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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Eli D. Morgenstern, Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 2211 (213) 765-1334 Bar # 190560	Case Number (s) 05-O-03498-RAP [05-O-04068]	(for Court's use) <div style="text-align: center;"> FILED MAY 04 2007 <i>AC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent David C. Carr 110 West C Street, Suite 1504 San Diego, California 92101 (619) 696-0526 Bar # 124510	<div style="text-align: center;"> PUBLIC MATTER </div>	
In the Matter Of: Charles B. Graff Bar # 207634 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <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 5, 2000.
- (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 13 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."

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Reproval



- (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):
- ☐ costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - ☐ case ineligible for costs (private reproof)
 - ☒ costs to be paid in equal amounts for the following membership years: **see below**
(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
- (9) The parties understand that:
- (a) ☐ A private reproof 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 inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof 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 reproof 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 reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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- (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.

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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:

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 Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of **two (2) years**.
- (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 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 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 30 (thirty) 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 the 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 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) ☒ 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 recommended. Reason: .
- (11) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

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In the Matter of
Charles B. Graff

Case number(s):
05-O-05498-RAP
[05-O-04068]

A Member of the State Bar

Law Office Management Conditions

- a. ☒ Within days/six (6) months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☐ Within days/ months/ years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☒ Within 60 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for one (1) year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

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ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: CHARLES B. GRAFF

CASE NUMBER(S): 05-O-03498-RAP [05-O-04068]

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 05-O-03498

Facts

1. On or about February 4, 2005, Phillip H. Esnayra ("Phillip") hired Respondent to probate the estate of his father, Jesse Esnayra ("Mr. Esnayra"). Pursuant to the Attorney Client Retainer Agreement, Phillip gave Respondent a check for \$2,844 (\$2,000 advanced fees and \$844 in advanced costs), which Respondent negotiated.

2. On or about June 6, 2005, Phillip met Respondent at Respondent's office, terminated Respondent and demanded a full refund after Respondent apologized for providing Phillip with no services of value. At the June 6, 2005 meeting, Respondent agreed to refund to Phillip the \$844 in advanced costs that Phillip had provided to Respondent.

3. On or about June 13, 2005, Phillip mailed a letter to Respondent terminating his services and demanding a full refund. Respondent received the letter.

4. Respondent did not respond to Phillip's letter and did not refund the unearned fees and costs to Phillip until August 3, 2005, after Phillip filed for fee arbitration.

5. On or about July 20, 2005, the State Bar opened an investigation, Case No. 05-O-03498, pursuant to a complaint filed by Phillip (the "Esnayra matter").

6. On or about August 2, 2005, Phillip requested fee arbitration with the Riverside County Bar Association. On or about the same day, the Riverside County Bar Association mailed a "Notice of Appointment of Arbitration Panel" ("Notice") to Respondent. Respondent received the Notice.

7. On or about August 3, 2005, Respondent mailed a letter to Phillip enclosing a check for \$2,844 and Phillip's original documents.

Conclusions of Law

By not filing the probate petition for Phillip between February 4, 2005, and June 6, 2005, Respondent intentionally, recklessly, or repeatedly failing to perform legal services with competence, in violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to refund the unearned fees and costs from June 7, 2005 until Phillip requested fee arbitration on August 2, 2005, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

Case No. 05-O-04068

Facts

7. On or about October 4, 2004, Connie Silva ("Silva") met with Respondent regarding her student loans. Previously, Silva's student loans were apparently mischaracterized as dischargeable in a Chapter 7 bankruptcy, and were purportedly discharged. However, at that time that she initially met with Respondent, Silva was being dunned by the creditor on the loans. Silva hired Respondent to negotiate with the creditor to stop the dunning. On or about October 4, 2004, Silva agreed to pay Respondent \$1,000 for advanced fees and costs to begin the work and to pay additional fees as needed for additional work.

8. On or about October 11, 2004, Silva gave Respondent a check for \$1,000 for advanced fees and costs, which he negotiated.

9. Between on or about October 11 and 31, 2004, Silva called Respondent's office on three or four occasions because he had not contacted her as he promised during their meeting on or about October 4, 2004. Respondent was unavailable when she called, and therefore, Silva left messages for him to call her with his assistant. Respondent did not return any of the messages that she left for him to call her.

10. On or about November 8, 2004, Silva went to Respondent's office without an appointment. Silva found Respondent at his office and had a brief meeting with him. Respondent told Silva that the issues regarding her student loans would be resolved by February or March 2005 in the bankruptcy court, but that he would require additional fees of \$1,447, which included filing fees of \$47. Silva did not give Respondent the requested \$1,447.

11. On or about December 2, 2004, Respondent met with Silva. Respondent told Silva that he would file a motion to re-open her bankruptcy. Respondent asked for an additional \$1,447, which included petition filing fees of \$209 and motion filing fees of \$47. On or about December 10, 2004, Silva gave Respondent a check for \$1,447, which he negotiated.

12. Between on or about December 3 and 15, 2004, Silva called Respondent's office on two or three occasions. Respondent was unavailable when she called, and therefore, Silva left messages for him to call her with the same assistant. Respondent did not return any of the messages that she left for him to call her.

13. On or about April 7, 2005, Silva called Respondent and set up a meeting for that day. During the meeting, Silva asked for an accounting of the \$2,447 that she had already paid him.

14. Between on or about April 8, 2005 and May 9, 2005, Silva called Respondent's office on three or four occasions. Respondent was unavailable when she called, and therefore, Silva left one or two messages for him to call her with Respondent's new assistant. When Respondent did not return those messages, Silva left one or two messages with Respondent's new assistant requesting a full refund and the return of her file. Respondent did not provide a refund, return the file, or otherwise communicate with Silva.

