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State Bar Court of California
Hearing Department
Los Angeles

Form with fields for Counsel For The State Bar, Case Number(s), PUBLIC MATTER, Submitted to: Settlement Judge, and various bar numbers.

FILED

FEB 11 2010

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

Handwritten signature/initials

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 February 8, 2002.
(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.
(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.
- (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: three (3) billing cycles following the effective date of the Supreme Court order. (Respondent was inactive from August 3, 2009 to December 15, 2009 and has recently returned to employment.) (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.

Prior #1: Case No. 05-O-00098, effective December 18, 2005; rule 3-110(A), Rules of Professional Conduct; One (1) year public reproof with conditions.
Prior #2: Case No. 07-H-10071, effective December 6, 2007; rule 1-110, Rules of Professional Conduct; six months stayed suspension and one (1) year of probation with conditions.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of two (2) 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 three (3) 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 eight (8) months.
- 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.

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- (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.
- (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:
 - Substance Abuse Conditions
 - Medical Conditions
 - Law Office Management Conditions
 - 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**

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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: Protection of the public does not require Respondent take the MPRE, as he took and passed the MPRE on November 9, 2009 in compliance with a prior disciplinary order. (See, In the Matter of Trousil, (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244.)

- (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:
- (5) **Other Conditions:** See Stipulation, page 19 (Stipulation Attachment page 12) for restitution conditions.

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Attachment language begins here (if any):

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEPHEN ADRIAN RODRIGUEZ

CASE NUMBER(S): 06-C-13026, 06-C-13027, 06-C-13028, 07-C-15007, 07-C-15008,
09-C-11296 and 07-O-10954

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDINGS.

CASE NO. 06-C-13026:

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 March 28, 2005, respondent was convicted of violating Vehicle Code, section 14601.1(a), a misdemeanor.
3. On July 10, 2009, 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 Vehicle Code, section 14601.1(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 06-C-13027:

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 December 15, 2005, respondent was convicted of violating Vehicle Code, section 12500(a), a misdemeanor.
3. On July 10, 2009, 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 Vehicle Code, section 12500(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 06-C-13028:

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 June 30, 2006, respondent was convicted of violating Vehicle Code, section 14601.1(a), a misdemeanor.

3. On August 17, 2009, 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 Vehicle Code, section 14601.1(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 07-C-15007:

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 March 5, 2008, respondent was convicted of violating Vehicle Code, section 14601.1(a), a misdemeanor.

3. On January 16, 2009, 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 Vehicle Code, section 14601.1(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 07-C-15008:

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 16, 2007, respondent was convicted of violating Vehicle Code, section 12500(a), a misdemeanor.

3. On June 3, 2009, 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 Vehicle Code, section 12500(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 09-C-11296:

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 February 19, 2009, respondent was convicted of violating Vehicle Code, section 14601.5(a), a misdemeanor.

3. On June 3, 2009, 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 Vehicle Code, section 14601.5(a) involved moral turpitude or other misconduct warranting discipline.

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/or Rules of Professional Conduct.

FACTS PERTAINING TO CASE NOS. 06-C-13026, 06-C-13027, 06-C-13028, 07-C-15007, 07-C-15008 AND 09-C-11296:

CASE NO. 06-C-13026:

