

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles

<p>Counsel For The State Bar</p> <p>Ashod Mooradian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004</p> <p>Bar # 194283</p>	<p>Case Number (s) 07-C-12017 08-N-10350 (Cons.)</p>	<p>(for Court's use)</p> <p>FILED</p> <p>MAY 30 2008 <i>YOC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Terry L. Allen PMB 441 30141 Antelope Road, Suite D Menifee, CA 92584 (951) 870-0750</p>	<p>Submitted to: Settlement Judge</p>	
<p>Bar # 134039</p> <p>In the Matter Of: TERRY L. ALLEN</p> <p>Bar # 134039</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

PUBLIC MATTER

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 14, 1988**.
- (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 **15** 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 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.**
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

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

None.

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 in this proceeding generally and to the extent that he stipulated to facts, conclusions of law and level of discipline.**
- (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

None.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **Three(3) 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 **Five(5) 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 **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:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason: .

- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|--|---|
| <input checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (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: **December 2, 2007**.
- (5) **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: TERRY L. ALLEN

CASE NUMBER(S): 07-C-12017; 08-N-10350 (Cons.)

A. WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:

The parties waive any variance between the Notice of Disciplinary Charges filed on March 24, 2008(case number 08-N-10350) and the Notice of Hearing on Conviction (case number 07-C-12017), and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges or Notice of Hearing on Conviction. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

B. 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:

This case, involves two separate cases, case numbers 07-C-12017 and 08-N-10350, which have been consolidated for trial, as follows:

- 1. Case No. 07-C-12017:**
 - a. On November 2, 2006, about 5:30 p.m., several Riverside County Sheriff Deputies were conducting a probation search of an unrelated individual at a residence located at 29635 Kempe Circle, in the community of Menifee, Riverside County.
 - b. While still in the process of conducting the probation search, Respondent arrived at this residence in his vehicle, parked on the street and walked up to the residence.
 - c. Deputy Brian Pentel (“Deputy”) approached Respondent and began talking with him. During this conversation, the deputy noticed that Respondent’s speech was rapid, that Respondent could not stop moving, and that Respondent’s tongue was covered in a white paste substance.

- d. Based on this and the deputy's training and experience, the deputy determined Respondent to be under the influence of a Central Nervous System (CNS) Stimulant and a drug influence evaluation was conducted.
- e. Based on the results of the evaluation, the deputy arrested Respondent for being under the influence of a controlled substance.
- f. During a search of Respondent's vehicle, which Respondent consented to, the Deputy located a bindle containing a white crystalline substance in the vehicle's center console.
- g. Based on the deputy's training and experience, the deputy determined that this substance was methamphetamine and Respondent was now also placed under arrest for possession of Methamphetamine.
- h. When questioned by the Deputy about the substance, Respondent admitted that the substance was methamphetamine.
- i. Respondent further admitted that he obtained the methamphetamine from one of his clients. Also, according to the Deputy, Respondent stated he was receiving methamphetamine in lieu of payment for legal services.
- j. The substance in the bindle was later field-tested positive for Methamphetamine and weighed approximately .25 grams.
- k. On December 18, 2006, the Riverside District Attorney filed a Felony Complaint charging Respondent with two counts. Count one was for the violation of Health and Safety Code section 11377(a), a felony, for possession Methamphetamine, a controlled substance. Count two was for the violation of Health and Safety Code section 11550(a), a misdemeanor, for being under the influence of a controlled substance.
- l. Subsequently, the Riverside District Attorney added a third count for the violation of Health and Safety Code section 11379(a), a felony, for the import, sale or distribution of a controlled substance in the State of California.
- m. On July 19, 2007, Respondent pled guilty to count one, for possession of Methamphetamine, a controlled substance [H&S §11377(a)] and counts two and three were dismissed.
- n. In addition, on August 31, 2007, Respondent was placed on 36 month formal probation with terms and conditions including the participation and completion of an outpatient substance abuse program, attend Narcotics Anonymous or similar program, not associate with persons known to possess, use or traffic controlled substances, be subject to immediate

search of person, home or automobile, participate in AIDS education, submit a DNA sample to the Department of Justice and pay fees, fines, restitution and penalties in the total amount of \$2,573.00.

- o. At all times relevant to these charges, Respondent was a criminal defense attorney who handled and was handling possession cases involving Methamphetamine and knew and was aware of the illegality of possessing controlled substances.

