



ORIGINAL

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State Bar Court of California Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar Jean Cha, DTC 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1157 Bar # 228137	Case number(s) 05-H-03307-RAP	(for Court's use) <div style="text-align: center;"> FILED JAN 03 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Glenn D. Nelson 10802 Arden Villa Drive Bakersfield, CA 93311 Bar # 74832	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge	
In the Matter of Glenn D. Nelson Bar # 74832 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 28, 1977
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation, and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 16 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

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

- (a) ☐ costs added to membership fee for calendar year following effective date of discipline
- (b) ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:
2007, 2008, and 2009
(hardship, special circumstances or other good cause per rule 282, Rules of Procedure)
- (c) ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- (d) ☐ costs entirely waived

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

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

- (a) ☒ State Bar Court case # of prior case 02-0-15192
- (b) ☒ Date prior discipline effective November 17, 2004
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rule 3-300

(d) ☒ Degree of prior discipline Public Reprimand

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

- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Page 9 for support.
- (8) ☐ **No aggravating circumstances are involved.**

Additional aggravating circumstances:

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

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

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- (10) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances are involved.**

Additional mitigating circumstances:

See "Mitigating Circumstances" at page 8.

D. Discipline

1. ☒ **Stayed Suspension.**

- (a) ☒ Respondent must be suspended from the practice of law for a period of One Year
- 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: Pays restitution as set forth in the Financial Conditions section of the attachment to stipulation re
The above-referenced suspension is stayed. facts, conclusions of law and disposition. See "Other Conditions Negotiated by the Parties"
See page 12.
2. ☒ **Probation.**

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

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E. Additional Conditions of Probation:

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

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

- (5) ☒ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☐ Within one (1) year of the effective date of the discipline herein, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of State Bar Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: Ethics School completed on December 8, 2005
See "Other Conditions Negotiated by the Parties" at page 13.
- (8) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☐ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

(Do not write above this line.)

F. Other Conditions Negotiated by the Parties:

- (1) ☒ Multistate Professional Responsibility Examination: Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure. See "Other Conditions Negotiated by the Parties" at page 13.
- ☐ No MPRE recommended. Reason: _____

- (2) ☒ Other Conditions:
- Please see "Other Conditions Negotiated by the Parties" at page 12.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GLENN D. NELSON

CASE NUMBER: 05-H-03307-RAP

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

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

Count One - Section 6103 of the Business and Professions Code

The State Bar moves to dismiss count one in the interest of justice.

Count Two - Rule 1-110 of the Rules of Professional Conduct

On October 20, 2004, Respondent and the State Bar entered into a Stipulation Re Facts, Conclusions of Law and Disposition in case number 02-O-15192 where Respondent stipulated that he wilfully violated rule 3-300 of the Rules of Professional Conduct.

On October 27, 2004, the Hearing Department of the State Bar Court filed an order approving the stipulation, with minor modifications, and imposed the reproof with conditions set forth in the stipulation ("reproof order"). Pursuant to the reproof conditions, Respondent was to attend State Bar Ethics School and provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE") to the Probation Unit within one year of the effective date of the reproof, submit quarterly reports, and make monthly or quarterly payments in restitution.

The public reproof order became effective on November 17, 2004.

On or about November 9, 2004, Probation Deputy Yolanda Acosta ("Acosta") of the Office of Probation Unit of the State Bar of California wrote a letter to Respondent in which she reminded Respondent of the terms and conditions of his reproof imposed pursuant to the reproof order. Acosta sent another letter on March 3, 2005, reiterating what she had written in November 2004.

As of the date of the Notice of Disciplinary Charges ("NDC") on August 11, 2005, Respondent had failed to file quarterly reports or submit proof of restitution payments to the Office of Probation.

Respondent was to provide proof of passage of Ethics School and the MPRE to the Probation Unit by November 17, 2005, but did not.

By failing to timely file quarterly reports that were due on January 10, 2005, April 10, 2005, July 10, 2005, and October 10, 2005 and by failing to submit proof of payments in restitution, Respondent failed to comply with the terms and conditions of the November 17, 2004 reproof order in wilful violation of rule 1-110 of the Rules of Professional Conduct, pursuant to Business and Professions Code, sections 6077 and 6078 and rule 956, California Rules of Court.

As of the date of the execution of this Stipulation as to Facts, Conclusions of Law and Disposition, Respondent has filed his quarterly reports, attended Ethics School, registered for the March 2006 MPRE, and brought his restitution payments current.

