


State Bar Court of California
Hearing Department
San Francisco

Counsel For The State Bar SUSAN CHAN Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 Bar # 233229	Case Number (s) 07-O-11741	(for Court's use) PUBLIC MATTER FILED  JUN 23 2008 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent MARK T. CLAUSEN 18 E. Fulton Road Santa Rosa, CA 95403 Bar # 196721	Submitted to: Assigned Judge	
In the Matter Of: MARK TODD CLAUSEN Bar # 196721 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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 22, 1998**.
- (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 **14** 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:
(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. **See Attachment page 12.**
- (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:

Not applicable.

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

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

Additional mitigating circumstances

See Attachment page 12.

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.
- 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 **two (2) 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 **30 days**.
- 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 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:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MARK TODD CLAUSEN

CASE NUMBER(S): 07-O-11741

FACTS AND CONCLUSIONS OF LAW.

1. Case No. 07-O-11741

A. Facts

1. By Supreme Court order S145875, filed August 22, 2006, respondent was suspended from the practice of law in the State of California for nonpayment of State Bar membership fees, effective September 18, 2006.

2. On August 25, 2006, a copy of Supreme Court order S145875 was served on respondent by first class mail, postage prepaid, at his official membership records address as maintained with the State Bar pursuant to Business and Professions Code section 6002.1.

3. At all relevant times, Supreme Court order S145875 was a valid order, in full force and effect.

4. At all relevant times, respondent had the ability to comply with Supreme Court order S145875.

5. At all relevant times, respondent knew or reasonably should have known that he was suspended from the practice of law.

6. At all times from and including September 18, 2006 until September 28, 2006, respondent was suspended from the practice of law in California and was otherwise not entitled to practice law in California. On or about September 29, 2006, respondent paid his State Bar membership fees and was reinstated as eligible to practice law, effective September 29, 2006.

7. In each of the incidents described below, respondent practiced law, held himself out as entitled to practice law, and held himself out as practicing law, while suspended and not entitled to practice law:

(A) The American Tow Matter:

(1) At all relevant times, respondent was counsel of record for defendant Bobby Thompson in *American Tow Services v. Bobby Thompson, et al.*, Court of Appeal of the State of California, First Appellate District, Division 5, case no. B189891 ("*American Tow v. Thompson*").

(2) On September 18, 2006, respondent signed a Stipulation to Continue the Date Upon Which the Defendant-Appellant's Opening Brief is Due.

(3) When respondent performed the task identified in paragraph 9(A)(2), he did so as attorney on behalf of his client Bobby Thompson in relation to *American Tow v. Thompson*.

(B) The Warren Matter:

(1) At all relevant times, respondent was counsel of record for defendant Stewart Jay Warren in *People v. Stewart Jay Warren*, Court of Appeal of the State of California, First Appellate District, Division 5, case no. A112533 ("*People v. Warren*").

(2) On September 23, 2006, prepared a Request for Relief from Late Filing of Appellant's Opening Brief and Supporting Declaration of Mark T. Clausen.

(3) On September 24, 2006, respondent signed the supporting declaration.

(4) The supporting declaration executed by respondent under penalty of perjury identified respondent as follows: "I am an attorney duly licensed to appear before all the courts of this state and the attorney of record for defendant and appellant Stewart J. Warren."

(5) On September 25, 2006, respondent caused the request for relief and supporting declaration to be filed in court and served on the Attorney General.

(6) On September 25, 2006, respondent caused Appellate's Opening Brief to be served on the Attorney General and others.

(7) On or about September 25 or 26, 2006, respondent caused Appellate's Opening Brief to be transmitted to the Court of Appeal. On September 26, 2006, Appellate's Opening Brief was received by the Court of Appeal.

(8) Appellate's Opening Brief identified respondent as "Attorney at Law" and "Attorney

for Defendant/Appellate Stewart J. Warren.”

(9) When respondent performed the tasks identified in paragraphs 9(B)(2) through 9(B)(8), he did so as attorney on behalf of his client Stewart Jay Warren in relation to *People v. Warren*.

