

ORIGINAL

~~**CONFIDENTIAL**~~

PUBLIC MATTER

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State Bar Court of California Hearing Department		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar DAVID T. SAUBER Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 176554 Tel: (213) 765-1252	Case Number (s) 06-O-13639	(for Court's use) <div style="text-align: center;">LODGED</div> <div style="text-align: center;">OCT 09 2007 <i>AC</i></div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>
SCOTT ALLEN BRANDON 2110 Artesia Blvd., #149 Redondo Beach, California 90278-3069 Bar # 189654	<div style="text-align: center;">FILED</div> <div style="text-align: center;">JUN 01 2011 <i>AC</i></div> <div style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	Submitted to: Program Judge
In the Matter Of: SCOTT ALLEN BRANDON Bar # 189654 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS AND CONCLUSIONS OF LAW <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 July 29, 1997.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (7) pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." -See Attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law". -See Attachment
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

(Stipulation form approved by SBC Executive Committee 9/18/2002. Rev. 12/16/2004; 12/13/2006.) Program

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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 00-C-15440 (00-C-15441; 00-C-15463; 00-C-14832; 01-C-04980; 01-N-01664)
- (b) Date prior discipline effective July 12, 2002
- (c) Rules of Professional Conduct/ State Bar Act violations: 5 separate convictions warranting discipline pursuant to B&P Code §§6101 & 6102; 1 violation - B&P Code §6103
- (d) Degree of prior discipline (4) years Stayed Suspension; (5) years Probation; (30) months Actual Suspension
- (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.
- (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.

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- (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:

Respondent will receive mitigation credit if he successfully completes the Alternative Discipline Program ("ADP"). Respondent is seeking entry into ADP based on his diagnosed condition of Attention Deficit Disorder.

ATTACHMENT TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **SCOTT ALLEN BRANDON**

MEMBER # **189654**

CASE NUMBER(s): **06-O-13639**

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 for Case No. 06-0-13639

1. On or about January 22, 2002, Respondent entered into a Stipulation as to Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar in case no. 00-C-15440.
2. On or about February 5, 2002, the Hearing Department of the State Bar Court filed the Stipulation and Order making disciplinary recommendations to the California Supreme Court, including a period of stayed suspension and probation on conditions set forth in detail below.
3. On or about June 12, 2002, the California Supreme Court filed an Order ("Order") in case no. S106560 (State Bar Court case no. 00-C-15440) that Respondent be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be actually suspended for 30 months and placed on probation for five years subject to the conditions of probation recommended by the State Bar Court Hearing Department.
4. On or about June 12, 2002, the Clerk of the California Supreme Court properly served the Respondent with a copy of the June 12, 2002 Order. Respondent received the order.
5. The June 12, 2002 Order became effective on July 12, 2002, thirty days after it was filed.
6. Pursuant to the June 12, 2002 California Supreme Court Order and the State Bar Court Hearing Department's February 5, 2002 Stipulation and Order Approving the Stipulation, the Respondent was ordered to comply with the following relevant conditions of probation, among other conditions:
 - i. Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.

ii. Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.

iii. As part of . . . [the Hearing Department approved stipulation], Respondent . . . agreed to submit to random drug screening as ordered by the Probation Unit of the State Bar. Respondent . . . was required, as part of the probation . . . to telephone in each night to his probation officer to learn whether he was to be drug tested the following day.

iv. Respondent shall attend at least eight (8) meetings per month of either: Alcoholics Anonymous, [or] Narcotics Anonymous. As a separate reporting requirement, respondent shall provide to the Probation Unit satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

v. Respondent shall select a licensed medical laboratory approved by the Probation Unit. Respondent shall furnish to the laboratory blood and/or urine samples as may be required to show that respondent has abstained from alcohol and/or drugs. The samples shall be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent shall cause the laboratory to provide to the Probation Unit, at respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of respondent's blood and/or urine obtained not more than ten (10) days previously.

7. Respondent had actual knowledge of the Order and conditions of probation at all relevant times herein from the effective date of his probation and at all times during the pendency of his probation in case no. S106560.

8. The following conditions have not been met in a timely manner by Respondent:

- i. Quarterly ~~by~~ Report due April 10, 2006 - which was faxed on April 10, 2006, and filed April 13, 2006,
- ii. Lab Report due February 10, 2006 - filed February 17, 2006,
- iii. Quarterly ~~by~~ Report due October 10, 2005 - filed October 11, 2005,
- iv. Quarterly ~~by~~ Report due July 10, 2005 - filed July 26, 2005,
- v. Quarterly ~~by~~ Report due April 10, 2005 - filed April 22, 2005,
- vi. Quarterly ~~by~~ Report due January 10, 2005 - filed March 8, 2005,
- vii. Quarterly ~~by~~ Report due October 10, 2004 - filed December 16, 2004,
- viii. Quarterly ~~by~~ Report due July 10, 2004 - filed August 2, 2004,
- ix. Lab Report due May 10, 2004 - dated May 12, 2004, and filed May 14, 2004,
- x. Lab Report due April 10, 2004 - dated April 12, 2004, and filed April 14, 2004,
- xi. Quarterly ~~by~~ Report due January 10, 2004 - faxed and filed on March 23, 2004,
- xii. Lab Report due March 10, 2004 - dated March 10, 2004, and filed March 11, 2004,
- xiii. Lab Report due February 10, 2004 - dated February 18, 2004, and filed February 23, 2004,
- xiv. Lab Report due January 10, 2004 - dated January 21, 2004, and filed January 23, 2004,