MITIGATING CIRCUMSTANCES

During the reproof period Respondent suffered difficulties in his personal life which were related to the custody and care of his minor son which resulted from the dissolution of his marriage. Respondent and his spouse fought over the repayment of the loan (which was the subject of the 3-300 violation underlying the public reproof) owed to Respondent's former sister-in-law and the losses suffered from the bad investment. The sour investment and financial loss became a bone of contention and caused further dispute between Respondent and his former spouse. When compliance with the terms and conditions of his reproof came due, Respondent was involved in custody negotiations with his former spouse regarding his minor son who had been homeless as a result of Respondent's former spouse's financial condition.

Although Respondent's belated compliance with the quarterly reporting requirement may not serve as mitigation, as the Court in *Conroy v. State Bar* (1990) 51 Cal.3d 799, 805-806 noted, belated submission of the action prescribed by the reproof condition may be considered an "extenuating factor." Accordingly, the fact that Respondent filed his reports, albeit late, has been factored into the determining of the appropriate amount of discipline for the purposes of this stipulation.

For the purposes of this stipulation, also, Respondent has displayed spontaneous candor in his recognition of his failure to comply with reproof conditions and has been striving to remedy those lapses. Respondent has been candid and cooperative to the State Bar by admitting culpability and providing all information and documentation as requested by the Office of the Chief Trial Counsel. Moreover, Respondent has come into compliance with all reproof terms

and conditions and has registered for the next available MPRE. Although Respondent still owes a substantial portion in accordance with the payment schedule, Respondent has become current with his restitution repayment obligations, as of the date of the execution of this stipulation.

AGGRAVATING CIRCUMSTANCES

Multiple Acts of Wrongdoing

Standard 1.2(b)(ii) states that multiple acts of wrongdoing shall be considered an aggravating circumstance. For instance, in *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 702, the failure to file two quarterly reports and provide proof of continuing legal education was considered three separate acts of wrongdoing pursuant to this standard. Additionally, "when an attorney commits multiple violations of the same probation condition, the gravity of each successive violation increases." *In the Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523.

While, in this case, Respondent has violated four quarterly reporting conditions, has failed to make four timely quarterly restitution payments to the Client Security Fund, and has missed the deadlines for Ethics School and the MPRE, he has belatedly complied with his reproval conditions and has registered for the next available MPRE whereas the facts in *Meyer* are distinguishable because Meyer was either unwilling or unable to comply and had two prior reprovals. The discipline contained herein adequately addresses the consideration of the weight given to the violations, cumulatively, as in *Tiernan*, by the enunciated circumstances surrounding Respondent set out on page 8.

AUTHORITIES SUPPORTING DISCIPLINE

The stipulated sanction furthers the protection of the public, the courts and the legal profession, the maintenance of high professional standards by attorneys, and the preservation of public confidence in the legal profession. (Std 1.3.) Respondent is being sanctioned with a stayed suspension for his noncompliance with his reproval conditions and will have a continuing obligation to the Probation Unit to maintain compliance with much more serious consequences should Respondent fail to comply for a second time.

The appropriate sanction for an act of professional misconduct shall be the sanction set forth in the standards for the particular misconduct found. (Std 1.6(a).)

The Supreme Court gives the Standards "great weight," and will reject a recommendation consistent with the Standards only where the Court entertains "grave doubts" as to its propriety. *In re Naney* (1990) 51 Cal.3d 186, 190.

In *Conroy v. State Bar*, *supra* 51 Cal.3d at p. 802, Petitioner received a private reproof based upon three unrelated incidents of misconduct. As a condition of the reproof, Petitioner was to take and pass the Professional Responsibility Exam ("PRE") within one year of the reproof's effective date. *Ibid.* Without explanation, Petitioner failed to take the PRE within one year. *Ibid.*

The Court introduced former California Rule of Professional Conduct 9-101 (now Rule 1-110) and Business and Professions Code section 6077 before discussing wilfulness. It stated, "To establish a wilful breach, it must be demonstrated that the person charged acted or omitted to act purposely, that is, that he knew what he was doing or not doing and that he intended either to commit the act or to abstain from committing it. [Citations.]" *Conroy, supra*, 51 Cal.3d at p. 804.

The Court concluded that Petitioner's noncompliance was wilful. *Conroy, supra*, 51 Cal.3d at p. 804. Culpability of a member of wilfully failing to comply with the terms and conditions of a reproof (wilful violation of rule 1-110 of the Rules of Professional Conduct) *shall* result in suspension. (Std 2.9.) The court reasoned that Petitioner had made no showing of his inability to comply with the probationary condition within the designated time frame. *Ibid.* Further, Petitioner's defenses to wilfulness, which included error, inadvertence, mistake, and oversight, were rejected since he did not make these claims before the hearing panel or substantiate them with any proof. *Ibid.* Moreover, the fact that Petitioner successfully completed the exam at the first opportunity thereafter neither operated retroactively nor exonerated his misconduct. *Ibid.* Rather, it served as a mitigating factor. *Id.* at p. 805.

