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		State Bar Court of California Hearing Department Los Angeles		PUBLIC MATTER
Counsel For The State Bar Kimberly J. Belvedere State Bar of California Office of the Chief Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1162 Bar # 251334		Case Number (s) 06-C-12596		(for Court's use) FILED FEB 10 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Lloyd L. Freeberg Chapman Law Building 1953 East Chapman Ave. Fullerton, CA 92831 (714)526-3030 Bar # 57046		Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter Of: David Joseph Scharf Bar # 170083 A Member of the State Bar of California (Respondent)		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 May 2, 1994.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 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."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment to Stipulation re: Facts, Conclusions of Law and Disposition ("Attachment") at page 9.
- (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. S
- (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. See Attachment at page 10.
- (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 attachment at pages 10-11.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of 2 (two) years.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of 2 (two) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of 2 (two) years.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

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.

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- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:

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- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and 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: June 23, 2008.
- (5) **Other Conditions:**

ATTACHMENT TO STIPULATION RE: FACTS; CONCLUSIONS OF LAW, AND DISPOSITION

In the Matter of: DAVID JOSEPH SCHARF, No. 170083

Case No.: 06-C-12596

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true; that he is culpable of the violations of the specified statutes and Rules of Professional Conduct; and that the misconduct involved moral turpitude or other misconduct warranting discipline:

Procedural Background of Conviction Proceeding

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On July 21, 2009, Respondent was convicted violating Penal Code section 646.9(a) [stalking], a felony; Penal Code section 653(m)(a) [harassing phone calls], a misdemeanor; and Penal Code section 273.6(a) [violation of a protective order], a misdemeanor.
3. On July 29, 2010, the State Bar filed a Motion for Summary Disbarment with the Review Department of the State Bar Court ("Review Department"). Following one request for additional time in which to file a response, Respondent filed an Opposition to the State Bar's Motion for Summary Disbarment on September 7, 2010.
4. After a determination from the Review Department that a conviction of Penal Code section 646.9(a) was not a crime which inherently involves moral turpitude, on September 10, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of Penal Code section 646.9(a) involved moral turpitude or other misconduct warranting discipline.

Statement of Facts

5. Respondent and the victim met in or about March 2004 through an internet dating site. Respondent and the victim dated for approximately four months thereafter.
6. On July 26, 2004, the victim ended the dating relationship via e-mail.
7. On July 31, the victim received an e-mail from Respondent accusing her of being involved in the adult film industry. On August 3, 2004, the victim responded to Respondent's e-mail and told him that she was not comfortable seeing him in person because she did not feel safe because of the nature of his e-mail.

8. Respondent again contacted the victim via e-mail prior to August 6, 2004, and although there were no direct threats made against the victim, the tone of the e-mail led the victim to construe the e-mail as a credible threat of physical harm. The victim responded to the e-mail and told Respondent not to contact her unless it related to picking up his belongings.

9. On September 2, 2004, Respondent e-mailed the victim again despite her request not to contact her, and asked her to meet him in a public place. The victim did not respond.

10. On September 17, 2004, Respondent sent the victim an e-mail, telling her that he was not going to let her walk away from his love. The victim did not respond.

11. On or about September 19, 2004, the victim received another e-mail from Respondent which the victim construed as a credible threat that she was going to suffer physical harm. The victim did not respond.

12. On September 20, 2004, Respondent sent the victim another e-mail accusing the victim of secretly videotaping their intimate relations. In yet another e-mail that same day, Respondent told the victim, "be at my house at noon tomorrow if you want to do the right thing. There will be no second chance." Although there were no direct threats, the tone of these collective e-mails caused the victim to construe the statements as a credible threat. The victim did not respond to the e-mails.

13. The victim left California on or about September 21, 2004. Her house remained vacant, and all of her personal belongings were packed in boxes.

14. On September 23, 2004, Respondent sent the victim another e-mail telling her that her "problem is therefore 'meant to be' prosecution for the deliberate victimization of [Respondent]," and that her "callous disregard of [Respondent] evidences a remorselessness which makes [her] a danger to others." Respondent attached a photograph of an adult man and a woman engaged in sex acts. The victim did not respond.

15. Respondent sent the victim two additional e-mails on September 23, 2004, and in one, again professed his love for her. The victim did not respond.

16. On September 24, 2004, Respondent sent another e-mail to the victim. Respondent did not respond.

17. On September 26, 2004, Respondent entered the victim's vacant home through the garage using the access code that the victim had given him during their dating relationship. Respondent rifled through boxes of the victim's personal belongings. Respondent left gifts for the victim's sons on the counter in the kitchen, as well as a photocopy of a page from the California Penal Code covering the laws of arrest. Respondent then contacted the victim via telephone and left a voice mail indicating that he had accessed her home. Respondent claimed that he had merely gone to the residence to retrieve some of his personal belongings.

18. On September 29, 2004, the victim obtained a temporary restraining order ("protective order") protecting her from Respondent. Respondent was properly served with the protective order on September 30, 2004.

19. On October 20, 2004, Respondent violated the September 29, 2004 protective order by attempting to contact her through an e-mail to the victim's mother.