- xv. Lab Report due December 10, 2003 - dated December 18, 2003, and filed December 22, 2003,
- xvi. Quarterly ~~by~~ Report due October 10, 2003 - filed October 14, 2003,
- xvii. Lab Report due October 10, 2003 - dated October 9, 2003, and filed October 14, 2003,
- xviii. Lab Report due September 10, 2003 - dated September 9, 2003, and filed September 11, 2003,
- xix. Lab Report due August 10, 2003 - dated August 12, 2003, and filed August 14, 2003,
- xx. Quarterly ~~by~~ Report due July 10, 2003 - filed July 14, 2003,
- xxi. Lab Report due July 10, 2003 - dated July 9, 2003, and filed July 11, 2003,
- xxii. Lab Report due May 10, 2003 - dated May 9, 2003, and filed May 12, 2003,
- xxiii. Lab Report due April 10, 2003 - dated April 10, 2003, and filed April 11, 2003,
- xxiv. Substance Abuse Meeting's Attendance Verification and Declaration due November 10, 2002 - dated December 1, 2002, and filed December 10, 2002,
- xxv. Substance Abuse Meeting's Attendance Verification and Declaration due October 10, 2002 - dated October 30, 2002, and filed November 5, 2002.

Conclusions of Law for Case No. 06-O-13639:

9. By wilfully failing to timely comply with the conditions of probation recommended by the Hearing Department while he was on disciplinary probation in case no. S106560, Respondent has wilfully violated the conditions of probation in case no. S106560 in violation of Business and Professions Code section 6068(k).

10. By failing to timely file Quarterly Reports, Lab Reports, and Substance Abuse Meeting Attendance Verification and Declaration with the Probation Department as required by the Supreme Court Order, Respondent wilfully disobeyed or violated an order of the court requiring him to do an act connected with or in the course of Respondent's profession, which he ought in good faith to do, in violation of Business and Professions Code section 6103.

DISCLOSURE OF PENDING INVESTIGATIONS/PROCEEDINGS NOT RESOLVED BY THIS STIPULATION.

The disclosure date referred to, on page one, paragraph A.(6), was March 27, 2007.

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In the Matter of SCOTT ALLEN BRANDON Member #189654	Case number(s): 06-O-13639
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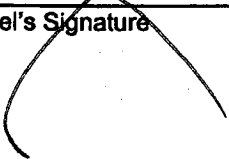
SIGNATURE OF THE PARTIES

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

<u>4/30/07</u> Date	<u></u> Respondent's Signature	<u>SCOTT A. BRANDON</u> Print Name
<u>4/30/07</u> Date	<u></u> Respondent's Counsel Signature	<u>CHARLES A. MURRAY</u> Print Name
	<u></u> Deputy Trial Counsel's Signature	<u>DAVID T. SAUBER</u> Print Name

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In the Matter Of SCOTT ALLEN BRANDON Member #189654	Case Number(s): 06-O-13639
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

OCTOBER 5, 2007
Date



Judge of the State Bar Court

RICHARD A. PLATEL

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 October 9, 2007, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS CONCLUSIONS OF LAW; CONFIDENTIAL
STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;
CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR
ALTERNATIVE DISCIPLINE PROGRAM**

in a sealed envelope for collection and mailing on that date as follows:

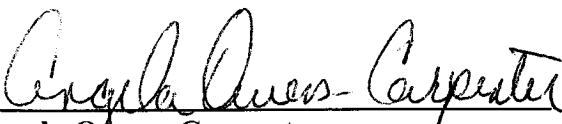
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**SCOTT A BRANDON
2110 ARTESIA BLVD #149
REDONDO BEACH CA 90278 3069**

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 9, 2007**.



Angela Owens-Carpenter
Case Administrator
State Bar Court

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 June 29, 2011, I deposited a true copy of the following document(s):

DECISION; ORDER SEALING DOCUMENTS; AND ORDER OF INVOLUNTARY
INACTIVE ENROLLMENT
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

in a sealed envelope for collection and mailing on that date as follows:

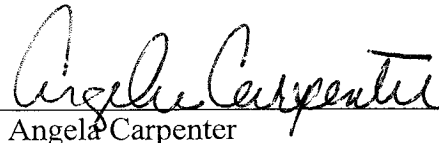
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SCOTT A BRANDON
2110 ARTESIA BLVD #149
REDONDO BEACH CA 90278 3069

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

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 29, 2011.



Angela Carpenter
Case Administrator
State Bar Court