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**State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION**



<p>Counsel For The State Bar Hugh G. Radigan Jean H. Cha Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 94251</p>	<p>Case Number(s): 06-O-14861 07-O-11019 09-O-14230</p>	<p>For Court use only PUBLIC MATTER FILED <i>AS</i> MAR 10 2011 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent Ellen A. Pansky Pansky Markle Ham LLP 1010 Sycamore Ave. , Unit 308 South Pasadena, California 91030 Bar # 77688</p>	<p>Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Albert Francis Quintrall Bar # 58066 A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 18, 1973.
- (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 18 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (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 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are 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 05-O-01168
 - (b) Date prior discipline effective October 27, 2005
 - (c) Rules of Professional Conduct/ State Bar Act violations: Rules 4-100(A) and 4-100(B)(4) of the Rules of Professional Conduct.
 - (d) Degree of prior discipline public reproof
 - (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. Respondent failed to timely acknowledge to his clients receipt of settlement proceeds and timely disburse them to clients in two separate matters.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/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. Respondent cooperated with the State Bar subsequent to the filing of these matters.
- (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 \$ \$10,262.25 on July 1, 2009 in restitution to Partition Specialities, Inc. without the threat or force of disciplinary, civil or criminal proceedings. Respondent took no fee for the work he had done and he paid interest on the gross amount of the recovery he had obtained for Partition Specialities, Inc.
- (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. At the time of the misconduct attributable to Respondent that forms the basis for the pending charges, Respondent was suffering an underdiagnosed and inappropriately treated depression syndrome, for which Respondent presently continues in treatment, attends LAP, and is properly medicated resulting in his full recovery from the prior depressive illness. Respondent's conduct in this matter was causally related to his depressive illness.

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- (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 three 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 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 eighteen 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 the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (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
 - Law Office Management Conditions
 - Medical 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 further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (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:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Albert Francis Quintrall

CASE NUMBER(S): 06-O-14861, 07-O-11019 and 09-O-14230

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.

Case No. 06-O-14861 (State Bar Investigation)

FACTS:

1. Respondent failed to submit proof of compliance with the Minimum Legal Education ("MCLE") requirement by January 31, 2005.
2. On September 23, 2005, the Certification Office properly mailed to Respondent at Respondent's State Bar membership records address a MCLE Non-compliance Notice of Enrollment on Not Entitled Status notifying him that he had been enrolled on Not Entitled Status effective September 16, 2005 and was not eligible to practice law as of that date. The notice mailed to Respondent was not returned as undeliverable or for any other reason. Respondent received the notice on or about September 26, 2005.
3. On September 23, 2005, Respondent signed a release of mechanic's lien as "Albert Quintrall, Esq./Quintrall & Associates, as authorized agent for claimant." As of September 16, 2005, Respondent was not entitled to practice law.
4. Respondent mailed the release of the mechanic's lien, along with a letter dated October 5, 2005, to opposing counsel Peter A. Quint ("Quint") on behalf of Respondent's client. In this letter, Respondent asked Quint to confirm that an October 14, 2005 petition for decree be "taken off calendar."
5. On October 14, 2005, a pleading was filed in the San Diego Superior Court in case IC855467 in which Respondent's name appears on the letterhead, and which states "Albert F. Quintrall, Esq. Matthew R. Stohl, Esq. [...] Attorneys for Plaintiff," the pleading is signed by Matthew Stohl, but

under the signature line reads "Albert F. Quintrall, Esq. Matthew R. Stohl, Esq. [...] Attorney for Plaintiff".

6. On October 24, 2005, the Office of Certification confirmed that the State Bar of California had received the MCLE compliance materials and payment of all outstanding MCLE non-compliance fees from Respondent.

CONCLUSIONS OF LAW:

7. By failing to remove his name from the pleading and by signing the release of the mechanic's lien as counsel for a client, Respondent held himself out as practicing or entitled to practice law and practices and/or attempted to practice law when he was not an active member of the State Bar in willful violation of the Business and Professions Code sections 6125 and 6126 and thereby failed to support the laws of the State of California in willful violation of Business and Professions Code section 6068(a).

Case No. 07-O-11019 (State Bar Investigation)

FACTS:

8. On July 15, 2005, the Office of Certification's MCLE Compliance Unit ("Office of Certification") notified Respondent that he would be enrolled as an inactive member of the State Bar by September 15, 2005, if he failed to comply with MCLE Requirements. Respondent did not respond to the July 15, 2005 notice.