In determining that the appropriate level of discipline was a one-year stayed suspension, one-year probation with the condition that during the first sixty days Petitioner be actually suspended, the Court noted three aggravating circumstances. *Conroy, supra*, 51 Cal.3d at pp. 805-06. First, Petitioner had a prior record (the misconduct in the underlying case that resulted in the PRE requirement). *Id.* at p. 805. Second, Petitioner had failed "to appreciate the seriousness of the charges in the instant proceeding or to comprehend the importance of participating in the disciplinary proceedings." *Ibid.* Third, Petitioner evinced a lack of understanding of the gravity of his earlier misdeeds and the import of the State Bar's regulatory functions by asserting that his misconduct was a mere technical lapse. *Id.* at p. 806.

Like Petitioner Conroy, Respondent also wilfully violated Rule 1-110. In fact, Respondent violated more conditions than Conroy. However, in the present matter, unlike Conroy, Respondent acknowledges the seriousness of the charges and the importance of participating in the disciplinary proceedings. Respondent has also been extremely cooperative with the State Bar. Moreover, Respondent has come into compliance to the best of his ability under the circumstances. A one-year stayed suspension and four-year probationary period will preserve public confidence in the legal profession and protect the public and the courts. (Std 1.3.)

In *In the Matter of Posthuma* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 813, 816, an attorney violated Rule 1-110 by failing to comply with a condition attached to a private reproof – to take and pass the PRE within one year of the reproof. The Review Department noted that the sole aggravating circumstance was Respondent's prior record of discipline (the private reproof that led to the disciplinary proceedings), and that there were no mitigating circumstances. *Id.* at pp. 820-21. Ultimately, the Review Department distinguished *Conroy* and concluded that the appropriate level of discipline was a public reproof in light of Posthuma's extensive participation and begrudging acknowledgment of his obligation to comply with State Bar Court orders. *Id.* at p. 822.

Unlike Posthuma who violated one condition of his private reproof, Respondent's conduct involves multiple acts of wrongdoing. However, there are mitigating circumstances in this case. Respondent has been cooperative and as discussed earlier, the fact that Respondent has come into compliance. This compliance should serve as an extenuating factor. *Conroy, supra*, 51 Cal.3d at pp. 805-806. In accordance with standards 1.7(a) and 1.6(a), stayed suspension is greater than the prior public reproof and appropriate as in *Posthuma* where the attorney received a private reproof in the underlying disciplinary proceeding and a public reproof in the latter. The stipulated sanction is appropriately greater than that imposed in the prior proceeding in this matter. (Std 1.7(a).)

In *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697, 700, the attorney's violations of the conditions in his second private reproof resulted in a two-year stayed suspension, three-year probation with conditions, and a 90-day actual suspension. The conditions which Meyer violated were to file probation reports on a quarterly basis and to complete six hours of continuing legal education. *Id.* at p. 701. In determining the appropriate level of discipline, the Review Department considered Meyer's two prior records of discipline, lack of mitigating circumstances, multiple acts of wrongdoing in the present matter, indifference towards rectification, and failure to cooperate. *Id.* at pp. 701-02. Here, however, Respondent only has the one prior, a public reproof and mitigating circumstances exist.

In *In the Matter of Stansbury* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 103, 111, the attorney in a default matter was given a two-year stayed suspension and 90-day actual suspension, with conditions. In an earlier default proceeding, the attorney had been publicly reproofed based on his failure to return unearned fees to a client. *Id.* at p. 106. The reproof conditions included restitution to the client and attendance of Ethics School. *Ibid.* Stansbury's failure to comply with those conditions led to the second proceeding where he again defaulted. *Ibid.* In its analysis, the Review Department considered both *Conroy* and *Meyer* and noted that Stansbury's default was serious aggravation because it established his failure to comprehend his duty as an officer of the court to participate in disciplinary proceedings. *Id.* at p. 109. It concluded that Stansbury's misconduct more closely paralleled that of *Meyer* and issued discipline accordingly.

While Respondent's public reproval conditions are undisputed, Respondent's overall aggravating and mitigating circumstances are distinguishable on balance from those in *Meyer* and *Stansbury*. Respondent has cooperated, participated and entered into settlement justifying a lesser sanction than in *Meyer* or *Stansbury*.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES

Financial Conditions, Interest

The Client Security Fund ("CSF") reimbursed Brothers for the principal amount of \$40,000 on December 30, 2004. Respondent must pay restitution to CSF in reimbursement for the principal amount paid to Brothers, plus applicable interests of 10% per annum, any applicable costs, processing fees, or other administrative fees associated with the reimbursement.

