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<b>State Bar Court of California</b> Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco		
Counsel for the State Bar <b>MARK HARTMAN</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 Telephone: (415) 538-2000  Bar # 114925	Case number(s)  05-0-02401-JMR 06-0-10094-JMR  kwiktag®    022 605 621 	(for Court's use)  <b>PUBLIC MATTER</b>  <b>FILED</b> FEB 24 2006 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per Respondent <b>EPHRAIM MARGOLIN</b> 240 Stockton St., 4th floor San Francisco, CA 94108 Telephone: (415) 421-4347  Bar # 32582	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>ACTUAL SUSPENSION</b> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of  <b>JANET ANN CALENO</b>  Bar # 114814 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 December 3, 1984 (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 14 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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*GM*

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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):

- 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)  ~~has~~ <sup>Other</sup> record of discipline [see standard 1.2(f)] See pages 11 to 12 of this stipulation.

(a)  State Bar Court case # of ~~prior~~ <sup>other</sup> case 03-0-02448

(b)  Date ~~prior~~ <sup>other</sup> discipline effective June 11, 2005

(c)  Rules of Professional Conduct/ State Bar Act violations: Rule 4-200(A) of the Rules of Professional Conduct. Section 6068, subdivision(a); section 6068, subdivision (i); and section 6106 of the Business and Professions Code.  
The violations of rule 4-200 and section 6068, subdivision (a) in case number 03-0-02448 occurred after the violations of rule 4-200 and section 6068, subdivision (a) in current case number 05-0-02491-JMR.

(d)  Degree of ~~discipline~~ <sup>other</sup> one-year stayed suspension and one-year probation, conditioned on a thirty-day actual suspension.

(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.~~

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- (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/~~Acts~~ Acts of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing ~~and 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.

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- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances are involved.**

**Additional mitigating circumstances:**

Respondent experienced serious family problems at the time of the stipulated acts of professional misconduct in the current cases.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of one (1) 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: \_\_\_\_\_

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of two (2) years which will commence upon the effective date of the Supreme Court order in this matter. (See rule 953, Calif. Rules of Ct.)

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(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of ninety (90) days

- 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.

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- (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. *See page 12.*
  - 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 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure. *See page 12.*
  - No MPRE recommended. Reason: \_\_\_\_\_
- (2)  **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, 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 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and 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:**



(Do not write above this line.)

In the Matter of JANET ANN GALENO No. 114814 A Member of the State Bar	Case Number(s):  05-0-02401-JMR; 06-0-10094-JMR
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**Financial Conditions**

**a. Restitution**

Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF of the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Robert and	\$1,500.00	December 5, 2001
Katherine Krause		

Respondent must pay the above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than sixty days after the effective date of the California Supreme Court order in the current cases.

**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";

*Handwritten initials and signature*

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In the Matter of <b>JANET ANN CALENO,</b> No. 114514 A Member of the State Bar	Case Number(s):  05-0-02401-JMR; 06-0-10094-JMR
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**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.



<p>In the Matter of</p> <p><b>JANET ANN GALENO,</b> No. 114814,</p> <p>A Member of the State Bar.</p>	<p>Case Nos.: <b>05-O-02401-JMR</b> <b>06-O-10094</b></p> <p><b>STIPULATION RE FACTS, CONCLUSIONS OF LAW, AND DISPOSITION</b></p>
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## FACTS

### Case Number 05-O-02401-JMR

From September 2001 onwards, respondent was not entitled to practice law in California because of her failure to comply with the mandatory continuing legal education requirement.

In December 2001, respondent met with Robert E. and Katherine Krause ("the Krauses"). At the meeting, respondent identified herself as a lawyer entitled to practice law in California. The Krauses paid respondent an attorney's fee of \$1,500.00 for legal advice concerning the creation of a living trust and for the preparation of legal documents related to the living trust. The Krauses also provided respondent with the original deed to a timeshare property they owned.

In February 2002, respondent sent the Krauses an invoice for professional services. The invoice was produced on letterhead identifying respondent as an attorney at law.

On August 16, 2002, the California Supreme Court issued order number S108829, effective September 4, 2002. Order number S108829 suspended respondent from the practice of law in California for failure to pay her State Bar membership dues.