2. Case No. 08-N-10350:

- a. On or about November 7, 2007, the Review Department of the State Bar Court filed and served upon Respondent an order in case number 07-C-12017 ("Suspension Order") requiring that Respondent comply with California Rules of Court, rule 9.20, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Suspension Order.
- b. The Suspension Order became effective on December 2, 2007, twenty-five days after the Suspension Order was filed.
- c. The Suspension Order required that Respondent comply with subdivision (a) of rule 9.20 of the California Rules of Court no later than January 1, 2008. The Suspension Order required that Respondent comply with subdivision (c) of rule 9.20 of the California Rules of Court no later than January 11, 2008.
- d. On December 27, 2007, Maricruz Farfan, Probation Deputy from the Office of Probation sent Respondent a letter informing him that the 9.20 declaration must be filed no later than January 11, 2008.
- e. Respondent did not file, with the Clerk of the State Bar Court, an affidavit stating compliance with rule 9.20 ("9.20 declaration") by January 11, 2008.
- f. On February 1, 2008, Deputy Trial Counsel William F. Stralka contacted Respondent regarding his failure to file a 9.20 declaration and also sent a letter to Respondent advising him of the same.
- g. On February 1, 2008, Respondent filed an untimely and improper 9.20 declaration. Respondent's 9.20 Declaration was rejected by the Office of Probation because it only averred Respondent delivered to all clients any papers or other property to which they were entitled to receive or arranged a suitable time for them to do the same, but failed to make any of the other required statements.

- h. On March 12, 2008, Respondent filed a proper 9.20 declaration that alleged all of the required statements. The Office of Probation accepted this 9.20 declaration.

Conclusions of Law:

1. Case No. 07-C-12017:

The facts and circumstances surrounding the violation of Health and Safety Code § 11377(a), of which Respondent was convicted, involved moral turpitude.

2. Case No. 08-N-10350:

Respondent, by failing to file with the Clerk of the State Bar Court a 9.20 declaration of compliance with rule 9.20 as required by the Suspension Order, wilfully disobeyed or violated an order of the court requiring Respondent to do an act connected with or in the course of Respondent's profession, which he ought in good faith to do.

C. AUTHORITIES SUPPORTING DISCIPLINE.

Standards:

Pursuant to the Standards, Respondent's misconduct warrants significant discipline.

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

Business and Professions Code, section 6101(a) provides, "Conviction of a felony or misdemeanor, involving moral turpitude, constitutes a cause for disbarment or suspension." Moreover, "the record of conviction shall be conclusive evidence of guilt of the crime of which he or she has been convicted."

Standard 3.2 provides that conviction of a crime of moral turpitude, either inherently, or in the facts and circumstances surrounding the crime's commission, shall result in disbarment, unless compelling mitigating circumstances clearly predominate. Even in those cases, the discipline shall not be less than a two-year actual suspension.

Standard 3.4 says that final conviction of a crime not involving moral turpitude but which does involve other misconduct warranting discipline shall result in a sanction appropriate to the nature and extent of the misconduct.

Standard 2.10 provides that the culpability of a member for violation of any provision of the Business and Professions Code or any Rule of Professional Conduct not

specified in the Standards shall result in reproof or suspension, according to the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Standard 1.2(b) provides for a greater degree of sanction set forth in the standards where aggravating circumstances exist.

Caselaw:

In re Cohen (1974) 11 Cal.3d 416 involved an attorney who pled guilty to Health & Safety Code section 11359 (Possession of Marijuana for Sale). The Supreme Court found “moral turpitude” in the facts and circumstances, because: 1) the attorney knew that the conduct was illegal; 2) the attorney was aware of severe penalties for those convicted; 3) the attorney acknowledged he knew he violated law; 4) the attorney, at the same time he was involved in sales of marijuana was representing criminal defendants charged with possession of marijuana. Consequently, the Supreme Court held that this attorney failed to abide by oath to support California law and maintain respect due courts of justice. However, this attorney had no prior discipline, was not involved in the sales transactions for financial gain and displayed honesty and cooperation when arrested. The Supreme Court imposed discipline on attorney consisting of a three-year suspension, two years actual and the last year on probation.

In *In Re Kremer* (1975), 14 Cal.3d 524,530, the Supreme Court held that conviction of illegal possession and conspiracy to distribute controlled substances (in this case marijuana) did not involve moral turpitude as a matter of law. The Supreme Court ordered that the attorney be suspended for three years, with execution of the order stayed and the attorney placed on probation for those three years on conditions, other than actual probation, to be prescribed by the Disciplinary Board of the State Bar. However, the Supreme Court also stated that moral turpitude may be shown in the circumstances surrounding the conviction, such as the attorney’s awareness of the illegality of his or her actions. In *Re Kremer*, supra, 14 Cal.3d at 530.

In *Bercovich v. State Bar* (1990) 50 Cal. 3d 116, the Supreme Court has made it clear that a respondent’s wilful failure to comply with rule 9.20 is extremely serious misconduct. In *Bercovich*, the Court stated, “We believe the more recent decisions by this Court reflect the view that disbarment is generally the appropriate sanction for a wilful violation of Rule [9.20].” (Id. at 131).