15. In or about the first week of May 2005, Silva's son called and spoke with Respondent. During their conversation, Silva's son demanded and Respondent agreed to provide a full refund.

16. On or about May 9, 2005, Silva mailed a letter to Respondent complaining that he had failed to represent her, *i.e.*, negotiate payment of her student loans or file any documents with the bankruptcy court, and demanded, *inter alia*, a full refund. Respondent received the letter.

17. Respondent did not respond to Silva's letter and did not refund the unearned fees until December 8, 2005, after Silva complained to the State Bar.

18. Respondent wrote at least one letter to the creditor on the student loans in or about December 2004; however, he provided no services of value to Silva towards negotiating payment of the student loans and did not file bankruptcy to discharge the student loans between October 4, 2004 and May 9, 2005.

19. On or about July 6, 2005, Silva filed a complaint with the State Bar against Respondent.

20. On or about August 18, 2005, a State Bar Complaint Analyst mailed a letter to Respondent regarding the complaint that Silva had filed against him. The Complaint Analyst's letter requested that Respondent respond in writing to specified allegations of misconduct made by Silva against Respondent. Respondent received the letter.

21. On or about August 30, 2005, Respondent mailed a letter to the Complaint Analyst stating, *inter alia*, that he would refund the full amount Silva had paid.

22. On or about September 27, 2005, the State Bar opened an investigation, Case No. 05-O-04068, pursuant to the July 6, 2005 complaint filed by Silva (the "Silva matter.")

23. On or about November 18, 2005, a State Bar Deputy Trial Counsel ("DTC") mailed a letter to Respondent regarding the Silva matter titled "Notice of Intent to File Notice of Disciplinary Charges," which informed Respondent that the State Bar was considering disciplinary action. Respondent received the letter.

24. On or about December 8, 2005, Respondent mailed a letter to Silva with a courtesy copy to the DTC informing Silva that he was refunding the full amount Silva had paid and returning her file. The letter enclosed a check for \$2,447 and Silva's documents.

25. Silva received the refund and documents.

Conclusions of Law

By not filing the motion to re-open Silva's bankruptcy between December 2, 2004, and May 9, 2005, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to respond to the messages left by Silva in October 2004, December 2004, and between April 8, 2005 and May 9, 2005, Respondent failed to respond promptly to reasonable status inquiries of a client, in wilful violation of Business and Professions Code section 6068(m).

By failing to refund the unearned fees and costs to Silva from May 9, 2005 to December 8, 2005, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was March 26, 2007.

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-03498	THREE	Business and Professions Code section 6090.5(a)(2)
05-O-04068	SEVEN	Rules of Professional Conduct, rule 3-700(D)(1)
05-O-04068	EIGHT	Business and Professions Code section 6068(i)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 26, 2007, the estimated prosecution costs in this matter are approximately \$2,929. 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.

OTHER FACTORS IN CONSIDERATION.

During the time that the misconduct herein was committed, Respondent was a sole practitioner with a large case load, including approximately 300 Fen phen cases and approximately 200 other cases including bankruptcy and general civil litigation matters. Respondent operated his office with the assistance of two full-time paralegals, a part-time paralegal and a part time law clerk. Respondent and his limited number of office staff were not adequately equipped to handle the large volume of cases.

As of the date that the State Bar entered into this stipulation with Respondent, Respondent is employed as a house counsel for a company in Temecula and maintains his office at the company. Respondent's employer permits him to represent other business clients in transactional work. Respondent maintains a case load of approximately 30 to 40 clients

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 or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

Case Law

Samuelson v. State Bar (1979) 23 Cal. 3d 558. Respondent publicly reproofed for failing to expeditiously conduct probate proceedings (proceedings unnecessarily delayed for five years).

In the Matter of Hanson (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703. Respondent publicly reproofed for failure to promptly return unearned fee, and upon discharge by the clients, failing to take steps to avoid foreseeable prejudice to the clients.

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.

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(Do not write above this line.)

In the Matter of

Charles B. Graff

Case number(s):

05-0-03498-RAP
(05-0-04066)

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.

March 30, '07

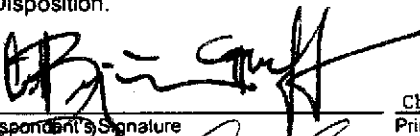
Date

4/4/07

Date

4/5/07

Date



Respondent's Signature

Charles B. Graff

Print Name



Respondent's Counsel Signature

David C. Carr

Print Name



Deputy Trial Counsel's Signature

Eli D. Morgenstern

Print Name

(Do not write above this line.)

In the Matter of CHARLES B. GRAFF	Case number(s): 05-O-03498-RAP (05-O-04066)
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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 reproof, 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.

1. At page 2, paragraph A. (8) after "costs to be paid in equal amounts for the following", delete "membership years" and insert -- "three billing cycles following the effective date of the discipline herein."

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

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

Date

5/2/07

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 May 4, 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:

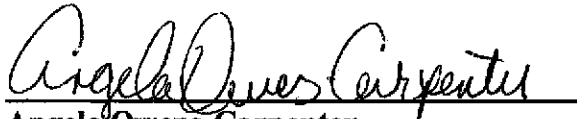
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID CARR
LAW OFFICES OF DAVID C CARR
110 W C ST STE 1504
SAN DIEGO CA 92101**

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

ELI MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 4, 2007.**


Angela Owens-Carpenter
Case Administrator
State Bar Court