

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Diane J. Meyers 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1000  Bar # 146643	<b>Case Number(s):</b> 07-O-12849 07-O-13141	<b>For Court use only</b>  <div style="text-align: center;"> <b>PUBLIC MATTER</b>   <b>FILED</b>   APR 29 2011  STATE BAR COURT  CLERK'S OFFICE  LOS ANGELES </div>
<b>In Pro Per Respondent</b>  Jeanne Marie Rowzee 92 Corporate Park #C203 Irvine, CA 92606 (949) 660-9212  Bar # 141784	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> Jeanne Marie Rowzee  Bar # 141784  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 October 12, 1989.
- (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 16 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: 2012 and 2013. (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
  - (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. Respondent's misconduct involves multiple violations of rule 4-100(A) of the Rules of Professional Conduct and section 6106 of the Business and Professions Code and two violations of section 6068(i) of the Business and Professions Code.
- (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. No client was harmed by Respondent's 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:**

Respondent was admitted to the State Bar of California on October 12, 1989 and has no prior record of discipline. Also, Respondent demonstrated recognition of wrongdoing by entering into this stipulation, thereby saving the resources of the State Bar.

**D. Discipline:**

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of one 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 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 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:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" 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 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:**

G. Supporting Authority:

Standard 2.2(b), Standards for Attorney Sanctions for Professional Misconduct provides that a violation of rule 4-100(A), Rules of Professional Misconduct, not involving misappropriation of entrusted funds or property, shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances. Under Standard 2.3, culpability of a member of an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law. However, the standards, while entitled to great weight, do not mandate a specific discipline. The court is "not bound to follow the standards in talismanic fashion. . .," but the Supreme Court is ". . .permitted to temper the letter of the law with considerations peculiar to the offense and the offender." [Citations.] ". . .[A]lthough the standards were established as guidelines, ultimately, the proper recommendation of discipline rest[s] on a balanced consideration of the unique factors in each case. [Citations.] " (In the Matter of VanSickle (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.)

Balancing all factors present, including the presence of mitigating factors which outweigh the aggravating factor, and the limited duration of the misconduct, deviation from a three month actual suspension is warranted under the circumstances.

Attachment language (if any):

Respondent admits that the following facts are true and that she is culpable of the following violations:

Case Nos. 07-O-12849 and 07-O-13141

FACTS

1. At all times mentioned herein, Respondent maintained a client trust account at Washington Mutual Bank ("WMU"), account number xxxxxx4300 (the "CTA").<sup>1</sup>

2. Between April and August 2007, Respondent repeatedly and regularly deposited personal funds into the CTA and paid personal expenses from the CTA.

3. The following items issued by Respondent from the CTA were returned unpaid due to insufficient available funds in the CTA at the time of presentment:

<u>Presentment Date</u>	<u>Amount</u>	<u>Available Balance</u>
05-29-07	\$ 530.00	\$ 124.12
05-29-07	\$ 643.39	\$ 124.12

4. On May 30, 2007, Respondent deposited a \$5,000 check, identified as number 9274, issued by Respondent from her personal checking account into the CTA.

5. On June 1, 2007, WMU returned check number 9274 unpaid. Respondent knew that WMU would return check 9274 unpaid, as she knew that she did not have sufficient funds in her account to honor the check.

6. Respondent did not wait a sufficient time for check numbers 9274 to clear before withdrawing funds against the check. Consequently, the following item and check issued by Respondent from the CTA were returned unpaid due to insufficient available funds in the CTA at the time of presentment, caused by the return of check number 9274:

<u>Presentment Date</u>	<u>Check No.</u>	<u>Amount</u>
06-01-07	None	\$ 643.39
06-01-07	258	\$ 560.00

7. Respondent deposited the following checks issued by Respondent from her personal checking accounts into the CTA:

<sup>1</sup> The full account number is omitted for privacy purposes.

<u>Date of Deposit</u>	<u>Check No.</u>	<u>Amount</u>
06-01-07	4272	\$ 5,000.00
06-05-07	71402	\$ 4,850.00
06-07-07	4391	\$ 4,975.00
06-11-07	71403	\$ 5,750.00
06-13-07	2093	\$ 2,500.00

8. On June 13, 2007, Respondent deposited a \$2,926.34 check, identified as number 53808787, from Wells Fargo Bank.

9. On June 14, 2007, Respondent deposited check number 263 for \$7,500, issued by Respondent from a joint personal checking account she held with Patricia Elliot ("Elliot"), into the CTA.

10. On June 6, 2007, WMU returned check number 4272 unpaid.

11. On June 11, 2007, WMU returned check number 71402 unpaid.

12. On June 13, 2007, WMU returned check number 4391 unpaid, bringing the ending balance in the CTA on June 13, 2007 to negative \$632.13.

13. On June 15, 2007, WMU returned check number 71403 unpaid.

14. On June 18, 2007, WMU returned check number 53808787 unpaid.

15. On June 19, 2007, WMU returned check number 2093 unpaid.

16. On June 20, 2007, WMU returned check number 263 unpaid, bringing the ending balance in the CTA on June 20, 2007 to negative \$13.47.

17. Respondent knew that WMU would return check numbers 263, 2093, 4272, 4391, 71402 and 71403 unpaid, as she knew that she did not have sufficient funds in her accounts to honor the checks.

