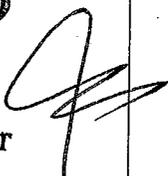


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State Bar Court of California Hearing Department San Francisco		
<p style="font-size: 2em; opacity: 0.5; margin: 0;">PUBLIC MATTER</p> <p>Counsel For The State Bar</p> <p>Susan I. Kagan Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2037</p> <p>Bar # 214209</p>	<p>Case Number (s)</p> <p>04-O-12673 05-O-01622 05-O-02312 05-O-02314 05-O-02987</p>	<p>(for Court's use)</p> <div style="text-align: center; margin-top: 20px;"> <p style="font-size: 1.5em; font-weight: bold; margin: 0;">FILED</p> <p style="font-size: 1.2em; margin: 5px 0;">APR 16 2007</p> <p style="font-size: 0.8em; margin: 0;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>  </div>
<p>In Pro Per Respondent</p> <p>Colin J. Kooyumjian 372 W. Jordan Avenue Clovis, CA 93611 (559) 297-5665</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 172216</p> <p>In the Matter Of: Colin J. Kooyumjian</p> <p>Bar # 172216</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 2, 1994**.
- (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 consists of **18** pages, not including the order.
- (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):
 - 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: (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
 - (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.
- (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.
- (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

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:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(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.
- (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 | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, 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 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and

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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:
- (5) **Other Conditions:**

Attachment language begins here (if any):

FACTS AND CONCLUSIONS OF LAW

Case No. 04-O-12673 (The Meza/Steagall Matter)

Facts

1. At all relevant times Steven Steagall ("Steagall") was incarcerated in a federal correctional facility.
2. In August 2003, Steagall, working through his fiancée Deborah Meza ("Meza"), hired respondent to file a motion for reduction of his sentence. Respondent agreed to file the motion for \$1,500. On August 23, 2003, on Steagall's behalf Meza paid respondent \$1,500 in advanced attorney's fees for his services in relation to the filing of the motion for reduction of sentence.
3. Subsequently, respondent took no action on Steagall's behalf in relation to the motion for reduction of sentence.
4. On January 5, 2004, January 13, 2004, January 19, 2004, January 22, 2004, February 20, 2004, March 5, 2004, March 7, 2004, March 9, 2004, March 11, 2004, March 12, 2004, and twice on March 16, 2004, Meza – acting on Steagall's behalf – telephoned respondent's office, each time leaving a message for respondent asking him to contact her regarding the status of Steagall's matter.
5. Respondent received Meza's messages, but did not return the telephone calls, or otherwise provide Meza or Steagall with an update on the status of Steagall's matter.
6. On October 12, 2004, respondent provided a declaration to State Bar investigator Michal Gilbert ("the October 12, 2004 declaration") regarding – in part – his failure to file a sentence reduction motion on behalf of Steagall. In the October 12, 2004 declaration, respondent stated that he had "determined that the legal remedy sought by the defendant Steagall was without merit." At no time did respondent communicate to Steagall, either directly or indirectly through Meza or otherwise, that he (respondent) had determined that there was no merit to a motion for sentence reduction in Steagall's matter.
7. On Steagall's behalf, on May 10, 2004, Meza sent a letter to respondent ("the May 10, 2004 letter") requesting him to refund the \$1,500 in advanced attorneys fees paid for the filing of the motion for sentence reduction in Steagall's matter. Respondent's agent received the May 10, 2004 letter on May 13, 2004.
8. The May 10, 2004 letter, along with respondent's lack of attention to Steagall's matter, effectively terminated the attorney client relationship between Steagall and respondent.
9. In the October 12, 2004 declaration, while asserting that he had performed several hours of work on Steagall's matter in order to determine that there was no merit to a motion for sentence reduction, respondent stated that he would "fully repay all attorneys fees in the matter."
10. Respondent performed no services of value to Steagall because he neither filed a motion for sentence reduction nor did he communicate to Steagall that there was no merit to his motion.
11. To date, respondent has refunded no portion of the \$1,500 in advanced fees paid in relation to the filing of a motion for sentence reduction in Steagall's matter.