9. On August 5, 2005, the Office of Certification sent Respondent a second notice. Respondent did not respond to the second notice.

10. In July 2005, Jessie L. Slife ("Slife")'s cleaning company, Christian Clean Up Crew, cleaned up a very large apartment complex owned by Slife's landlord, Esperanza Garcia ("Garcia"), Dario De Luca ("Luca"), and Mirko Marrone ("Marrone"). Thereafter, Slife's landlord refused to pay for the cleaning work and Slife employed Respondent to file a complaint against his landlord.

11. On August 24, 2005, Respondent filed a complaint on behalf of Slife and his cleaning company, Kern County Superior Court Case No. S1500CV256279 (the "Slife matter").

12. On September 12, 2005, Respondent sent a retainer agreement to Slife for his review and signature. On or about September 14, 2005, Slife's office manager signed and returned the retainer agreement to Respondent.

13. On September 23, 2005, the Office of Certification's MCLE Compliance Unit ("Office of Certification") notified Respondent that he was enrolled on Not Eligible Status, effective September 16, 2005, for failure to comply with MCLE Requirements.

14. On October 25, 2005, the Office of Certification notified Respondent that his active status was reinstated effective October 24, 2005.

15. Between September 16 and October 24, 2005, the period of time during which Respondent was not entitled to practice law, Respondent held himself out as entitled to practice law as follows:

- a. On September 28, 2005, Respondent filed a Notice of Pending Action with the Kern County Recorder, notifying the Assessor-Recorder of the Slife matter against the real property of the defendants. The heading of the Notice of Pending Action identified Respondent as the attorney for the plaintiff;
- b. On October 1, 2005, Respondent communicated with Slife as his counsel and signed his name on the faxed communication from Slife;
- c. On October 4, 2005, Respondent faxed a client's demand to opposing counsel;
- d. On October 17, 2005, Respondent filed the proof of service of summons in the Slife matter. The heading of the proof of service identified Respondent as the attorney for the plaintiff;
- e. On October 18, 2005, Respondent billed for an "Appearance Date: 10/18/05/Hearing: OSC re: Service";
- f. On November 15, 2005, Respondent billed for legal services described as: "10/17/05: review file; telephone call to Robert Ray & Associates; prepare Robert Ray & Associates appearance invoice and documents and arrange for special appearance attorney for 10/14 OSC hearing; note to file re: same."

CONCLUSIONS OF LAW:

16. By filing a notice of pending action and a proof of service on behalf of a client, communicating with a client as his counsel, and communicating with opposing counsel between September 28 and October 17, 2005, and billing a client for services performed on October 17 and 18, 2005, Respondent held himself out as practicing or entitled to practice law and practices and/or attempted to practice law when he was not an active member of the State Bar in willful violation of the Business and Professions Code sections 6125 and 6126 and thereby failed to support the laws of the State of California in willful violation of Business and Professions Code section 6068(a).

Case No. 09-O-14230 (Complainant: Partition Specialties, Inc.)

FACTS:

17. At all relevant times herein, Respondent maintained a client trust account at Pacific Western Bank, in San Diego, California, account no. xxxx18331 (the "CTA").

Settlement Funds Belonging to The Allison Co.

18. In 2007, Respondent represented the Plaintiff in three lawsuits entitled The Allison Co. v. Eleven Western Builders, San Diego Superior Court Case Nos. GIS 27355/GIS 27356, and Riverside Superior Court Case No. RIC 467147. In or about December 2007, all three lawsuits settled for one lump sum of \$175,000.

19. On December 7, 2007, Eleven Western Builders' counsel, Jeffrey Haile, sent Respondent the \$175,000 settlement funds to be held in Respondent's CTA on behalf of the Allison Company ("Allison").

20. On December 10, 2007, Respondent deposited the \$175,000 settlement funds belonging to Allison into his CTA.

21. In June 2008 and July 2008, Respondent made disbursements to Allison totaling \$146,131.88, as follows:

¹ The account number is excluded to protect the account from identity theft.

- CTA check #1268, dated June 23, 2008, for \$25,000, and posted on June 24, 2008;
- CTA check #1269, dated July 16, 2008, for \$46,131.88, and posted on July 21, 2008;
- CTA check #1336, dated July 28, 2008, for \$75,000, and posted on July 30, 2008.