1. On July 14, 2004, Respondent was stopped for speeding by Glendale Police Officer P. Lemay (Badge #14087). Officer Lemay learned Respondent was driving on a suspended license. Respondent signed a Notice to Appear, which stated, "Without admitting guilt, I promise to appear at the time and place indicated below." The Notice to Appear stated Respondent was to appear at the August 17, 2004 arraignment in the Glendale courthouse. At the time of the stop, Officer Lemay gave Respondent verbal notice that his driver's license had been suspended effective July 11, 2004 pursuant to Vehicle Code, section 13365. At the time of the July 14, 2004 traffic stop, Respondent did not have a physical driver's license in his possession.
2. On July 20, 2004, Respondent was charged in Los Angeles Superior Court Case No. 4GL03672 with driving on a suspended license in violation of Vehicle Code, section 14601.1(a) and speeding in violation of Vehicle Code, section 22349(a).
3. On August 17, 2004, Respondent failed to appear at the arraignment and the court issued a \$26,000 bench warrant for Respondent's arrest.
4. On February 9, 2005, the Respondent appeared and the court set aside the bench warrant.
5. On March 28, 2005, Respondent pled no contest the misdemeanor violation of Vehicle Code, section 14601.1(a) and the speeding count was dismissed due to plea negotiations. Vehicle Code, section 14601.1(a) states: "No person shall drive a motor vehicle when his or her driving privilege is suspended or revoked for any reason other than those listed in Section 14601, 14601.2 or 14601.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof."
6. Respondent failed to pay the fines and fees by June 28, 2005, and on July 19, 2005, the court issued a \$30,000 bench warrant against Respondent, which was recalled after Respondent submitted a check issued by his employer, the Law Offices of Rodriguez & Rodriguez, to the court for the fine on August 5, 2005.
7. On September 19, 2005, after the check was returned NSF, the court issued a bench warrant for Respondent's arrest in the amount of \$35,000.
8. On March 4, 2006, Respondent was stopped for driving without a license and expired registration in West Hollywood. (See stipulated facts pertaining to Case No. 06-C-13028, below.) The police officer cited Respondent for the same. Respondent signed a Notice to Appear, which stated, "Without admitting guilt, I promise to appear at the time and place indicated below. The Notice to Appear stated Respondent was to appear in court on May 4, 2006, but he failed to appear.
9. On March 10, 2006, the court recalled the \$35,000 bench warrant.

10. On May 4, 2006, Respondent failed to appear and the court issued a \$40,000 bench warrant stating, "THE DEFENDANT IS NOT TO BE CITED OUT WITHOUT EXPRESSED CONSENT FROM THE BENCH OFFICER."

11. On June 1, 2006, Respondent posted a surety bond, and on June 2, 2006, the court recalled the \$40,000 bench warrant. Respondent was ordered to appear June 28, 2006 for the next court date.

12. On June 28, 2006, Respondent failed to appear and the court issued a bench warrant for Respondent's arrest, in the amount of \$50,000, ordered his bail bond forfeited and that, "The defendant is not to be cited out."

13. On July 7, 2006, Respondent paid the fine, fees and NSF charge totaling \$1,213 and the court recalled the bench warrant and exonerated the bail bond and thereafter terminated the proceedings.

CASE NO. 06-C-13027:

14. On August 5, 2005, Respondent was stopped by an officer from the Monterey Park Police Department for having a false vehicle registration and the officer determined that Respondent was driving on a suspended license. Respondent signed a Notice to Appear, which stated, "Without admitting guilt, I promise to appear at the time and place indicated below." The Notice to Appear stated he was to appear at the Alhambra courthouse.

15. Respondent knew that his driving privilege had been suspended by the Department of Motor Vehicles (DMV) on June 1, 2005 pursuant to Vehicle Code, section 13365. On May 2, 2005, the DMV mailed an Order of Suspension to Respondent at 1181 Los Robles, Pasadena, CA 91106, which was his address of record with the DMV, explaining that his driving privilege would be suspended, effective June 1, 2005 because Respondent violated a written promise to appear and/or pay a fine in two separate traffic offense matters. The DMV provided Respondent with information regarding each of those traffic violations. The suspension remained in effect from June 1, 2005 until February 6, 2006. At the time of the August 5, 2005 traffic stop the Monterey Park police officer also provided Respondent with verbal notice that his driver's license had been suspended effective June 1, 2005 pursuant to Vehicle Code, section 13365. At the time of the August 5, 2005 traffic stop, Respondent did not have a physical driver's license in his possession.

16. On October 3, 2005, Respondent was charged in Los Angeles Superior Court Case No. 5AL04029 with driving on a suspended license in violation of Vehicle Code, section 14601.1(a), with one prior conviction of driving on a suspended license arising out of the Glendale conviction having false vehicle registration in violation of Vehicle Code, section 4462(b).

17. On December 15, 2005, on the prosecution's motion, the court ordered the complaint be amended to add a third count of violating Vehicle Code, section 12500(a). Respondent pled guilty to a lesser charge of driving without a license in violation of Vehicle Code, section 12500(a), and the court agreed to dismiss the suspended license and false registration charges if Respondent returned to court with a valid driver's license. Vehicle Code, section 12500(a) states: "A person may not drive a motor vehicle upon a highway, unless the person then holds a valid driver's license issued under this code, except those who are expressly exempted under this code."