Conclusions of Law

By failing to take any action on Steagall's behalf in relation to the motion for reduction of sentence, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Procedure. By failing to respond to Meza's telephone calls and otherwise failing to provide Stegall with updates on the status of his matter, respondent failed to promptly respond to reasonable status inquiries

in wilful violation of section 6068(m) of the Business and Professions Code. By failing to inform Steagall that he had determined that there was no merit to a motion for sentence reduction in Steagall's matter, respondent failed to inform a client of a significant development in a matter in which respondent had agreed to provide legal services in wilful violation of section 6068(m) of the Business and Professions Code. By failing to refund the \$1,500 in advanced fees after the termination of his professional relationship with Steagall under circumstances where respondent performed no services of value to Steagall, respondent failed to promptly refund fees paid in advance that were not earned in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 05-O-01622 (The Sanchez Matter)

Facts

12. On January 8, 2004, Jose J. Sanchez ("Sanchez") hired respondent to represent him in recovering unpaid wages owed to him by Jose Romero ("Romero").
13. Between January 9, 2004 and January 13, 2004, Sanchez paid respondent a total of \$1,000 in advanced attorney's fees for respondent's services in relation to Sanchez's dispute with Romero.
14. On January 16, 2004, respondent sent a demand letter to Romero.
15. Thereafter, respondent took no action on Sanchez's behalf.
16. Respondent earned no portion of the \$1,000 in advanced attorney's fees paid to him by Sanchez because respondent performed no services of value to Sanchez.
17. On February 7, 2005, Sanchez sent respondent a letter ("the February 7, 2005 letter") requesting respondent to: (1) refund the \$1,000 in advanced attorneys fees; and (2) return Sanchez's client file. The February 7, 2005 letter was received by respondent's agent on February 8, 2005.
18. The February 7, 2005 letter, along with respondent's lack of attention to Sanchez's interests, effectively terminated his attorney-client relationship with Sanchez.
19. To date, respondent has refunded no portion of the \$1,000 in advanced attorney's fees to Sanchez. To date, respondent has not returned Sanchez's client file or otherwise made it available to him.

Conclusions of Law

By failing to take any action on Sanchez's behalf in relation to recovering unpaid wages owed Sanchez by Romero, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct. By failing to refund the \$1,000 in advanced fees after the termination of his professional relationship with Sanchez and after performing no services of value to Sanchez, respondent failed to promptly refund fees paid in advance that were not earned in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct. By failing to return the client file to Sanchez as requested, respondent failed to promptly release all client papers and property as requested by a client upon termination of employment in wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

Case Nos. 05-O-02312 & 05-O-02314 (Unauthorized Practice of Law)

Facts

20. At all times beginning on February 23, 2005 and continuing through the present date, respondent was on inactive status pursuant to Business and Professions Code section 6203 and not entitled to practice law in California as a result of decision in State Bar Court case 04-AE-12469-PEM, et al. The Decision Including Order of Involuntary Inactive Enrollment in State Bar Court case no. 04-AE-12469-PEM, et al., was served on respondent on February 18, 2005, and received by him in the ordinary course of the mail.

21. On February 24, 2005, respondent appeared in court with and on behalf of client Marti Garrett ("Garrett") in the matter of *People v. Marti Garrett*, Fresno County Superior Court case no. F03904472-8 ("*People v. Garrett*"), a felony matter. At this appearance, trial dates were confirmed.
22. On March 3, 2005, respondent again appeared in court with and on behalf of client Garrett in *People v. Garrett*. At this appearance respondent advised and assisted Garrett in entering a felony plea of nolo contendere to a violation of Health and Safety Code section 11377(a).
23. On March 15, 2005, respondent appeared in court on behalf of client Frank Brad Lanotte in the matter of *People v. Frank Brad Lanotte*, Fresno County Superior Court case no. M04913598-9, a misdemeanor arraignment matter.
24. On March 15, 2005, respondent appeared in court on behalf of client Robert Robles in the matter of *People v. Robert Robles*, Fresno County Superior Court Case no. T04901218-8, a misdemeanor arraignment matter.
25. On March 15, 2005, respondent appeared in court on behalf of client Michael Robles in the matter of *People v. Michael Robles*, Fresno County Superior Court case no. T00907406-0, a misdemeanor arraignment matter.
26. On March 15, 2005, respondent appeared in court on behalf of client John Michael Robles in the matter of *People v. John Michael Robles*, Fresno County Superior Court case no. T05000027-3, a misdemeanor arraignment matter.
27. On March 15, 2005, respondent appeared in court on behalf of client Edward Gene Rojas, in the matter of *People v. Edward Gene Rojas*, Fresno County Superior Court case no. M04915193-7, a misdemeanor arraignment matter.
28. Respondent did the following while on inactive status: (1) appeared in court on behalf of clients on February 24, 2005, March 3, 2005, and March 15, 2005; (b) held himself out as entitled to practice law and practiced law while not entitled to do so; and (3) gave legal advice in relation to the entry of a client's felony plea.