In *Lydon v. State Bar* (1988) 45 Cal. 3d 1181, the Supreme Court stated that when an attorney fails to update his membership records address and because of that, is prevented from learning that he is required to comply with rule 955, his non-compliance is deemed wilful. (Id. at 1186).

Comparison:

In this case, Respondent was found not only to be under the influence of Methamphetamine but also receiving Methamphetamine in lieu of payment for legal services provided to clients. Further, given that the arresting deputy almost immediately identified Respondent as under the influence of a controlled substance, it can be inferred that Respondent was also driving under the influence of a controlled substance (i.e., Respondent arrived at the residence being search driving a vehicle). Also, although there is no direct evidence that Respondent's use of Methamphetamine impacted any of his clients, it is reasonable to infer that receiving Methamphetamine as payment for legal services does impact his client because Respondent is directly aiding this client's illegal activity, at least as to possession of controlled substances to use as a form of currency. Further, Respondent, being a criminal defense attorney who admittedly handled and was handling possession cases involving Methamphetamine, knew and was aware of the illegality of possessing controlled substances.

With regard to the Supreme Court rule 9.20 order, Respondent wilfully failed to comply with the order when filed his 9.20 compliance declaration on or about March 12, 2008. Respondent was aware of the Supreme Court's order and was further made aware of his obligations pursuant to this order by the Probation Office of the California State Bar. However, Respondent's ultimate filing of the 9.20 compliance declaration, although late without excuse, avoids the harsh result of disbarment as found in *Bercovich* and *Lydon* discussed above. Therefore, Respondent's discipline is consistent with the applicable standards and caselaw.

D. PENDING PROCEEDINGS.

The disclosure date referred to on page one, paragraph A. (7) was May 27, 2008.

E. COSTS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of May 27, 2008, the estimated prosecution costs in this matter are approximately \$7,225.82. Respondent acknowledges that this figure is an estimate only. 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.

If Respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6068.10, subdivision (c), the remaining balance of the costs is due and payable immediately and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 286.)

In the Matter of
TERRY L. ALLEN

Case number(s):
07-C-12017
08-N-10350
(Cons.)

Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least 1 meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must 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 must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the 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.
- d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

Other Terms

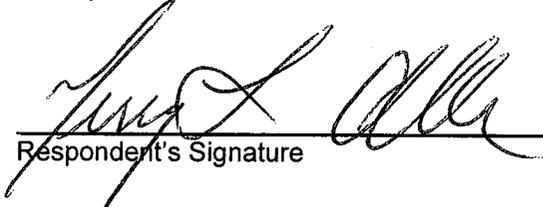
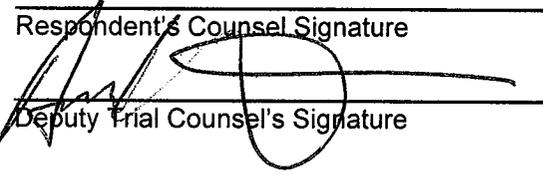
During the period of time when Respondent is subject to probation for his underlying criminal conviction ("criminal probation"), Respondent may comply with the requirements of paragraph "c" above by providing to the Office of Probation of the State Bar of California a copy of the screening report containing an analysis of Respondent's blood and/or urine testing performed in connection with Respondent's criminal probation. However, nothing in this term is meant to alter any of the requirements of paragraph "c" above. Any report provided to the Office of Probation by Respondent must comply with all provisions of paragraph "c" above, including but not limited to, type of testing laboratory allowed, licensure of testing laboratory, manner in which specimen is provided to the laboratory, requirements designed to ensure specimen integrity, contents of the screening report, the time within which the screening report must be provided to the Office of Probation and that the screening report contain an analysis of a specimen obtained not more than ten(10) days previously.

(Do not write above this line.)

In the Matter of TERRY L. ALLEN	Case number(s): 07-C-12017 08-N-10350 (Cons.)
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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.

<u>5/27/08</u> Date	 Respondent's Signature	<u>Terry L. Allen</u> Print Name
<u>5/27/08</u> Date	 Respondent's Counsel Signature	<u>Ashod Mooradian</u> Print Name

(Do not write above this line.)

In the Matter Of TERRY L. ALLEN	Case Number(s): 07-C-12017 08-N-10350 (Cons.)
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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.)**

5/28/08
Date



Judge of the State Bar Court
RICHARD A. HONN

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

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 30, 2008, 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:

**TERRY L ALLEN
PMB 441
30141 ANTELOPE ROAD SUITE D
MENIFEE CA 92584**

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

ASHOD MOORADIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 30, 2008**.


Angela Owens-Carpenter
Case Administrator
State Bar Court