18. On May 24, 2006, Respondent returned to court for the sentencing hearing on the Vehicle Code, section 12500(a) violation. Respondent did in fact provide the court with a valid driver's license. The court suspended imposition of sentence and placed Respondent on summary probation for 12 months on a number of terms and conditions, including that Respondent pay fines and fees totaling \$330, not drive a motor vehicle unless fully licensed and insured, commit no further violations of this nature and obey all laws.

19. On October 10, 2006, the court issued a \$10,000 bench warrant for Respondent's arrest when he did not timely pay the fine.

20. On October 23, 2006, Respondent appeared in court and asked for an extension of time to pay the fine. The court denied the request, but permitted Respondent to have until that afternoon to pay the \$330 fine. Respondent paid the fine that day and the court recalled the bench warrant.

21. On April 13, 2007, Respondent was again cited for driving on a suspended license, which was a violation of the court's probation order in Case No. 5AL04029. (See stipulated facts pertaining to Case No. 07-C-15007 discussed below.)

CASE NO. 06-C-13028:

22. On March 4, 2006 at approximately 10:30 p.m., Respondent was stopped by Respondent was stopped by Officers Crosthwaite (Badge #266700) and Biag (Badge #432023) of the Los Angeles County Sheriff's Department West Hollywood Station at or near the intersection of Laurel Ave. and Santa Monica Boulevard while driving a car with expired registration tags. Respondent was cited for driving without a license in his possession in violation of Vehicle Code, section 12500 and not having proof of insurance in violation of Vehicle Code, section 16028(a). The car was towed and impounded due to expired registration for more than six months. Respondent signed a Notice to Appear, which stated, "Without admitting guilt, I promise to appear at the time and place indicated below." The Notice to Appear stated Respondent was to appear on or before May 4, 2006 in the Beverly Hills courthouse for the arraignment regarding these violations.

23. At the time of his stop, Respondent had a \$35,000 bench warrant out for his arrest from the Glendale courthouse in Los Angeles Superior Court Case No. 4GL03672. The police officer field released Respondent on the warrant and Respondent signed a Notice to Appear, which stated, "Without admitting guilt, I promise to appear at the time and place indicated below." The Notice to Appear stated Respondent was to appear in the Glendale case on or before May 4, 2006.

24. On April 28, 2006, Respondent was charged in Los Angeles Superior Court Case No. 6BV00855 with driving on a suspended license on March 4, 2006 in violation of Vehicle Code, section 14601.1(a).

25. On May 4, 2006, Respondent did not appear at the arraignment in the Beverly Hills courthouse and the court issued a bench warrant in the amount of \$2,500.

26. On June 2, 2006, the court recalled the \$2,500 bench warrant after Respondent obtained a surety bond and agreed to return to court June 21, 2006.

27. On June 21, 2006, Respondent failed to appear and the court issued a \$26,000 bench warrant and forfeiture of a surety bond posted by Respondent.

28. On June 30, 2006, Respondent appeared with counsel in court and pled no contest to the violation of Vehicle Code, section 14601.1(a). The \$26,000 bench warrant was recalled and the bond was exonerated. The matter was continued for probation and sentencing to September 28, 2006.

29. On July 12, 2006, the \$150 bond costs were paid and the bond proceeding was terminated.

30. On September 28, 2006, Respondent appeared through his counsel pursuant to Penal Code, section 977(a), but the court ordered that Respondent personally appear in court and continued the court date to the next day.

31. On September 29, 2006, Respondent personally appeared in court in pro per for the probation and sentencing hearing. The court suspended imposition of sentence and placed Respondent on

probation for 24 months on a number of terms and conditions, including that Respondent pay fines and fees totaling \$660, not drive a motor vehicle unless fully licensed and insured, and obey all laws.

32. On January 29, 2007, Respondent failed to appear and pay the fine and on February 6, 2007 the court issued a \$5,000 bench warrant and revoked Respondent's probation.