Conclusions of Law

By practicing law when he was not entitled to do so, respondent violated section 6125 of the Business and Professions Code and failed to support the Constitution and laws of the United States and of this state, in wilful violation of Business and Professions Code sections 6068(a).

Case No. 05-O-02987 (The Pardo/Villareal Matter)

Facts

29. At all relevant times Christopher Villarreal ("Christopher") was incarcerated in a Corcoran State Prison in Corcoran, California.
30. On April 22, 2004, Christopher's wife, Froylinda Villareal ("Froylinda") and mother-in-law Herlinda Pardo ("Pardo"), acting on Christopher's behalf, hired respondent to review the circumstances surrounding Christopher's conviction and to advise Christopher about his options for obtaining release from custody. At the time he was hired, respondent agreed to meet personally with Christopher at Corcoran State Prison.
31. On April 23, 2004, Pardo paid respondent \$2,000 in advanced attorney's fees for her services in relation to Christopher's matter. Subsequently, Froylinda and Pardo provided respondent with copies of transcripts and other documents related to Christopher's matter.
32. Thereafter, respondent did not meet with Christopher personally or otherwise, nor did he take any action on Christopher's behalf.

33. On July 15, 2005, on Christopher's behalf, Froylinda sent respondent a letter ("the July 15, 2005 letter") requesting that he return to her the transcripts and other documents related to Christopher's matter previously provided to him. Respondent received this letter in the ordinary course of the mail, but did not respond to it.
34. On August 4, 2005, Christopher personally sent respondent a letter ("the August 4, 2005 letter") requesting: (1) that respondent return to Froylinda the transcripts and other documents in his possession related to his matter; and (2) that respondent refund to Pardo the advanced attorney's fees. Respondent received the August 4, 2005 letter in the ordinary course of the mail, but did not respond to it.
35. The July 15, 2005 letter, the August 4, 2005 letter, respondent's ineligibility to practice law, along with respondent's lack of attention to Christopher's matter, effectively terminated the attorney-client relationship between Christopher and respondent.
36. To date, respondent has not returned the transcripts and other documents related to Christopher's matter to Froylinda as requested or otherwise made them available to Christopher.
37. Respondent earned no portion of the \$2,000 paid to him on Christopher's behalf as advanced attorney's fees, because respondent performed no services of value to Christopher. To date, respondent has refunded no portion of the \$2,000 in advanced attorney's fees paid to him on Christopher's behalf by Pardo.

Conclusions of Law

By failing to meet with Christopher or otherwise take any action on Christopher's behalf in relation to reviewing his matter and advising him on his options for obtaining release from custody, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct. By failing to return the transcripts and documents to Froylinda as requested or otherwise make them available to Christopher, respondent failed to promptly release all client papers and property as requested by a client upon termination of employment in wilful violation of rule 3-700(D)(1) of the Rules of Professional Conduct. By failing to refund the \$2,000 in advanced fees after the termination of his professional relationship with Christopher and after performing no services of value to Christopher, respondent failed to promptly refund fees paid in advance that were not earned in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case Nos. 05-O-01622, 05-O-02312, 05-O-02314 and 05-O-02987 (Failure to Cooperate with State Bar Investigation)

Facts

38. On March 3, 2005, the State Bar opened an investigation, case no. 05-O-01622, pursuant to a complaint filed by Jose J. Sanchez ("the Sanchez complaint").
39. On April 14, 2005, State Bar Investigator Michal Gilbert ("Gilbert") sent respondent a letter regarding the Sanchez complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of April 14, 2005, requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the Sanchez complaint. Respondent did not respond to Gilbert's letter of April 14, 2005.
40. On May 12, 2005, Gilbert sent respondent a second letter regarding the Sanchez complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of May 12, 2005, again requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the Sanchez complaint. Respondent did not respond to Gilbert's letter of May 12, 2005, or otherwise communicate with Gilbert or any other State Bar employee regarding the allegations of the Sanchez complaint.
41. On March 15, 2005, the State Bar opened an investigation, case no. 05-O-02312, pursuant to a complaint filed by Judge Hamlin of the Fresno County Superior Court regarding the apparent unauthorized practice of the law by respondent ("the first UPL complaint").

42. On May 26, 2005, Gilbert sent respondent a letter regarding the first UPL complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of May 26, 2005, requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the first UPL complaint. Respondent did not respond to Gilbert's letter of May 26, 2005 concerning the first UPL complaint.

