent for fees earned in connection with legal services performed by Respondent.

17. On or about November 5, 2004, Respondent issued client trust account check number 1331 in the amount of $332.00. The memo section of check number 1331 included the notation "Nov. Rent Odell 112".

18. On or about November 8, 2004, Wells Fargo Bank received check number 1331 and paid the check against insufficient funds.

Legal Conclusions in Case No. 05-O-00133

By failing to promptly withdraw earned fees from the CTA, Respondent failed to properly administer a trust account in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

By issuing a check drawn upon his client trust account when there was insufficient funds in the account, Respondent failed to properly administer a trust account in wilful violation of rule 4-100(A) of the Rules of Professional Conduct

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND THE INSTANT STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

The parties waive any variance between the facts and conclusions of law in the Notice of Disciplinary Charges ("NDC") filed on October 7, 2005, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive any variance between the basis for the action agreed to in this agreement and the charges set forth in the NDC filed on October 7, 2005. Finally, the parties waive the issuance of an amended Notice of Disciplinary Charges.

THE REASON FOR THE VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND THE INSTANT STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Respondent did not respond to the State Bar's written inquiries prior to the filing of the NDC herein. After the NDC was filed, Respondent responded to all State Bar inquiries and willingly provided any and all documentation requested. Respondent also provided detailed responses to the allegations contained in the NDC herein, and provided documents corroborating the responses.

Count One-Case No. 04-O-14236

Respondent explained to the State Bar that Mr. George Odell was a longtime friend and former client. Mr. Odell is 75 years old and granted Respondent power of attorney, and authorized Respondent to pay his expenses. Mr. Odell receives income from Social Security and the Veteran's Administration.

Respondent opened up the client trust account at Wells Fargo Bank in February 2003 primarily to hold Mr. Odell's funds prior to paying Mr. Odell's expenses.

In or about February 2004, Wells Fargo Bank advised Respondent that even though Mr. Odell had authorized Respondent to act as his power of attorney, the bank would no longer permit Respondent to deposit checks made payable to Mr. Odell. in his client trust account

As a result, Respondent cashed checks made payable to Mr. Odell at a check cashing store, and deposited the cash in his client trust account.

The NDC alleges in Count One, paragraph 6, that $900 in cash was deposited in the client trust account on April 6, 2004; that $1,200 in cash was deposited on April 23, 2005;[1] and that $900 was deposited on May 6, 2004. The funds belonged to Mr. Odell.

Respondent also advised the State Bar after the filing of the NDC, that Marathon Cooperative, Astoria Gardens, Four Streets Cooperative, and Mission Plaza are low income housing cooperatives owned by their respective tenants; and that Respondent represents the Board of Directors of Marathon Cooperative, Astoria Gardens Apartments, Four Streets Cooperative, and Mission Plaza Apartments. Respondent explained that the checks described in Count One, paragraph 6 represented earned fees for legal services performed by Respondent. Other than Mr. Odell's funds, Respondent rarely holds funds on behalf of clients in his client trust account.

Count Two-Case No. 04-O-14236

Respondent provided the following explanations (all of which were corroborated) for the allegations contained in paragraph 11, Count Two of the NDC herein:

Check number 1211 was issued to pay Mr. Odell's Automobile Club membership fee.

Check number 1212 was issued for payment of rent to the Selby Apartments on behalf of Mr. Odell.

On March 14, 2004[2], $200 was withdrawn for Mr. Odell.

Check number 1216 was issued for payment of Mr. Odell's telephone bill.

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[1]The NDC contains a typographicall error. The date should read 4/23/04, and not 4/23/05.

[2] The NDC contains a typographical error. The date should read3/14/04, and not 3/14/05.

Check number 1217 was issued for payment of vehicle storage for Mr. Odell.

On April 16, 2004, $150 was withdrawn for Mr. Odell.

On May 9, 2004, $90 was withdrawn for Mr. Odell.

Check number 1224 was issued for payment of rent to the Selby Apartments on behalf of Mr. Odell.

On May 7, 10, 12, 2004, and June 1, 2004, cash was withdrawn for Mr. Odell.