20. Due to the fact that Respondent was also a Deputy Public Defender for the Orange County Public Defender's Office, the victim believed that Respondent was going to possibly use his knowledge to cause legal harm to her. This further disturbed the victim because she had not done anything wrong.

21. On June 15, 2006, a five-count indictment was filed against Respondent in Orange County Superior Court Case No. 06Z0130, charging the following violations: Count One (Penal Code section 646.9(a) [stalking], a felony); Counts two and three (Penal Code section 653(m)(a) [harassing phone calls], misdemeanors); and Counts Four and Five (Penal Code section 273.6(a) [violations of protective orders], misdemeanors).

22. On April 30, 2008, following a trial in which Respondent represented himself, a jury found Respondent guilty of Count One (Penal Code section 646.9(a) [stalking], a felony); Count two (Penal Code section 653(m)(a) [harassing phone calls], a misdemeanor); and Count Five (Penal Code section 273.6(a) [violation of a protective order], a misdemeanor).

23. On August 1, 2008, Respondent was sentenced to ninety-five days in jail with credit for time served; five years of formal probation; compliance with a protective order to remain in effect for ten years; completion of a batterer's treatment program; completion of a twelve month residential treatment program; 8 hours of community service; and payment of various fees, fines, and restitution to the victim.

24. On October 22, 2010, following a motion by the defense pursuant to Penal Code 17(b), the trial judge granted the motion and reduced Count One (Penal Code section 646.9(a) [stalking]) to a misdemeanor, based in part on Respondent's participation in substance abuse counseling; successful completion of domestic violence training; and payment of all fees, fines, and restitution.

Conclusions of Law

25. The facts and circumstances surrounding Respondent's conviction of Penal Code § 646.9(a) involve moral turpitude.

26. The facts and circumstances of Respondent's misdemeanor convictions of Penal Code §653(m)(a) [harassing phone calls] and 273.6(a) [violation of a protective order] constitute willful violations of Business and Professions Code sections 6068(a) [not supporting the laws of this state] and 6103 [disobedience of a court order].

AGGRAVATING CIRCUMSTANCES

Harm [Standard 1.2(b)(iv)]. Respondent's misconduct, which included e-mails, phone calls, and contact with the victim and the victim's mother in violation of a properly served restraining order, caused significant emotional harm to the victim due to the sustained harassment that occurred over a period of approximately two and a half months.

MITIGATING CIRCUMSTANCES

Family Problems. At the time of the misconduct, Respondent was working as a Deputy Public Defender for the Orange County Public Defender's Office. Respondent reports that his wife felt neglected as a result of his work schedule, which led to their separation in 2002, and divorce in 2004. Respondent had been married since 1986, and had one daughter.

ADDITIONAL MITIGATING CIRCUMSTANCES

Candor/Cooperation. Respondent made arrangements to obtain and promptly provided the State Bar with all requested information in order to evaluate this case for settlement (i.e. trial exhibits, probation reports, letters of progress from various treatment programs, a forensic psychological examination, and the Reporter's Transcript from a hearing before the sentencing judge regarding the reduction of Respondent's felony stalking conviction to a misdemeanor). Respondent's willingness to enter into a stipulation also evidences a level of cooperation with the State Bar that is entitled to mitigation.

No prior discipline. Although the misconduct is serious, at the time the misconduct, Respondent had been practicing law for over ten years without any impositions of discipline.

Extreme Emotional Difficulties. As a result of the breakup of his marriage in 2004, Respondent reports that he was suffering from clinical depression and extreme emotional pain, which exacerbated his alcoholism and substance abuse addictions.

Other additional mitigating circumstances. At the time of his conviction, Respondent was abusing the drug methamphetamine, as well as alcohol. Respondent reports a sobriety date of June 6, 2008 and maintains that he has remained clean and sober since that time. Dr. James Gruver, Ph.D, evaluated Respondent on July 2008, and concluded that substance abuse played a role in Respondent's conduct that formed the basis for his conviction. According to Dr. Gruver, as long as the Respondent remains clean and sober, he does not pose a threat to anyone.

Respondent was admitted to the Joshua House Residential Treatment Program on December 11, 2008, and successfully completed the 236 day substance abuse treatment program on August 4, 2009. This residential program required random drug tests every 72 hours, daily alcohol testing, weekly group therapy, individual therapy, counseling sessions, and daily attendance in Alcohol Anonymous 12-Step Program. During the pendency of the program, Respondent did not test positive for any controlled substance.

Respondent, as a condition of his probation, successfully completed a 52 week Batterer's Treatment Program on May 11, 2010.

Respondent provided documentation to the State Bar evidencing voluntary attendance at the 12-Step program meetings of "The Other Bar" at least twice a week for the months of August 2010; September, 2010; October 2010; and November, 2010. In several letters dated in December 2010 from other program participants, each reference attests to Respondent's regular attendance at the program meetings and notes Respondent's active participation in each meeting.

Respondent submitted more than thirty letters of reference from a members of the Bar and general community, as well a copy of the court transcript containing comments from the trial judge in post-conviction proceedings, supporting Respondent's return to the practice of law as a valued member of the legal community.

