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**ORIGINAL**

<b>State Bar Court of California</b> Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
Counsel for the State Bar <b>ELI D. MORGENSTERN</b> DEPUTY TRIAL COUNSEL 1149 South Hill Street Los Angeles, CA 90015 Telephone: (213) 765-1334  Bar # 190560	Case number(s) 05-0-02322-RAH	(for Court's use)  <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;"> <b>APR 12 2006</b>  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent <b>Sean L. Andrews</b> 10795 Woodbine Street, #114 Los Angeles, CA 90034 (323) 342-6912 Bar # 171711	<div style="font-size: 3em; font-weight: bold; margin-bottom: 10px;">PUBLIC MATTER</div> Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>REPROVAL</b> <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of <b>Sean L. Andrews</b>  Bar # 171711  A Member of the State Bar of California (Respondent)		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted October 3, 1994  
(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 11 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 (public reproval)
- (b)  case ineligible for costs (private reproval)
- (c)  costs to be paid in equal amounts for the following membership years:  
Costs to be paid in equal amounts prior to February 1 for the following bill-  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)ing cycles-
- (d)  costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs" following the effective date of the Disciplinary Order: 2007, 2008, 2009.
- (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 \_\_\_\_\_

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- (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.

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- (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)  Private reproof (check applicable conditions, if any, below)
- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2)  Public reproof (check applicable conditions, if any, below)

**E. Conditions Attached to Reproof:**

- (1)  Respondent must comply with the conditions attached to the reproof for a period of one (1) year.
- (2)  During the condition period attached to the reproof, Respondent 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 reproof. 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 reproof 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 reprobation.
- (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 reprobation.
- No MPRE ordered. Reason: \_\_\_\_\_
- (11)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

**ATTACHMENT TO**

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

IN THE MATTER OF:        SEAN LYMUS ANDREWS

CASE NUMBER(S):        05-O-02322-RAH

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violating the specified rule of professional conduct.

**General Background**

1.        In or about February or March 2004, complaining witness Lynn Bethurum ("Bethurum") discovered that all three credit reporting agencies (Equifax, Experian, and Trans Union) were reporting inaccurate information concerning his credit.
2.        At or about this time, Bethurum contacted all three credit reporting agencies as well as the creditors that he believed were responsible for the errors. Bethurum also sent written dispute requests to all three credit reporting agencies in conformity with their respective procedures.
3.        Neither the creditors nor the credit reporting agencies cooperated with him, and the inaccurate information remained on his credit reports.
4.        Bethurum subsequently retained attorney Edward Jamison ("Jamison") to assist him with his dispute with the credit reporting agencies. Bethurum granted Jamison power of attorney to represent him in connection with the dispute.
5.        Jamison once again sent written dispute requests on Bethurum's behalf to the credit reporting agencies; nonetheless, the credit reporting agencies refused to correct the inaccurate information.
6.        In approximately November 2004, Jamison recommended to Bethurum that he file a complaint against TransUnion and the other credit reporting agencies, because they refused to correct the inaccurate information regarding his credit history.
7.        Prior to November 2004, Respondent worked for Jamison on a contract basis. In or about November 2004, Jamison suggested to Bethurum that Respondent might be able to prepare a complaint against TransUnion and the other credit reporting agencies on behalf of Bethurum.

**Facts Supporting Misconduct**

8.        On November 4, 2004, Bethurum and Jamison met with Respondent. Respondent agreed to prepare a complaint against TransUnion and the other reporting agencies on Bethurum's behalf for an advanced fee. A retainer agreement was never prepared.
9.        Jamison owed Bethurum some money; consequently, he agreed to pay the advanced fee on behalf of Bethurum.

10. On or about November 4, 2004, Jamison issued Respondent a check drawn from his law firm's general account in the sum \$1,500. The check represented advanced fees for Bethurum's credit dispute matter as well as other unrelated legal matters that Respondent had agreed to work on with Jamison. Jamison also provided Respondent with documents regarding Bethurum's credit dispute, including the letters that had previously been written to the credit reporting agencies and Bethurum's creditors, as well documents supporting Bethurum's claim that his credit reports contained errors.

11. By accepting an advanced fee to prepare the complaint on behalf of Bethurum, Respondent owed Bethurum a fiduciary duty to perform the specified legal services on his behalf and to communicate with him.

12. Between November 22, 2004, and January 3, 2005, Respondent sent Bethurum a series of e-mails to explain the delay in preparing the complaint. Respondent did not prepare the complaint during that time period. Bethurum repeatedly contacted Respondent to find out what was delaying the preparation of the complaint during that time period.

13. Commencing in November 2004, Respondent began experiencing personal and medical problems; and in January 2005, Respondent was hospitalized. In January 2005, Respondent informed Bethurum and Jamison that he would not be able to complete the matter. Respondent returned all of Bethurum's documents to Jamison.

14. Subsequently, Bethurum resolved his credit dispute without filing a lawsuit.

### **Conclusion of Law**

By failing to complete the preparation of the complaint for Bethurum, by delaying the return of Bethurum's file materials for over two months, and by failing to promptly notify Bethurum of his medical condition, Respondent violated the fiduciary duty that he owed to Bethurum, and thereby intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation rule 3-110(A) of the Rules of Professional Conduct 3-110(A).

### **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 January 25, 2006, 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. Finally, the parties waive the issuance of an amended Notice of Disciplinary Charges.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was March 6, 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-O-02322	TWO	rule 3-700(D)(2) of the Rules of Professional Conduct

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of March 6, 2006, the estimated prosecution costs in this matter are approximately \$2,296. 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.**

**Standards**

Standard 2.4(b) of the Standards For Attorney Sanctions For Professional Misconduct, Title IV of the Rules of Procedure ("Standards") provides that culpability of a member of wilfully failing to perform services in an individual matter not demonstrating a pattern of misconduct shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.


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In the Matter of SEAN L. ANDREWS	Case number(s): 05-0-02322-RAH
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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.


3/22/06  
Date

  
Respondent's signature

SEAN L. ANDREWS  
Print name

Date

3/27/06  
Date

  
Deputy Trial Counsel's signature

ELI D. MORGENSTERN  
Print name

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In the Matter of SEAN L. ANDREWS	Case number(s): 05-O-02322-RAH
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**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 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 futher modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

4/6/06  
Date

  
RICHARD A. HONN  
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 12, 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:

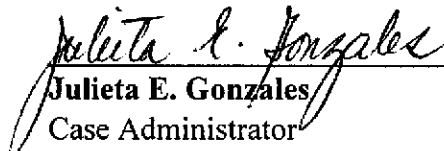
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**SEAN L ANDREWS ESQ  
LAW OFC SEAN L ANDREWS  
P O BOX 64343  
LOS ANGELES, CA 90064-0343**

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

**Eli D. Morgenstern, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **April 12, 2006**.

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court