Respondent must pay restitution interest in full not later than January 10, 2010 and provide satisfactory proof of payment to the Office of Probation not later than the fifteenth (15th) quarterly report of the probation period. Interest accrues from December 30, 2004.

Financial Conditions, Installment Restitution Payments

Respondent must pay CSF in accordance with the payment schedule as set forth in Table 1 (the payment schedule is consistent with the payment schedule contained in case number 02-O-15192.) 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 January 10, 2010, Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, any applicable processing fees, in full to the Client Security Fund.

TABLE 1:

Pay To	Principal Amount	Minimum Payment Amount	Payment Frequency
Client Security Fund	\$40,000	\$525; \$775; \$855 (as applicable) SEE SCHEDULE	Monthly (17 th of each Month)

SCHEDULE

As a condition of Respondent's probation, Respondent shall make payment in restitution to the Client Security Fund as follows:

- Beginning on December 17, 2005, and continuing through November 17, 2006,

Respondent is to pay \$525 per month on or before the 17th of the month;

- Beginning on December 17, 2006, and continuing through November 17, 2007, Respondent is to pay \$775 per month on or before the 17th of the month;
- Beginning on December 17, 2007, and continuing through November 17, 2009, Respondent is to pay \$855 per month on or before the 17th of the month.

Respondent understands and acknowledges that he must satisfy the entire amount of restitution plus interest at the rate of 10% per annum in reimbursement to the Client Security Fund as calculated by the Client Security Fund and any applicable processing fee(s) as deemed appropriate by the Client Security Fund.

Respondent is to remain in compliance with the public reprobation conditions in case number 02-O-15192 unless and until he obtains an order from the State Bar Court for early termination of his reprobation. Respondent shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit in this matter that he has remained in such compliance.

State Bar Ethics School

As a reprobation condition in case number 02-O-15192, effective November 17, 2004, the underlying matter for which reprobation violations led to the present disciplinary proceedings, Respondent was required to take State Bar Ethics School and provide to the Office of Probation satisfactory proof of attendance by or before November 17, 2005. Respondent registered and attended the December 8, 2005 State Bar Ethics School in Los Angeles, California. It is not recommended that Respondent attend State Bar Ethics School since Respondent attended Ethics School within the last two years on December 8, 2005 in connection with case number 02-O-15192.

Multistate Professional Responsibility Examination

As a reprobation condition in case number 02-O-15192, effective November 17, 2004, Respondent was required to provide proof of passage of the MPRE to the Office of Probation by or before November 17, 2005. Respondent has registered on December 21, 2005 to sit for the March 11, 2006 MPRE. Respondent must provide satisfactory proof of passage of the MPRE to the Office of Probation no later than Thursday, May 11, 2006.

DISMISSALS

The parties respectfully request the Court to dismiss the following alleged violations in the

interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
05-H-03307	One	Section 6103, Business and Professions Code

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 23, 2005, the estimated prosecution costs in this matter are approximately \$3,654.00. Respondent acknowledges that this figure is an estimate. 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.

Respondent shall pay the amount due and owing under Business and Professions Code section 6140.5, subdivision (c).

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A.(7), was November 23, 2005.


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In the Matter of GLENN D. NELSON	Case number(s): 05-H-03307-RAP
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SIGNATURE OF THE PARTIES

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

Date 12/21/05  Glenn D. Nelson
Respondent's signature Print name

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

Date 12/27/05  Jean Cha
Deputy Trial Counsel's signature Print name

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In the Matter of GLENN D. NELSON	Case number(s): 05-H-03307-RAP
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ORDER

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

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

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

Date

1-5-06


Richard M. Talcott
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 6, 2006, 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:

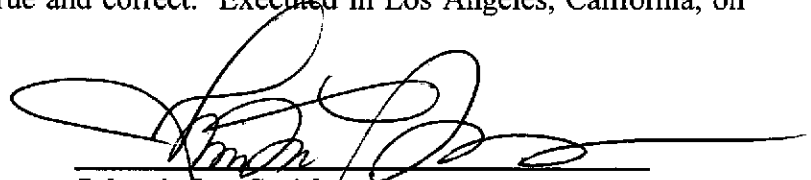
- [X]** by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**GLENN DALE NELSON
10802 ARDEN VILLA DRIVE
BAKERSFIELD CA 93311**

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

JEAN CHA , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 6, 2006.**


Johnnie Lee Smith
Case Administrator
State Bar Court