43. On June 16, 2005, Gilbert sent respondent a second letter regarding the first UPL complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of June 16, 2005, again requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the first UPL complaint. Respondent did not respond to Gilbert's letter of May 12, 2005, or otherwise communicate with Gilbert or any other State Bar employee regarding the allegations of the first UPL complaint.

44. On March 23, 2005, the State Bar opened an investigation, case no. 05-O-02314, pursuant to a complaint filed by Judge Levis of the Fresno County Superior Court regarding additional apparent unauthorized practice of the law by respondent ("the second UPL complaint").

45. On May 26, 2005, Gilbert sent respondent a letter regarding the second UPL complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of May 26, 2005, requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the second UPL complaint. Respondent did not respond to Gilbert's letter of May 26, 2005 concerning the second UPL complaint.

46. On June 16, 2005, Gilbert sent respondent a second letter regarding the second UPL complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of June 16, 2005, again requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the second UPL complaint. Respondent did not respond to Gilbert's letter of May 12, 2005, or otherwise communicate with Gilbert or any other State Bar employee regarding the allegations of the second UPL complaint.

47. On June 17, 2005, the State Bar opened an investigation, case no. 05-O-02987, pursuant to a complaint filed by Herlinda Pardo regarding respondent's conduct in relation to her son-in-law Christopher Villareal ("the Pardo/Villareal complaint").

48. On July 21, 2005, Gilbert sent respondent a letter regarding the Pardo/Villareal complaint. Respondent received a copy of this letter in the ordinary course of the mail. Gilbert's letter of July 21, 2005, requested respondent to respond in writing to specified allegations of misconduct being investigated by the State Bar in relation to the Pardo/Villareal complaint. Respondent did not respond to Gilbert's letter of July 21, 2005 concerning the Pardo/Villareal complaint, or otherwise communicate with Gilbert or any other State Bar employee regarding the allegations of the Pardo/Villareal complaint.

Conclusions of Law

By failing to respond to seven different letters from State Bar Investigator Gilbert or otherwise communicate with State Bar employees regarding the Sanchez, Pardo/Villareal and the first and second UPL complaints, respondent failed to cooperate or participate in a disciplinary investigation against him in wilful violation of section 6068(i) of the Business and Professions Code.

Case Nos. 04-O-12673, 05-O-01622, 05-O-02312, 05-O-02314 and 05-O-02987 (Failure to Update Membership Address)

Facts

49. At all relevant times, respondent's current office address as maintained on the official membership records of the State Bar, referred to herein as "the Tulare Street address," was:

2100 Tulare St. #512
Fresno, CA 93721

50. By September 30, 2005, respondent had vacated the premises at the Tulare Street address and had otherwise ceased receiving mail at the Tulare Street address.

51. Respondent did not change his address as maintained on the official membership records of the State Bar from the Tulare Street address until December 27, 2005.

Conclusions of Law

By failing to change his official membership records address within thirty days of vacating the premises at the Tulare Street address, respondent failed to comply with the requirements of Business and Professions Code section 6002.1 in wilful violation of section 6068(j) of the Business and Professions Code.

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed on November 8, 2005, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

PENDING PROCEEDINGS

The disclosure date referred to on page two, paragraph A (7) was February 6, 2007.

STATE BAR ETHICS SCHOOL

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

SUPPORTING AUTHORITY

Standard 2.6 provides for disbarment or suspension for a violation of Business and Professions Code sections 6068, 6125 and 6126. Standard 2.4(b) provides for reproof or suspension for a respondent who has wilfully failed to perform services in which he was retained.

Based on respondent's abandonment of incarcerated clients, which the Supreme Court determined to be a "serious matter warranting substantial discipline" (*Borre v. State Bar* (1991) 52 Cal.3d 1047, 1053 [two years' actual suspension for abandonment of one incarcerated client; no prior record of discipline]), an actual suspension of one year is the appropriate level of discipline. (See also *In the Matter of Nees* (1996) 3 Cal. State Bar Ct. Rptr. 459 [six months' actual suspension in default case for abandonment of one incarcerated client; no prior record of discipline].)

FACTS SUPPORTING AGGRAVATING AND MITIGATING CIRCUMSTANCES

AGGRAVATING CIRCUMSTANCES

Respondent's 14 counts of alleged wrongdoing reflect multiple acts of misconduct (std. 1.2(b)(ii).) His failure to return unearned fees and case files significantly harmed his clients (std. 1.2(b)(iv)) and suggests an indifference towards rectification (std. 1.2(b)(v).)