33. On February 13, 2007, Respondent appeared in court and the bench warrant was recalled, but the probation violation hearing remained on calendar.

34. On March 12, 2007, Respondent appeared at the probation violation hearing and admitted to violating his probation. The court reinstated Respondent on probation on the same terms and conditions and ordered him to pay the \$660 fine forthwith, which he did.

CASE NO. 07-C-15007:

35. On April 13, 2007, Officer Lacunza (Badge #35484) of the Los Angeles Police Department stopped Respondent for driving without brake lights in violation of Vehicle Code, section 24252(a) and warned him about having no front license plates. The officer determined that Respondent had been driving on a suspended license and cited him for a violation of Vehicle Code, section 14601.1(a). Respondent signed the traffic citation promising to appear in the Airport Courthouse on or before June 1, 2007.

36. At the time of the April 13, 2007 traffic stop, Respondent knew his driving privilege was suspended by the Department of Motor Vehicles (DMV) on November 15, 2006 pursuant to Vehicle Code, section 14103. On October 12, 2006, the DMV mailed an Order of Probation and Suspension to Respondent at 1181 Los Robles, Pasadena, CA 91106, which was his address of record with the DMV, explaining that his driving privilege would be suspended, effective November 15, 2006 as a condition of probation and could not be reinstated until May 14, 2007 because DMV records established that Respondent was a negligent operator. The suspension remained in effect from November 15, 2006 until May 14, 2007. The October 12, 2006 Order of Probation and Suspension also stated that he would be placed on probation with the DMV following his suspension of his driving privilege from May 14, 2007 until November 14, 2007 on the following conditions: "YOU MUST OBEY ALL TRAFFIC LAWS AND REGULATIONS IN THIS AND OTHER STATES, AND NOT BE RESPONSIBLE FOR TRAFFIC ACCIDENTS....".

37. On January 11, 2007, Respondent was against stopped for a traffic violation. He was given verbal notice by a California Highway Patrol Officer that his driving privilege had been suspended on November 15, 2006.

38. At the time of the April 13, 2007 traffic stop, Officer Lacunza also provided Respondent with verbal notification that his driving privilege was suspended, effective November 15, 2006 pursuant to Vehicle Code, section 14103. Officer Lacunza confiscated Respondent's driver's license.

39. On May 31, 2007, Respondent was charged in Los Angeles Superior Court Case No. 7WA01672 with driving on a suspended license on April 13, 2007 in violation of Vehicle Code, section 14601.1(a). The complaint alleged that Respondent had three prior convictions for driving on a suspended license as follows:

<u>Violation</u>	<u>Violation Date</u>	<u>Conviction Date</u>	<u>Case No.</u>
Vehicle Code §14601.1(a)	03/04/2006	04/29/2006	6BV00855
Vehicle Code §14601.1(a)	01/19/2006	07/14/2006	06485BC
Vehicle Code §14601.1(a)	07/14/2004	03/28/2004	4GL03672

40. On June 1, 2007, Respondent failed to appear for arraignment at the Airport Courthouse and the court issued a \$10,000 bench warrant for his arrest.

41. On June 27, 2007, Respondent appeared in court, requested an attorney, and the court appointed a public defender. The court recalled the bench warrant. The court released Respondent on his own recognizance and the case was set for a July 25, 2007 pretrial hearing.

42. On July 25, 2007, Respondent appeared with his public defender and the pretrial hearing was continued to August 28, 2007 and Respondent was ordered to appear on that date.

43. On August 28, 2007, Respondent failed to appear for the pretrial hearing, and his public defender made a Penal Code, section 977(a) appearance; the case was continued to September 7, 2007.

44. On September 7, 2007, Respondent appeared for the pretrial hearing and the court continued the pretrial hearing to October 4, 2007.

45. On October 4, 2007, the court continued the pretrial hearing to November 19, 2007.

46. On November 19, 2007, the court continued the pretrial hearing to January 11, 2007 and specifically ordered Respondent to appear.

47. On January 11, 2008, Respondent did not personally appear, and instead appeared through counsel. The court continued the pretrial hearing to February 22, 2008, and ordered that there be no further continuances.

48. On February 22, 2008, Respondent appeared with his counsel and the case was set for jury trial on March 5, 2008. The court specifically ordered Respondent to appear on that date.