(C) The Taniel Matter:

(1) At all relevant times, respondent was counsel of record for plaintiff/respondent Yasmeen Taniel in *Taniel v. City of Richmond*, Court of Appeal of the State of California, First Appellate District, Division 4, case no. A112029 (“*Taniel v. Richmond*”).

(2) On September 21, 2006, respondent signed a Request for Oral Argument.

(3) In the Request for Oral Argument, respondent identified himself as “counsel” for Yasmeen Taniel.

(4) On September 21, 2006, respondent caused the request for oral argument to be served on counsel for the defendant/appellate and filed with the Court.

(5) When respondent performed the tasks identified in paragraphs 9(C)(2) through 9(C)(4), he did so as attorney on behalf of this client Yasmeen Taniel in relation to *Taniel v. Richmond*.

(D) The Musaelian Matter:

(1) At all relevant times, respondent was counsel of record for defendants William Adams and Joseph Reiter in *Mary Musaelian v. William Adams & Joseph Reiter*, Superior Court of the State of California, County of Sonoma, case no. 236208 (“*Musaelian v. Adams*”).

(2) On September 18, 2006, respondent signed a Notice of Hearing on Motion for Liability on Cash Deposit in Lieu of Appeal Bond.

(3) The Notice of Hearing on Motion for Liability on Cash Deposit in Lieu of Appeal Bond identified respondent as “Attorney for Defendants Joseph Reiter and William Adams.”

(4) On September 18, 2006, respondent caused the Notice of Hearing on Motion for Liability on Cash Deposit in Lieu of Appeal Bond to be served on the plaintiff and

others.

(5) On or about September 18 or 19, 2006, respondent caused the Notice of Hearing on Motion for Liability on Cash Deposit in Lieu of Appeal Bond to be transmitted to the Superior Court. On September 19, 2006, the Notice of Hearing on Motion for Liability on Cash Deposit in Lieu of Appeal Bond was filed by the Superior Court.

(6) On September 18, 2006, respondent signed a cover pleading attached to the Declaration of William Adams in Support of Defendant's Motion for Liability on Cash Deposit in Lieu of Appeal Bond.

(7) The cover pleading identified respondent as "Attorney for Defendants Joseph Reiter and William Adams."

(8) On September 18, 2006, respondent caused the Declaration of William Adams in Support of Defendant's Motion for Liability on Cash Deposit in Lieu of Appeal Bond, with the cover pleading attached, to be served on plaintiff and others.

(9) On or about September 18 or 19, 2006, respondent caused the Declaration of William Adams in Support of Defendant's Motion for Liability on Cash Deposit in Lieu of Appeal Bond, with the cover pleading attached, to be transmitted to the Superior Court.

(10) On September 19, 2006, the Declaration of William Adams in Support of Defendant's Motion for Liability on Cash Deposit in Lieu of Appeal Bond, with the cover pleading attached, was filed by the Superior Court.

(11) When respondent performed the tasks identified in paragraphs 9(D)(2) through 9(D)(10), he did so as attorney on behalf of his clients Joseph Reiter and William Adams in relation to *Musaelian v. Adams*.

(E) The Sohigian Matter:

(1) At all relevant times, respondent was counsel of record for the plaintiff Sohigian in *Sohigian v. City of Oakland*, Superior Court of the State of California, County of Alameda, case no. RG05223674 ("*Sohigian v. City of Oakland*").

(2) On September 18, 2006, respondent drafted a letter to opposing counsel regarding discovery issues.

(3) In his attorney time records, respondent billed for 4/10 of an hour of work on September 18, 2006, in drafting the letter regarding discovery issues.

(4) On September 22, 2006, respondent advised his client by telephone regarding *Sohigian v. City of Oakland*.

(5) In his attorney time records, respondent billed for 3/10 of an hour of work on September 22, 2006, in advising his client.

(6) When respondent performed the tasks identified in paragraphs 9(E)(2) through 9(E)(5), he did so as attorney on behalf of his client Sohigian in relation to *Sohigian v. City of Oakland*.

