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State Bar Court of California Hearing Department Los Angeles PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE OR MENTAL HEALTH ISSUES		
Counsel For The State Bar MONIQUE T. MILLER DEPUTY TRIAL COUNSEL 1149 South Hill Street Los Angeles, California 90015-2299 213-765-1486	Case Number (s) 07-O-11738	(for Court's use) <div style="text-align: center;"> FILED FEB 25 2009 ✓ STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
PUBLIC MATTER		
Bar # 212469 In Pro Per Respondent BRADLEY LYNN JENSEN JENSEN & ASSOCIATES 814 Calle Mendoza San Clemente, CA, 92672 (949) 468-8255	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW	
Bar # 182272 In the Matter Of: BRADLEY LYNN JENSEN	<input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
Bar # 182272 A Member of the State Bar of California (Respondent)		

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 5, 1996**.
- (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 **6** pages, excluding 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".



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- (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.

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-04598**
 - (b) Date prior discipline effective **November 4, 2007**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rule 3-110(A)**
 - (d) Degree of prior discipline **90 days stayed supervision, 1 year probation**
 - (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~~ person who was the object of the misconduct. **The attorney, whose name Respondent used in correspondence and conversations with EZ Lube, provided a declaration that he did not suffer any harm.**
- (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:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: BRADLEY LYNN JENSEN, BAR #182272

CASE NUMBER: 07-O-11738

WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties hereby waive any variance between the Notice of Disciplinary Charges filed on May 14, 2008, and the facts and conclusions of law contained in this stipulation.

Additionally, the parties waive the issuance of an amended Notice of Disciplinary charges relating to cases that are the subject matters of this stipulation.

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

1. On April 21, 2004 Respondent drafted, signed, and sent three letters (“April 21, 2004 letters”) under the name and signature of another attorney, William K. Vogeler (“Vogeler”).
2. Two of the April 21, 2004 letters were addressed and sent to Peter Kasman, “General Manager EZ Lube” and one to Alan Braun “Vice President of Operations EZ Lube.”
3. The April 21, 2004 letters stated that Respondent and his wife had retained Vogeler to recover a Rolex watch which had purportedly been removed from Respondent’s car during an oil change the day before, or to obtain \$610, the purported value of the watch.
4. The April 21, 2004 letters were written on letterhead belonging to the law firm of Gruenbeck and Vogeler, and Respondent signed the letters as “William K. Vogeler.”
5. At no time did Vogeler agree to represent Respondent in his dispute with EZ Lube, nor did Respondent request that Vogeler represent him in his dispute with EZ Lube.
6. All of the April 21, 2004 letters were drafted, signed, and sent by Respondent without the knowledge or consent of Vogeler. At the time the letters were sent, Respondent knew he did not have Vogeler’s consent.

7. On April 21, 2004, Respondent spoke via telephone to Schaffer Musser ("Musser"), a District Manager at EZ Lube, multiple times regarding his dispute. During each of these conversations, Respondent identified himself as Vogeler. At no time during any of these conversations did Respondent reveal his true identity.
8. Vogeler did not consent to Respondent representing himself as Vogeler, and, at the time of these conversations, Respondent knew he was acting without the consent or authority of Vogeler.
9. In each of the April 21, 2004 letters, Respondent wrote:
"If by failure to respond or otherwise, you do choose not to make the Jensen's whole then please be advised that my clients wish to pursue this matter with the press, as well as with all available criminal or civil recourse."

CONCLUSIONS OF LAW

10. By drafting and sending letters under another attorney's name and signature without that attorney's knowledge or consent, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.
11. By presenting himself as another attorney in an attempt to mislead Musser, Respondent committed an act involving moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section 6106.
12. By threatening to pursue criminal "recourse" in order to obtain money or a return of property in his dispute with EZ Lube, Respondent threatened to present criminal charges to obtain an advantage in a civil dispute in wilful violation of Rules of Professional Conduct, rule 5-100(A).

PENDING PROCEEDINGS

The disclosure date referred to, on page one, paragraph A(6), was July 22, 2008.

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In the Matter of BRADLEY LYNN JENSEN Bar #182272	Case number(s): 07-O-11738
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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 ^{acceptance into} ~~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>8-18-08</u> Date	 Respondent's Signature	<u>Bradley Lynn Jensen</u> Print Name
<u>August 18, 2008</u> Date	<u>Monique T. Miller</u> Deputy Trial Counsel's Signature	<u>Monique T. Miller</u> Print Name

**Rule 803(b), Rules of Procedure of the State Bar of California, effective July 1, 2008.

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In the Matter Of BRADLEY LYNN JENSEN Bar #182272	Case Number(s): 07-O-11738
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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.)

Date

2/25/09

Judge of the State Bar Court



RICHARD A. HONN

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 10, 2009, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

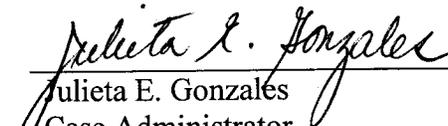
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BRADLEY L JENSEN ESQ
JENSEN & ASSOCIATES
814 CALLE MENDOZA
SAN CLEMENTE, CA 92672

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

Monique T. Miller, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 10, 2009.



Julieta E. Gonzales
Case Administrator
State Bar Court