49. On March 5, 2008, Respondent appeared for jury trial without his counsel, who was appearing in Hollywood court, and based on his claim that his counsel was unavailable, Respondent requested postponement of the trial. The court noted that no Penal Code, section 1050 Motion to Continue had been filed, that Respondent's counsel had settled his case in Hollywood court so he would be available to start the trial at 1:30 p.m. that afternoon, and that the case had already been continued between five to seven times. The court noted that Respondent was an attorney and had asked to approach sidebar to see if he could work out a disposition with the court. Respondent then elected to enter a plea.

50. On March 5, 2008, Respondent pled no contest to the April 13, 2007 violation of Vehicle Code, section 14601.1(a) and he admitted having the following two prior convictions for violating Vehicle Code, section 14601.1(a):

<u>Violation</u>	<u>Violation Date</u>	<u>Conviction Date</u>	<u>Case No.</u>
Vehicle Code §14601.1(a)	03/04/2006	09/29/2006	6BV00855
Vehicle Code §14601.1(a)	07/14/2004	03/28/2005	4GL03672

51. The court placed Respondent on summary probation for three years on the following, among other terms and conditions: Respondent was to serve 10 days in county jail, pay fines and fees totaling \$1,981.00 or do 17 days community service, not drive without a valid license and insurance, and obey all laws.

52. The prosecutor advised the judge that the People were asking for "M" service, as they had run his license, his license was presently suspended and expired and there were two more failures to appear in new cases. The Respondent's driver's license was in fact suspended by the DMV on March 5, 2008 and prior to that date as discussed herein.

53. On August 7, 2007, the DMV mailed to Respondent at his address on record with the DMV an Order of Suspension notifying him that his driving privilege was suspended from September

10, 2007 until March 9, 2008 pursuant to Vehicle Code, section 14103 because Respondent had violated the terms and conditions of his probation. Respondent violated the conditions of his probation when he was convicted of a separate violation of Vehicle Code, section 12500(a) on July 16, 2007.

54. On September 25, 2007, the DMV mailed to Respondent at his address on record with the DMV an Order of Suspension notifying him that his driving privilege was suspended from October 29, 2007 through April 28, 2008 pursuant to Vehicle Code, section 14103 because Respondent had violated the terms and conditions of his probation. Respondent violated the conditions of his probation when he was cited for driving on a suspended license and not having valid registration on July 17, 2007. Respondent thereafter failed to appear in court in violation of Vehicle Code, section 40508.

55. Following the prosecutor's request for "M" service, the court then advised Respondent, "You're advised in open court that your privilege to operate a car is suspended. If I find out you're driving a car, Mr. Rodriguez, I'm going to probably give you a year. All right?"

56. After leaving the courtroom on March 5, 2008, a Los Angeles City Attorney investigator followed Respondent out of the Airport courthouse and observed Respondent get into a car and drive away from the courthouse.

57. On March 11, 2008, the City Attorney's office requested Respondent's probation be revoked.

58. On March 21, 2008, Respondent appeared in court and admitted the probation violation. The court revoked his probation and ordered him to appear on April 11, 2008 for a probation violation hearing.

59. On April 11, 2008, Respondent appeared at the probation violation hearing and the court reinstated him on probation on the same terms and conditions, except as modified to include 365 days county jail suspended and Respondent was ordered to surrender for 45 days of house arrest.

60. Respondent remains on probation in this case until March 5, 2011 pending further orders of the court.

Case No. 07-C-15008:

61. On May 4, 2007, the Pasadena City Attorney charged Respondent in Los Angeles Superior Court Case No. 7PS02407 with unlawfully taking or driving a motor vehicle in violation of Vehicle Code, section 10851(a) between the dates of January 23, 2007 and March 29, 2007 and driving on a suspended license on or about March 29, 2007 in violation of Vehicle Code, section 14601.1(a). The Pasadena City Attorney alleged that Respondent had the following prior convictions for violation of Vehicle Code, section 14601.1(a):

<u>Violation</u>	<u>Violation Date</u>	<u>Conviction Date</u>	<u>Case No.</u>
Vehicle Code §14601.1(a)	03/04/2006	09/29/2006	6BV00855
Vehicle Code §14601.1(a)	01/19/2006	07/14/2006	06485BC

62. On May 22, 2007, Respondent appeared through counsel at the arraignment pursuant to Penal Code, section 977(a) and the court set the case for a June 21, 2007 pretrial hearing.