Thus, between on or about December 10, 2007, and June 23, 2008, Respondent should have maintained at least \$146,131.88 in trust on behalf of Allison.

22. Respondent's CTA records, however, indicate that Allison's funds dissipated from Respondent's CTA, as follows:

<u>Date</u>	<u>Balance</u>
January 10, 2008	\$142,250.26
February 29, 2008	\$ 98,425.85
March 27, 2008	\$ 66,689.86
April 22, 2008	\$ 52,677.44
June 10, 2008	\$ 41,163.98
June 17, 2008	\$ 34,531.54
June 18, 2008	\$ 25,915.54
June 19, 2008	\$ 15,915.54
June 25, 2008	\$ 3,305.04
July 21, 2008	\$ 1,184.18

Funds Belonging to Partition Specialties, Inc.

23. In March 2008, Partition Specialties, inc. ("PSI") retained Respondent for representation in perfecting a mechanic's lien of \$39,021.64 against the Embassy Suites in Valencia, California (the "PSI matter"). PSI paid Respondent a total of \$11,355.12 in attorney's fees.

24. In June 2008, Respondent settled the PSI matter.

On July 24, 2008, the opposing party, Camco Pacific Construction Company ("Camco"), sent Respondent a check of \$39,021.64 representing full and final payment to PSI in connection with the Embassy Suites Hotel project.

25. On July 25, 2008, Respondent deposited PSI's funds of \$39,021.64 into his CTA.

26. On July 25, 2008, upon receiving then depositing PSI's funds into his CTA, Respondent failed to notify PSI of the receipt of its funds.

27. Between June 2008 and June 2009, PSI sent Respondent several emails, inquiring into the PSI matter. In response, Respondent inaccurately represented to PSI the true status of its matter, stating on March 22, 2009 that he was going after the surety company to collect the funds due to PSI.

28. On June 17, 2009, PSI directly inquired with Camco as to the status of the funds owed to PSI. Camco informed PSI that it had sent a check of \$39,021.64 a year ago to Respondent.

29. On June 18, 2009, PSI sent Respondent a letter, demanding that Respondent pay PSI a total of \$60,639.01 that represented the \$39,021.64 paid by Camco, \$10,262.15 in interest on that amount, and \$11,355.12 legal fees to be refunded.

30. On July 1, 2009, Respondent issued a \$60,639.01 cashier's check payable to PSI.

31. Between July 25, 2008, and July 1, 2009, Respondent should have maintained at least \$39,021.64 in his CTA on behalf of PSI.

32. Respondent's CTA records, however, indicate that PSI's funds dissipated from Respondent's CTA, as follows:

<u>Date</u>	<u>Balance</u>
July 30, 2008	\$15,166.73
August 1, 2008	\$10,166.73
August 4, 2008	\$ 4,784.29
August 12, 2008	\$ 3,784.29
August 20, 2008	\$ 1,715.85
September 11, 2008	\$ 358.01
September 15, 2008	-\$ 2,147.99

33. On July 28, 2008, Respondent used part of PSI's funds to cover CTA check #1336 in the amount of \$75,000, made payable to the Allison Company.

34. On July 25, 2008, upon receiving the check of \$39,021.64 representing the funds owed to PSI in connection with the PSI matter, Respondent failed to notify PSI of the receipt of the check.

35. In February and March 2009, PSI sent several emails to Respondent, stating that it learned several subcontractors had been paid on the Embassy Suites Hotel project when PSI was not.

36. On or about March 22, 2009, eight months after receiving and dissipating PSI's funds, Respondent inaccurately represented to PSI that he "spoke to the surety of the Release of Lien Bond and [Respondent] can get [PSI] paid in full in 30 days. . ."

37. From March 2006 to the present, Respondent is the sole signatory on the following accounts held at First National Bank:

- Account No. xxxx1094, Respondent's general operating account ("general acct");
- Account No. xxxx1124: Respondent's payroll account ("payroll acct");
- Account No. xxxx3156: Respondent Prolien payroll account;
- Account No. xxxx0074: Respondent's personal checking account ("personal acct");
- Account No. xxxx0228:² Respondent's Prolien general account.