MITIGATING CIRCUMSTANCES

Standard 1.2(e)(i). Respondent has been in practice since 1994. He has no prior record of discipline.

Standard 1.2(e)(iv). Respondent represents that he suffered extreme physical difficulties which expert testimony would establish were directly responsible for the misconduct and have since been resolved. Specifically, respondent was hospitalized with an illness in June and November, 2004. After being released from the hospital, he returned to practicing law part-time in February, 2005. He claims that he was not aware of his suspension until March, 2005. He has since fully recovered from the illness.

In the Matter of
Colin J. Kooyumjian

A Member of the State Bar

Case number(s):
04-O-12673; 05-O-01622; 05-O-02312;
05-O-02314; 05-O-02987

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 in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Steven Steagall	\$1,500.00	8/23/03
Jose J. Sanchez	\$1,000.00	1/13/04
Herlinda Pardo	\$2,000.00	4/23/04

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **8/1/07**.

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

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.

In the Matter of
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Case number(s):
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05-O-02314; 05-O-02987

Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least **eight (8)** meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program **Respondent to attend four (4) meetings per month of Alcoholics Anonymous and four (4) meetings per month of Narcotics Anonymous.**

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.
- d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

In the Matter of
Colin J. Kooyumjian

Case number(s):
04-O-12673; 05-O-01622; 05-O-02312;
05-O-02314; 05-O-02987

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date

Signature

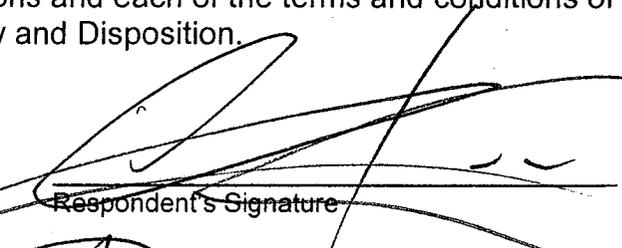
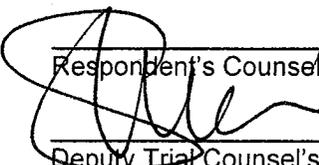
Colin J. Kooyumjian
Print Name

(Do not write above this line.)

In the Matter of Colin J. Kooyumjian	Case number(s): 04-O-12673; 05-O-01622; 05-O-02312; 05-O-02314; 05-O-02987
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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 Fact, Conclusions of Law and Disposition.

3/12/07 Date	 Respondent's Signature	Colin J. Kooyumjian Print Name
Date	Respondent's Counsel Signature	N/A Print Name
3/12/07 Date	 Deputy Trial Counsel's Signature	Susan I. Kagan Print Name

(Do not write above this line.)

In the Matter Of
Colin J. Kooyumjian

Case Number(s):
04-O-12673; 05-O-01622; 05-O-02312;
05-O-02314; 05-O-02987

ORDER

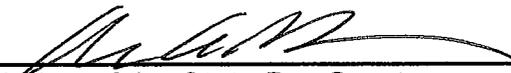
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

*DELETE - PAGE 17 FROM THE STIPULATION.
DELETE - PAGE 1 - SETTLEMENT JUDGE.
ADD - PAGE 1 - ASSIGNED JUDGE.*

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 9.18(a), California Rules of Court.)**

4-11-07
Date


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 April 16, 2007, 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 Los Angeles, California, addressed as follows:

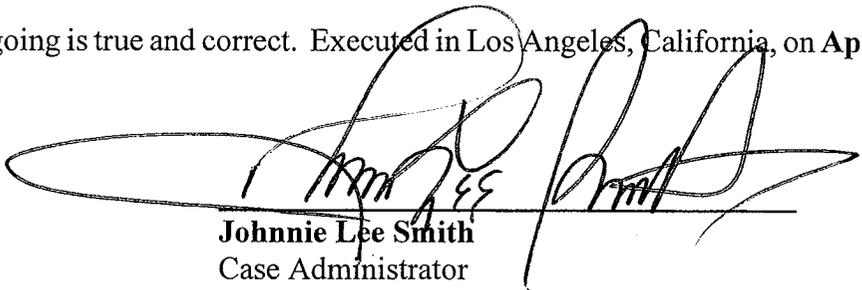
**COLIN J. KOOYUMJIAN
KOOYUMJIAN LAW OFFICE
372 W JORDAN AVE
CLOVIS, CA 93611**

**COLIN J. KOOYUMJIAN
P O BOX 500
FRIANT CA 93626**

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

SUSAN KAGEN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **April 16, 2007**.


Johnnie Lee Smith
Case Administrator
State Bar Court