On September 10, 2002, respondent met with the Krauses; and they executed the legal documents related to the living trust.

By 2005, respondent's professional relationship with the Krauses had ended. In May 2005, Mrs. Krause sent respondent a letter asking her to return the original deed to the timeshare property. Respondent received this letter, but did not promptly return the deed.

In May 2005, the State Bar opened an investigation pursuant to a complaint filed by Mrs. Krause ("the Krause complaint").

EM Jo

On June 15, 2005, State Bar Investigator Crystal Velazco ("Velazco") sent respondent an initial letter regarding the Krause complaint. This letter asked respondent to respond in writing to allegations of misconduct in the Krause complaint. Respondent received Velazco's initial letter and asked for an extension of time to respond substantively to the letter.

On June 29, 2005, Velazco sent respondent a second letter confirming that respondent had until July 13, 2005, to provide a substantive response to the Krause complaint investigation. Respondent received Velazco's second letter.

On July 13, 2005, respondent faxed Velazco a note stating that she was attempting to hire a lawyer to represent her in relation to the State Bar investigation of the Krause complaint. Respondent also stated that she would contact Velazco once she had secured representation. The note did not include any substantive response to the allegations under investigation in relation to the Krause complaint. The State Bar subsequently received no notice that respondent had secured representation.

On July 26, 2005, Velazco sent respondent a third letter asking her to confirm that she had secured representation or to provide a substantive response to Velazco's initial letter concerning the Krause complaint. Respondent received Velazco's third letter, but did not respond to it.

#### Case Number 06-O-10094

In November 2004, respondent signed a stipulation regarding facts, conclusions of law, and disposition ("the prior stipulation") in State Bar case number 03-O-02448. In the prior stipulation, respondent agreed to the following discipline: a one-year stayed suspension and a one-year probation, conditioned on a thirty-day actual suspension. The prior stipulation specified the following requirements as conditions of probation: (1) that respondent must file quarterly reports ("the reporting requirement") and (2) that she must pay restitution of \$1,000 plus interest to Francisca Guevarra not later than ninety days after the effective date of the discipline in case number 03-O-02448 ("the restitution requirement").

On December 17, 2004, the State Bar Court filed an order approving the stipulation and recommending the agreed-upon discipline.

On May 12, 2005, the California Supreme Court filed order number S131532, *In re Janet Ann Galeno on Discipline*, ("the Supreme Court order") in State Bar case number 03-O-02448. The Supreme Court order imposed the agreed-upon discipline, including the reporting and restitution requirements, and became effective as of June 11, 2005. Respondent was properly served with, and she received, a copy of the Supreme Court order.

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Respondent did not file the quarterly reports due as of October 10, 2005, and January 10, 2006. Nor did she pay the restitution due as of September 9, 2005.

## CONCLUSIONS OF LAW

### Case Number 05-O-02401-JMR

Respondent wilfully violated section 6068, subdivision (a) of the Business and Professions Code by failing to support the laws of California insofar as she engaged in the unauthorized practice of law ("UPL") in violation of sections 6125 and 6126 of the Business and Professions Code. Respondent engaged in UPL as follows: (1) she held herself out to the Krauses in 2001 and 2002 as entitled to practice law when she was not entitled to practice law and (2) she practiced law in the Krause matter in 2001 and 2002 (i.e., by giving legal advice pertaining to the creation of a living trust and by preparing the legal documents related to the living trust) when she was not entitled to practice law.

Respondent wilfully violated rule 4-200(A) of the Rules of Professional Conduct by charging and collecting an illegal fee as follows: she charged and collected an attorney's fee of \$1,500.00 in the Krause matter for legal services performed while she was not entitled to practice law in California.

Respondent wilfully violated rule 3-700(D)(1) of the Rules of Professional Conduct by failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property as follows: she did not promptly return the original timeshare deed to Mrs. Krause after Mrs. Krause asked for the deed in her letter of May 5, 2005.

Respondent wilfully violated section 6068, subdivision (i) of the Business and Professions Code by failing to cooperate and participate in a disciplinary investigation pending against her as follows: she did not provide a substantive response to the allegations under investigation in relation to the Krause complaint as requested by State Bar Investigator Velazco.