38. Between December 10, 2007, when Respondent deposited the \$175,000 funds belonging to Allison, and July 28, 2008, when he made his last disbursement to Allison, Respondent made several debit transfers from his CTA to Respondent's other accounts, as follows:

<u>Time Period/Date</u>	<u>Amount</u>	<u>Account No.</u>
12/12/07 to 12/28/07	\$30,000	general acct
	\$10,325	payroll acct
	\$ 500	personal acct
1/2/08 to 1/31/08	\$34,000	general acct
	\$ 4,400	payroll acct
	\$ 2,500	personal acct
2/1/08 to 2/29/08	\$77,250	general acct
	\$ 5,650	payroll acct
	\$ 8,600	personal acct
3/10/08 to 3/27/08	\$28,300	general acct
	\$ 1,750	payroll acct
	\$ 3,250	personal acct
4/1/08 to 4/30/08	\$ 9,000	general acct
	\$ 870	payroll acct
	\$ 6,500	personal acct
5/1/08 to 5/30/08	\$23,000	general acct
	\$17,420	payroll acct
	\$16,700	personal acct
6/17/08 to 6/23/08	\$11,500	general acct
	\$ 2,250	payroll acct
	\$ 5,500	personal acct
7/2/08 to 7/29/08	\$ 1,000	general acct
	\$ 7,650	payroll acct
	\$ 6,750	personal acct

² The account numbers are excluded to protect them from identity theft.

39. Between July 25, 2008, and July 1, 2009, when Respondent deposited the \$39,021.64 funds belonging to PSI, and July 1, 2009, when he remitted to PSI a cashier's check of \$60,639.01, Respondent made several debit transfers from his CTA to Respondent's other accounts, as follows:

<u>Time Period/Date</u>	<u>Amount</u>	<u>Account No.</u>
8/1/08 to 8/12/08	\$ 2,500	general acct
	\$ 6,500	payroll acct
	\$ 8,000	personal acct
9/3/08 to 9/24/08	\$15,000	general acct
	\$ 2,000	payroll acct
	\$ 8,000	personal acct
10/6/08 to 10/22/08	\$17,848	general acct
	\$ 1,200	payroll acct
	\$ 74	personal acct
11/5/08 to 11/28/08	\$ 7,500	general acct
	\$ 9,800	payroll acct
	\$ 5,000	personal acct
12/10/08 to 12/31/08	\$23,500	general acct
	\$14,750	payroll acct
	\$11,000	personal acct
1/2/09 to 1/29/09	\$13,310	general account
	\$12,070	payroll acct
	\$ 2,000	personal account
2/2/09 to 2/26/09	\$21,600	general acct
	\$ 8,400	payroll acct
	\$ 500	personal acct
3/9/09 to 3/27/09	\$ 2,000	general acct
	\$ 3,500	payroll acct
	\$ 20	personal acct
4/1/09 to 4/23/09	\$44,000	general acct
	\$ 9,400	payroll acct
	\$ 3,750	personal acct
5/1/09 to 5/29/09	\$11,500	general acct
	\$ 2,000	payroll acct
	\$ 5,500	personal acct
6/2/09 to 6/30/09 ³	\$8,500	general acct
	\$17,050	payroll acct
	\$ 7,700	personal acct
7/1/09 to 7/31/09	\$12,900	general acct
	\$19,675	payroll acct
	\$ 5,000	personal acct

³ On June 25, 2009, Respondent deposited into his CTA \$160,000 funds belonging to client Arrow Construction.

40. By failing to maintain at least \$146,131.88 in trust on behalf of the Allison Company and \$39,021.64 in trust on behalf of PSI, Respondent failed to maintain the balance of funds received for the benefit of clients, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

41. By failing to notify PSI of the receipt of its funds, Respondent failed to notify a client promptly of the receipt of the client's funds, in wilful violation of Rules of Professional Conduct, rule 4-100(B)(1).

CONCLUSIONS OF LAW:

42. By: (i) failing to maintain in trust at least \$146,131.88 on behalf of the Allison Company, and (ii) \$39,021.64 on behalf of PSI; (iii) using client funds belonging to PSI to cover a disbursement made to the Allison Company; and (iv) using client funds belonging to the Allison Company and to PSI to replenish his general account, his payroll account, and his personal checking account, Respondent acted with gross negligence which resulted in the misappropriation of funds belonging to clients, and thereby committed acts of moral turpitude, in wilful violation of Business and Professions Code section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 1, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.6(a) provides that, "The appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged. If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions."