Check number 1238 was issued to pay for document production on behalf of Respondent's client, Larry F. Nier.

On May 19, 23, 25, 26, 27, and 30, 2004, cash was withdrawn for Mr. Odell.

On June 5, 2004, check number 1253 was issued for payment of rent to the Selby Apartments on behalf of Mr. Odell.

On June 6, 2004, check number 1255 was issued for payment of storage fee on behalf of Mr. Odell.

On June 6, 10, 17, 26, and 29, 2004, cash was withdrawn for Mr. Odell.

On June 7, 2004, check number 1257 was issued for payment of a telephone bill for Mr. Odell.

On June 13, 2004, cash was withdrawn in order to reimburse Respondent for costs incurred in connection with Mr. Odell.

Count Five-Case No. 05-O-00133

Respondent provided the following explanations (all of which were corroborated) for the allegations contained in paragraph 40, Count Five of the NDC herein:

On October 18, 28, 29, 2004; November 24, 2004; and December 7, 9, and 14, 2004, cash was withdrawn for Mr. Odell.

On October 26, 2004, check number 1325 was issued for payment of storage expenses on behalf of Mr. Odell.

On November 5, 2004, check number 1331 was issued for payment of rent on behalf of Mr. Odell.

On November 22, 2004, check number 1333 was issued for payment of Mr. Odell's storage expenses.

On November 27, 2004, Respondent withdrew cash from the client trust account as reimbursement for expenses incurred on behalf of Mr. Odell.

On December 11, 2004, check number 1337 was issued for payment of rent on behalf of Mr. Odell.

On December 22, 2004, check number 1242 was issued for payment of storage expenses on behalf of Mr. Odell.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was January 30, 2006.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the *interest of justice:*

Case No.	Count	Alleged Violation
04-O-14236	One	rule 4-100(A) of the Rules of Professional Conduct
04-O-14236	Two	rule 4-100(A) of the Rules of Professional Conduct
04-O-14236	Three	Business and Professions Code § 6106
04-O-14236	Four	Business and Professions Code § 6068(i)
05-O-00133	Five	rule 4-100(A) of the Rules of Professional Conduct
05-O-00133	Six	Business and Professions Code § 6106
05-O-00133	Seven	Business and Professions Code § 6068(i)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 30, 2006, the estimated prosecution costs in this matter are approximately

$3,043.80. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Vaughn v. State Bar (1972) 6 Cal.3d 847. An attorney's trust account fell below the required balance at least 12 times during a 20-month period. The attorney commingled funds and kept trust fund cash in an envelope in his home. He did not know that he had received some funds because of inefficient office procedures and "chaotic records." The Supreme Court imposed a public reproval.

In the Matter of Respondent F (Review Dept. 1992) 2 Cal. State Ct. Rptr. 17. A "technical misappropriation" resulting from the mishandling of two checks and a failure to promptly refund unearned advanced fees, along with significant mitigation, resulted in a private reproval.

(Do not write above this line.)

In the Matter of	Case number(s):
David J. Etezadi	04-0-14236-RMT [05-0-00133]

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.

02/05/2006 Date	Respondent's signature	DAVID J. ETEZADI Print name
Date	Respondent's Counsel's signature	Print name
02/07/06 Date	Deputy Trial Counsel's signature	ELI D. MORGENSTERN Print name

(Do not write above this line.)

In the Matter of	Case number(s):
David J. Etezadi	04-O-14236-RMT [05-O-00133]

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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.
- ☐ All court dates in the Hearing Department 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 futher modifies the approved stipulation. (See rule 125(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 reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

2-10-06

Date

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 February 15, 2006, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL

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

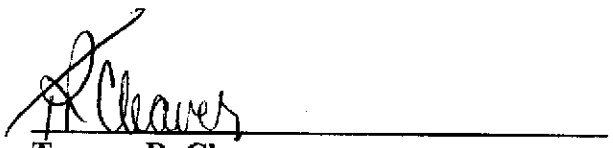
[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

David J. Etezadi
1801 N Kingsley Dr #206
Los Angeles, CA 90027

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

***ELI MORGENSTERN*, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **February 15, 2006**.



Tammy R. Cleaver
Case Administrator
State Bar Court