### Case Number 06-O-10094

Respondent wilfully violated section 6103 of the Business and Professions Code by disobeying a court order requiring her to do acts connected with her profession which she ought in good faith to have done as follows: she failed to file the quarterly reports due as of October 10, 2005, and January 10, 2006, and to pay the restitution due as of September 9, 2005.

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**ESTIMATED PROSECUTION COST**

The estimated prosecution cost of State Bar case number 05-O-02401-JMR and case number 06-O-10094 ("the current cases") is \$2,915.00. This sum is only an estimate. If the current stipulation is rejected or if relief from the current stipulation is granted, the prosecution cost of the current cases may increase because of the cost of further proceedings.

**SUPPORTING AUTHORITY**

The Rules of Procedure of the State Bar, Title IV, Standards for Attorney Sanctions for Professional Misconduct, standards 1.3, 1.4, 1.6, 1.7, 2.6, and 2.7 support the discipline recommended in the current stipulation.

**DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION OR PROCEEDING**

On January 18, 2006, the State Bar faxed respondent's counsel a letter disclosing any pending investigation or proceeding not resolved by this stipulation.

**ETHICS SCHOOL**

California Supreme Court order number S131532 requires that by June 11, 2006, respondent must complete a session of Ethics School and must provide proof of attendance and passage of the test given at the end of the session. If respondent complies with this requirement, such compliance shall also satisfy the Ethics School requirement recommended in the current stipulation.

**MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION**

California Supreme Court order number S131532 requires that by June 11, 2006, respondent must provide proof that she has passed the Multistate Professional Responsibility Examination ("MPRE"). If respondent complies with this requirement, such compliance shall also satisfy the MPRE requirement recommended in the current stipulation.

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<p>In the Matter of</p> <p>JANET ANN GALENO No. 114814,</p> <p>A Member of the State Bar</p>	<p>Case number(s):</p> <p>05-0-02401-JMR; 06-0-10094-JMR</p>
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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.

<p><u>01/20/06</u> Date</p>	<p><u><i>Janet Ann Galeno</i></u> Respondent's signature</p>	<p><u>JANET ANN GALENO</u> Print name</p>
<p><u>01/20/06</u> Date</p>	<p><u><i>Ephraim Margolin</i></u> Respondent's Counsel's signature</p>	<p><u>EPHRAIM MARGOLIN</u> Print name</p>
<p><u>1/26/06</u> Date</p>	<p><u><i>Mark Hartman</i></u> Deputy Trial Counsel's signature</p>	<p><u>MARK HARTMAN</u> Print name</p>

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In the Matter of JANET ANN GALENO	Case number(s): 05-O-02401 06-O-10094
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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.

On Page 4, under "Discipline," an "x" is inserted in the box next to paragraph (1)(b), clarifying that the above-referenced suspension is stayed.

On page 7, under "Financial Conditions," the "x" in the second box under "Restitution" is deleted, removing the requirement that respondent pay the restitution no later than 60 days after the effective date of discipline. The recommended discipline is 90 days actual suspension and until respondent pays the restitution. Accordingly, if respondent fails to timely pay the restitution, she will remain on actual suspension. The court finds the "and until" provision provides sufficient public protection.

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

2/24/06

  
JOANN M. REMKE  
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 San Francisco, on February 24, 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:

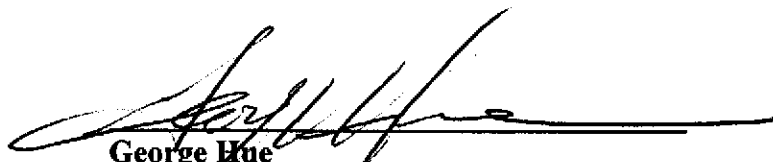
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**EPHRAIM MARGOLIN  
240 STOCKTON ST 4<sup>TH</sup> FL  
SAN FRANCISCO CA 94108**

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

**MARK HARTMAN, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **February 24, 2006.**

  
**George Hue**  
Case Administrator  
State Bar Court