63. On June 21, 2007, neither Respondent nor his counsel appeared for the pretrial hearing and the court issued a \$20,000 bench warrant for Respondent's arrest.

64. On June 22, 2007, Respondent's counsel appeared and the warrant was recalled. Respondent was released on his own recognizance.

65. On July 16, 2007, Respondent appeared in court with his counsel and entered a plea to a violation of Vehicle Code, section 12500, driving without a license. The remaining counts were dismissed pursuant to plea negotiation. The court placed Respondent on summary probation for 24 months on the following, among other, terms and conditions: Respondent was not to drive a motor vehicle unless lawfully licensed and insured, to pay fines and fees totaling \$557, to pay \$2,088.30 in restitution to Rent for Less car rental company, and Respondent agreed to obey all laws and orders of the court. The court further agreed that Respondent's probation would be reduced from 24 months to 12 months from July 16, 2007 if Respondent paid restitution on time.

66. On November 28, 2007, the court issued a \$30,000 bench warrant for Respondent because he failed to appear and pay the fine.

67. On December 3, 2007, Respondent appeared in pro per and the court set the matter for probation violation hearing on December 6, 2007. The court also ordered Respondent to bring the fine money, now totaling \$583.00 plus \$50 court costs to court on the next court date.

68. On December 6, 2007, Respondent did not appear, but his counsel appeared on his behalf pursuant to Penal Code, section 977(a). The court continues the probation violation hearing to December 19, 2007 and ordered Respondent to appear.

69. On December 19, 2007, Respondent did not appear, and instead his counsel appeared on his behalf pursuant to Penal Code, section 977(a) and the fine was paid in full. The court continued the probation violation hearing and victim restitution hearing to January 16, 2008 and again ordered Respondent to personally appear.

70. On January 16, 2008, Respondent appeared in court in pro per and the probation violation hearing was again continued to February 11, 2008.

71. On February 11, 2008, Respondent appeared at the probation violation hearing, admitted the probation violation and was found to be in violation of his probation by the court. The court reinstated Respondent on probation on the same terms and conditions, but modified his probation to note that Respondent could make a motion for early termination of probation on July 16, 2009 if there were no further violations of probation.

72. Respondent did not move to terminate probation early and remains on probation in this case until July 16, 2010.

CASE NO. 09-C-11296:

73. On or about July 17, 2007, Officer P. Scallon (#35240) from the Los Angeles Police Department Wilshire Division stopped Respondent near the address of 5053 Dockweiler Street in the City of Los Angeles for driving with expired registration in violation of Vehicle Code, section 4000(a)(1). Respondent was driving a vehicle owned by Sandra Prado and the officer noted that he was travelling 20 mph in a 25 mph zone. The officer determined that Respondent had been driving on a suspended license and cited him for a violation of Vehicle Code, section 14601.1(a). Respondent signed the traffic citation promising to appear in the Metropolitan Courthouse on or before August 31, 2007.

74. On July 21, 2007, Respondent was stopped at the intersection of Mission and Galindo for driving 49 mph in a 35 mph zone, not having insurance and driving on a suspended license in violation of Vehicle Code, section 14601.1(a).

75. On August 31, 2007, Respondent failed to appear for the arraignment and a complaint was filed in Los Angeles Superior Court Case No. 9MP01852 alleging that Respondent violated Vehicle Code, section 14601.1(a) and failed to appear in violation of Vehicle Code, section 40508(a). The

complaint also alleged that Respondent had the following prior conviction for violation of Vehicle Code, section 14601.1(a):

<u>Violation</u>	<u>Violation Date</u>	<u>Conviction Date</u>	<u>Case No.</u>
Vehicle Code §14601.1(a)	03/04/2006	09/29/2006	6BV00855

76. A bench warrant was issued for Respondent's arrest with a provision permitting Respondent to be cited out to the continued arraignment date, which was set for March 28, 2008.