B. Conclusions of Law

By continuing to represent clients; identifying himself as “attorney at law,” “attorney,” and “counsel” for specific clients; preparing, signing, filing and serving pleadings on behalf of clients; drafting correspondence related to client matters; advising clients; and billing for legal services, all while he was not entitled to practice law, respondent committed conduct proscribed by Business and Professions Code sections 6125, 6126(a) and 6126(b), thereby failing to support the laws of California in wilful violation of Business and Professions Code section 6068(a).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was April 18, 2008.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 16, 2008 the estimated prosecution costs in this matter are approximately \$2,193.64. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.6 provides that culpability of a member of violations of Business and Professions Code sections 6068, 6125 and 6126 shall result in disbarment or suspension, depending on the gravity of the offense, or harm, if any, to the victim, with due regard to the purposes of imposing discipline.

While there was harm to the administration of justice, it was minimized by the short

duration of the unauthorized practice (i.e. 10 days), as well as by respondent's prompt efforts to contact opposing counsel and the courts regarding the unauthorized practice. Respondent's misconduct caused no harm to his clients.

The level of discipline proposed here is consistent with Standard 2.6 and give due regard to the purposes of imposing discipline.

AGGRAVATING CIRCUMSTANCES.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Harm: Respondent misled the public and caused significant harm to the administration of justice when he identified himself as "attorney at law," "attorney," and "counsel" for specific clients and engaged in the practice of law when he was not entitled to do so.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

No Prior Record of Discipline - Standard 1.2(e)(i): Respondent has been admitted since 1998 and has no prior record of discipline.

Candor and Cooperation - Standard 1.2(e)(v): Respondent displayed spontaneous candor and cooperation to State Bar investigation by promptly providing written responses to the allegations with supporting documentation of corrective steps taken with each client to remedy his misconduct.

Remorse and Recognition - Standard 1.2(e)(vii): Respondent took objective steps spontaneously demonstrating remorse, recognition of the wrongdoing and took steps designed to timely atone for any consequences of the misconduct, as follows: Respondent accepted responsibility for his misconduct and notified each client, opposing counsel and the applicable court, in writing, of the respondent's suspension, the nature of the work performed during the period of suspension and offer of a full refund, plus interest, of any payment for services rendered during the period of suspension. Respondent agreed to the imposition of discipline without requiring a hearing.

During Respondent's period of suspension, Respondent performed a total of .7 hr of legal services in *Sohigian v. City of Oakland*, Superior Court of the State of California, County of Alameda, case no. RG05223674. Settlement in the *Sohigian* matter settled for less than the fees and costs incurred. Respondent contacted the Deputy City Attorney handling this matter and offered to tender a refund of \$210.00 (.7 hr @ \$300.00 per hour). The City of Oakland declined

the refund.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

OTHER CONDITIONS NEGOTIATED BY THE PARTIES.

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.**

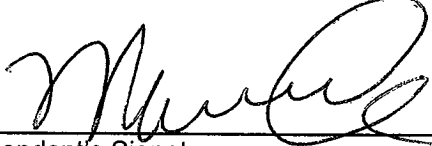
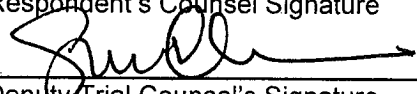
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In the Matter of
MARK TODD CLAUSEN
No. 196721

Case number(s):
07-O-11741

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.

Date	<u>6/10/08</u>		<u>MARK CLAUSEN</u>
Date	<u>6/12/08</u>	Respondent's Signature	Print Name
Date	<u>6/12/08</u>	Respondent's Counsel Signature	Print Name
Date	<u>6/12/08</u>		<u>SUSAN CHAN</u>
Date		Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter Of
MARK TODD CLAUSEN
No. 196721

Case Number(s):
07-O-11741

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.)**

6.23.08
Date

Lucy Armendariz
Judge of the State Bar Court
Lucy Armendariz

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 San Francisco, on June 23, 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 San Francisco, California, addressed as follows:

**MARK T. CLAUSEN
LAW OFC MARK CLAUSEN
18 E FULTON RD
SANTA ROSA, CA 95403**

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

SUSAN CHAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **June 23, 2008**.



Bernadette C. O. Molina
Case Administrator
State Bar Court