Standard 1.6(b)(i) provides for a greater degree of discipline than the appropriate sanction where aggravating circumstances are found to surround the complained of misconduct. The fact that

Respondent failed to distribute settlement proceeds to two clients or to advise them for over a year that their respective matters had concluded, constitutes significant aggravation. Using these separate settlement proceeds for the unintended purposes of continuing to operate his practice, meet payroll, and fund his personal account, cannot be condoned.

Standard 2.2(a) provides for disbarment where culpability for willful misappropriation of entrusted funds is found.

Standard 2.2(b) provides for at least a three month actual suspension where culpability for commingling entrusted funds with personal property is found, irrespective of mitigating circumstances.

Standard 2.3 provides for actual suspension or disbarment for an act of moral turpitude, fraud, or intentional dishonesty toward a client or concealment of a material fact from a client. There are two counts of moral turpitude pled herein and allegations of misappropriation of in excess of \$185,000.00.

Standard 2.6 provides for disbarment or suspension depending upon the gravity of the offense or harm where culpability for violation of section 6068(a) is found.

The Standards should be followed whenever possible. *In re Silverton* (2005) 36 Cal. 4th 81, 92.

Based upon Standard 1.6(a), Standards 2.2 and 2.3 are the controlling standards in these matters due to Respondent's failure to provide an accounting and timely acknowledge to the client that settlement had been achieved and his failure to make timely disbursement of those same settlement funds thereafter. Standard 2.2 requires at least a three month actual suspension, irrespective of mitigating circumstances. Standard 2.3 provides for actual suspension or disbarment for an act of moral turpitude as occurred herein where a misappropriation in excess of \$185,000.00 took place. It would be manifestly unjust to strictly apply Standard 2.3 and good cause exists to deviate from its guidelines, inasmuch as the clients did not allege they were owed a fee refund and did not resort to pursuing fee dispute relief.

Respondent's gross negligence with respect to this misappropriation further allows for a deviation from the strict application of these Standards.

In consideration of the facts and circumstances surrounding Respondent's misconduct, and the aggravating and mitigating circumstances present, the parties submit that the intent and goals of the Standards are met in this matter by the imposition of an eighteen month actual suspension, a three year stayed suspension period and three years probation.

DISMISSALS.

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-14230	Three	Business and Professions Code section 6106 [moral turpitude - misrepresentation]

COSTS OF DISCIPLINARY PROCEEDINGS.

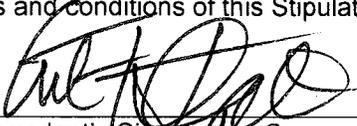
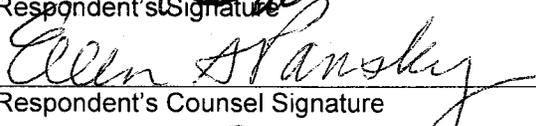
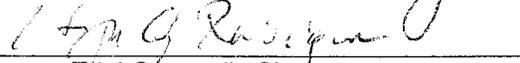
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of March 1, 2011, the prosecution costs in this matter are approximately \$5,539.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Albert Francis Quintrall	Case number(s): 06-O-14861, 07-O-11019 and 09-O-14230
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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.

<u>3/2/11</u> Date	 Respondent's Signature	<u>Albert Francis Quintrall</u> Print Name
<u>3/3/11</u> Date	 Respondent's Counsel Signature	<u>Ellen A. Pansky, Esq.</u> Print Name
<u>March 3 '11</u> Date	 Deputy Trial Counsel's Signature	<u>Hugh G. Radigan</u> Print Name

(Do not write above this line.)

In the Matter of: Albert Francis Quintrall	Case Number(s): 06-O-14861 07-O-11019 09-O-14230
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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.

On page 6 of the stipulation, an "X" is inserted in box F(2) so that respondent will be required to comply with California Rules of Court, rule 9.20 and to 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 order in this matter.

On page 6 of the stipulation, the "X" in box F(3) is deleted to remove the conditional California Rules of Court, rule 9.20 requirement.

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.)**

3/9/11
Date


Judge of the State Bar Court

DONALD F. MILES

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 San Francisco, on March 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:

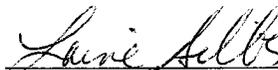
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

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:

HUGH RADIGAN/JEAN CHA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 10, 2011.



Laine Silber
Case Administrator
State Bar Court