77. On March 28, 2008, Respondent appeared in court, was released on his own recognizance, and the arraignment was continued to May 23, 2008.

78. On May 28, 2008, Respondent appeared in court, was appointed a public defender and entered a not guilty plea to the charges. The case was set for a pretrial conference on June 23, 2008.

79. On June 23, 2008, Respondent failed to appear at the pretrial conference and a bench warrant was issued for his arrest in the amount of \$26,000.

80. On July 7, 2008, Respondent appeared in court, the court released him on his own recognizance, and set the matter for an August 20, 2008 pretrial hearing.

81. On August 20, 2008, Respondent failed to appear at the pretrial conference and a bench warrant was issued for his arrest in the amount of \$26,000.

82. On September 4, 2008, Respondent appeared in court, the court released him on his own recognizance, and set the matter for an October 10, 2008 pretrial hearing.

83. On October 10, 2008, Respondent appeared and the court set the matter for another pretrial hearing on October 14, 2008.

84. On October 14, 2008, Respondent failed to appear again and the court issued a bench warrant.

85. On December 18, 2008, Respondent appeared in court, the court released him on his own recognizance, and set the matter for a January 6, 2009 pretrial hearing.

86. Respondent made three more appearances at pretrial hearings on January 6, 7 and 8, 2009. On January 8, 2009, the court continued the pretrial hearing to February 9, 2009.

87. On February 9, 2009, Respondent appeared and the court continued the hearing to February 11, 2009. Respondent appeared in court on February 11, 2009, and the case was continued to February 19, 2009.

88. On February 18, 2009, a second misdemeanor complaint was filed in Case No. 9MP01852 alleging the same violations as previously charged, but amending the allegations regarding prior suspended license convictions to state that Respondent had the following two prior convictions:

<u>Violation</u>	<u>Violation Date</u>	<u>Conviction Date</u>	<u>Case No.</u>
Vehicle Code §14601.1(a)	03/04/2006	09/29/2006	6BV00855
Vehicle Code §14601.1(a)	04/13/2007	03/05/2008	7WA01672

89. On February 19, 2009, Respondent appeared in court, and as a result of plea negotiations, Respondent pled no contest to a violation of Vehicle Code, section 14601.5(a). Respondent admitted the prior conviction in Case No. 6BV00855. The remaining counts were dismissed. The court placed

Respondent on 36 months of summary probation on the following, among other, terms and conditions: Respondent was to serve ten days in county jail (or ten days of Cal Trans community service in lieu of jail), Respondent was not to drive a motor vehicle without a valid driver's license in his possession, Respondent was to pay fines and fees totaling \$1,311.00, and Respondent agreed to obey all laws and orders of the court.

90. Respondent remains on probation in this case until February 19, 2012.

LEGAL CONCLUSIONS PERTAINING TO CASE NOS. 06-C-13026, 06-C-13027, 06-C-13028, 07-C-15007, 07-C-15008 AND 09-C-11296:

91. By the foregoing conduct, Respondent committed misconduct warranting discipline.

FACTS AND LEGAL CONCLUSIONS PERTAINING TO CASE NO. 07-O-10954 (THE ROSA ALFEREZ MATTER):

Facts:

1. In or about October 2005, Rosa Alferez ("Alferez") employed Respondent to recover a \$10,000 defaulted loan secured by a promissory note from Lilia Aguilar. Alferez paid Respondent \$1,000 in advanced fees. Respondent gave Alferez a receipt noting the fees were "paid in full" and his business card, but he did not provide her with a written retainer agreement.

2. Respondent did not perform any services for Alferez.

3. Between October 2005 and October 2006, Alferez called Respondent and left telephone messages with his secretary requesting that Respondent return her calls to advise her of the status of her case. Respondent did not return all of Alferez's calls.

4. On October 30, 2006, Alferez sent Respondent a letter terminating his services and requesting return of the unearned fees and her original documents. Respondent received the letter, but he did not return Alferez's documents or any portion of the unearned fees.