Respondent self-reports that he continues to engage in efforts to remain clean and sober from drugs and alcohol by attending meetings of "The Other Bar" and "Alcoholics Anonymous." Respondent reports that he sponsors other attorneys in Alcoholics Anonymous, and is the group leader for the Orange County Thursday night meetings of "The Other Bar."

AUTHORITIES SUPPORTING DISCIPLINE

Standards

Standard 1.6. The appropriate sanction shall be the sanction imposed unless: (i) Aggravating circumstances are found to surround the particular act of misconduct found or acknowledged and the net effect of those aggravating circumstances, by themselves and in balance with any mitigating circumstances found, demonstrates that a greater degree of sanction is required to fulfill the purposes of imposing sanctions set forth in standard 1.3. In that case, a greater degree of discipline than the appropriate sanction shall be imposed or recommended; or (ii) Mitigating circumstances are found to surround the particular act of misconduct found or acknowledged and the net effect of those mitigating circumstances, by themselves and in balance with any aggravating circumstances found, demonstrates that the purposes of imposing sanctions set forth in standard 1.3 will be properly fulfilled if a lesser degree of sanction is imposed. In that case, a lesser degree of sanction than the appropriate sanction shall be imposed or recommended.

Standard 2.6. Culpability of a member of a violation of sections 6068 and 6103 of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Standard 3.2. Final conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a two-year actual suspension, prospective to any interim suspension imposed, irrespective of mitigating circumstances.

Standard 3.4. Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of the Standards appropriate to the nature and extent of the misconduct found to have been committed by the member.

Case Law

Respondent's conviction and the record of his conviction is conclusive evidence of the guilt of the crime for which he has been convicted. (Bus. and Prof. Code section 6106; *In re Crooks* (1990) 51 Cal.3d 1090, 1097.)

In the Matter of Torres (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 147 [holding that numerous phone calls to client resulting in harassment and intentional infliction of emotional distress constituted acts of moral turpitude, warranting the imposition of five years actual suspension due to the presence of substantial aggravating circumstances and little evidence in mitigation].

PENDING PROCEEDINGS

The disclosure date referred to on page 2, paragraph A(7), was January 26, 2011.

ESTIMATED COSTS OF PROCEEDINGS TO DATE

Respondent acknowledges that the Office of Chief Trial Counsel has informed him that, as of January 26, 2011, the prosecution costs in this matter are estimated to be \$4,906.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase.

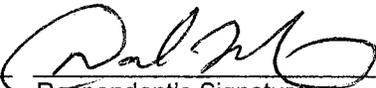
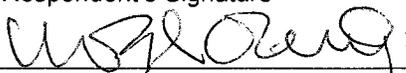
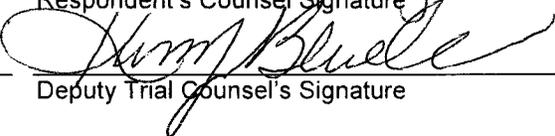
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In the Matter of: DAVID JOSEPH SCHARF, No. 170083	Case number(s): 06-C-12596
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SIGNATURE OF THE PARTIES

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.

1-31-11		DAVID J. SCHARF
Date	Respondent's Signature	Print Name
1-27-11		CW10 FREEBORN
Date	Respondent's Counsel Signature	Print Name
1-27-11		Kimberly J. Belvedere
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of: DAVID JOSEPH SCHARF, No. 170083	Case Number(s): 06-C-12596
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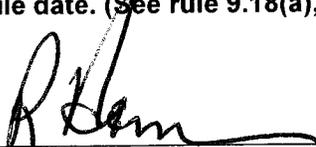
ACTUAL SUSPENSION ORDER

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 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

2-9-11
Date



Judge of the State Bar Court
RICHARD A. HONN

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 February 10, 2011, 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:

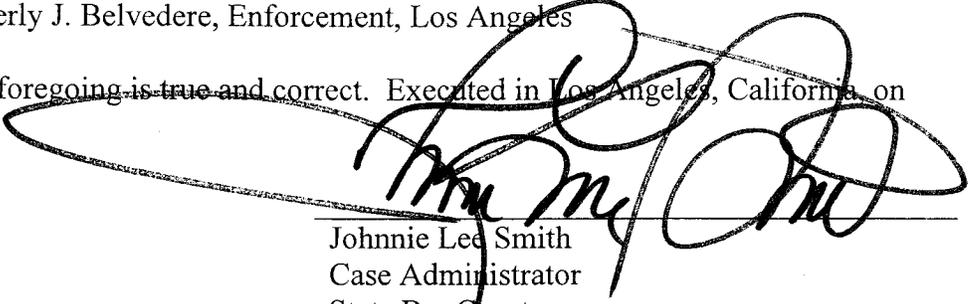
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LLOYD LEO FREEBERG, JR.
CHAPMAN LAW BLDG
1953 E CHAPMAN AVE
FULLERTON, CA 92831

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

Kimberly J. Belvedere, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 10, 2011.



Johnnie Lee Smith
Case Administrator
State Bar Court