Legal Conclusions:

5. By failing to return Alferez's papers to her as she requested in her letter of October 30, 2006, Respondent failed to promptly release, at the request of the client, all papers and property upon termination of employment in willful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

6. By failing to return Alferez's \$1,000 in advanced fees to her as requested on October 30, 2006, which he had not earned, Respondent failed to promptly refund unearned advanced fees in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was January 13, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 13, 2010, the prosecution costs in this matter are approximately \$16,103.21. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standards 3.2 and 1.7(b), Standards for Attorney Sanctions for Professional Misconduct and *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 108, authorizing departure from Standard 1.7(b).

FINANCIAL CONDITIONS, RESTITUTION.


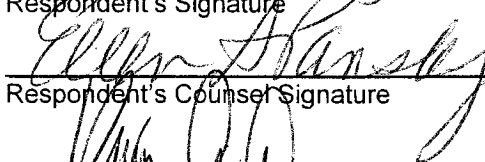
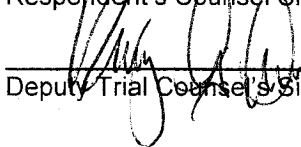
Within three years from the effective date of discipline in this matter, respondent must make restitution to Rosa Alferez or the Client Security Fund if it has paid, in the principal amount of \$ 1,000.00 plus interest at the rate of 10% per annum from the date of October 30, 2006 in installments of not less than \$25.00 per month payable on the first day of each month beginning on July 1, 2010 until paid in full and furnish satisfactory evidence of such restitution to the Office of Probation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him or her during that reporting period. No later than 30 days prior to the expiration of the period of probation, Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest in full.

(Do not write above this line.)

In the Matter of Stephen Adrian Rodriguez	Case number(s): 06-C-13026, 06-C-13027, 06-C-13028, 07-C-15007, 07-C-15008, 09-C-11296 and 07-O-10954
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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 Fact, Conclusions of Law and Disposition.

January 14, 2010 Date	 Respondent's Signature	Stephen Adrian Rodriguez Print Name
January 14, 2010 Date	 Respondent's Counsel Signature	Ellen A. Pansky Print Name
January 15, 2010 Date	 Deputy Trial Counsel's Signature	Kimberly G. Anderson Print Name

(Do not write above this line.)

In the Matter Of Stephen Adrian Rodriguez	Case Number(s): 06-C-13026, 06-C-13027, 06-C-13028, 07-C-15007, 07-C-15008, 09-C-11296 and 07-O-10954
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ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

Judge of the State Bar Court

(Do not write above this line.)

In the Matter Of STEPHEN ADRIAN RODRIGUEZ	Case Number(s): 06-C-13026; 06-C-13027; 06-C-13028, 07-C-15007; 07-C-15008; 09-C-11207; 07-O-10954
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ORDER

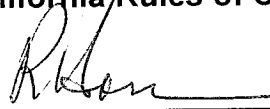
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.
- 1) On page 4, the "X" in box D(1)(a)(i) is deleted to remove the "and until" condition that respondent comply with standard 1.4(c)(ii). (It is unnecessary to attach "and until" conditions to periods of stayed suspension.)
 - 2) On page 4, an "X" is inserted in box D(1)(b) to clarify that the two-year period of suspension is stayed.
 - 3) On page 5, "X's" are placed in box E(10) and in the "Financial Conditions" sub-box in paragraph E(10) to convert the "Other Conditions" referenced in paragraph F(5), on page 6 of the stipulation (i.e., restitution conditions) into additional conditions of probation.
 - 4) On page 19, at the end of the paragraph labeled "Financial Conditions, Restitution," the following text is inserted: "Any restitution payable to the Client Security Fund must include interest and costs in accordance with Business and Professions Code section 6140.5. Moreover, any restitution payable to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d)."

(Do not write above this line.)

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 9.18(a), California Rules of Court.)**

7-9-10



Date

Judge of the State Bar Court

RICHARD A. HONN

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 February 11, 2010, 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:

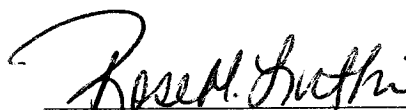
STEPHEN A. RODRIGUEZ
5895 WASHINGTON BLVD
CULVER CITY, CA 90232

ELLEN ANNE PANSKY
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 308
SOUTH PASADENA, CA 91030

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

KIMBERLY ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 11, 2010.



Rose Luthi
Case Administrator
State Bar Court