18. Respondent did not wait a sufficient time for check numbers 263, 2093, 4272, 4391, 71402, 71403 and 53808787 to clear before withdrawing funds against the checks. Consequently, the following items and checks from the CTA were returned unpaid due to insufficient available funds in the CTA at the time of presentment, caused by the return of check numbers 263, 2093, 4272, 4391, 71402, 71403 and 53808787:

<u>Presentment Date</u>	<u>Check No.</u>	<u>Amount</u>
06-18-07	None	\$ 1,095.41
07-03-07	120	\$ 15.00
07-05-07	None	\$ 3,000.00
07-05-07	99	\$ 689.00
07-05-07	99	\$ 135.00
07-05-07	99	\$ 262.00
07-05-07	165	\$ 24.00
07-06-07	176	\$ 50.00
07-11-07	None	\$ 3,000.00

19. Respondent deposited the following checks issued by Respondent from a joint personal checking account she held with Elliot into the CTA:

<u>Date of Deposit</u>	<u>Check No.</u>	<u>Amount</u>
07-17-07	306	\$10,000.00
07-18-07	311	\$10,000.00
07-19-07	314	\$ 7,500.00

20. On July 20, 2007, WMU returned check number 306 unpaid, bringing the ending balance in the CTA on July 20, 2007 to negative \$4,300.47.

21. On July 23, 2007, WMU returned check number 311 unpaid.

22. On July 23, 2007, Respondent deposited a \$45,000 check, identified as number 264, issued by Elliott to Respondent into the CTA.

23. On July 25, 2007, WMU returned check number 314 unpaid.

24. On July 27, 2007, WMU returned check number 264 unpaid, bringing the ending balance in the CTA on July 27, 2007 to negative \$16,821.47.

25. Respondent knew that WMU would return check numbers 306, 311 and 314 unpaid, as she knew that she did not have sufficient funds in her accounts to honor the checks.

26. Respondent did not wait a sufficient time for check numbers 264, 306, 311 and 314 to clear before withdrawing funds against the checks. Consequently, the following checks from the CTA were returned unpaid due to insufficient available funds in the CTA at the time of presentment, caused by the return of check numbers 264, 306, 311, 314:

<u>Presentment Date</u>	<u>Check No.</u>	<u>Amount</u>
07-25-07	185	\$ 250.00
07-26-07	99	\$ 1,303.00
07-27-07	165	\$ 24.00
07-30-07	176	\$ 50.00
07-31-07	9981	\$ 503.00
07-31-07	9991	\$ 453.00

27. Respondent issued the items and checks referenced above when she knew that there were insufficient available funds in the CTA to cover the items and checks.

#### CONCLUSIONS OF LAW

1. By repeatedly and regularly depositing personal funds into the CTA and by paying personal expenses from the CTA between April and August 2007, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in wilful violation of rule 4-100(A) of the Rules of Professional Conduct.

2. By issuing the items and checks when she knew that there were insufficient available funds in the CTA to cover the items and checks, Respondent committed acts involving moral turpitude, in wilful violation of section 6106 of the Business and Professions Code.

Case No. 07-O-12849

FACTS

1. On July 23, 2007, the State Bar of California ("State Bar") opened an investigation identified as case number 07-O-12849 concerning the insufficient funds activity in the CTA between May 29 and July 27, 2007.

2. On or about August 9, 2007, a State Bar investigator sent a letter to Respondent regarding its investigation of the insufficient funds activity in the CTA between May 29 and July 27, 2007 at her membership records address of 92 Corporate Park, #C203, Irvine, CA 92606 (the "membership records address"). The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter.

3. In the August 9, 2007 letter, the investigator requested an explanation for the insufficient funds activity in the CTA between May 29 and July 27, 2007 by August 23, 2007. Respondent did not respond to the investigator's letter.

4. On or about August 27, 2007, a State Bar investigator sent a letter to Respondent regarding its investigation of the insufficient funds activity in the CTA between May 29 and July 27, 2007 at the membership records address. The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter.

5. In the August 27, 2007 letter, the investigator requested an explanation for the insufficient funds activity in the CTA between May 29 and July 27, 2007 by September 10, 2007. Respondent did not respond to the investigator's letter.

CONCLUSION OF LAW

1. By not providing a response to the investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in wilful violation of section 6068(i) of the Business and Professions Code.

Case No. 07-O-13141

FACTS

1. On August 14, 2007, the State Bar of California ("State Bar") opened an investigation identified as case number 07-O-13141 concerning the insufficient funds activity in the CTA on July 30 and 31, 2007.

2. On or about August 21, 2007, a State Bar investigator sent a letter to Respondent regarding its investigation of the insufficient funds activity in the CTA on July 30 and 31, 2007 at her membership records address of 92 Corporate Park, #C203, Irvine, CA 92606 (the "membership records address"). The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter.

3. In the August 21, 2007 letter, the investigator requested an explanation for the insufficient funds activity in the CTA on July 30 and 31, 2007 by August 31, 2007. Respondent did not respond to the investigator's letter.

4. On or about September 11, 2007, a State Bar investigator sent a letter to Respondent regarding its investigation of the insufficient funds activity in the CTA on July 30 and 31, 2007 at the membership records address. The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter.

5. In the September 11, 2007, the investigator requested an explanation for the insufficient funds activity in the CTA on July 30 and 31, 2007 by September 21, 2007. Respondent did not respond to the investigator's letter.

CONCLUSION OF LAW

1. By not providing a response to the investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in wilful violation of section 6068(i) of the Business and Professions Code.

(Do not write above this line.)

In the Matter of: Jeanne Marie Rowzee	Case Number(s): 07-O-12849 and 07-O-13141
--	--

## Financial Conditions

### a. Restitution

- ☐ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

### b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ 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.

### c. Client Funds Certificate

- ☒ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  - 1. the name of such client;
  - 2. the date, amount and source of all funds received on behalf of such client;
  - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  - 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  - 1. the name of such account;
  - 2. the date, amount and client affected by each debit and credit; and,
  - 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- ☒ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

In the Matter of: Jeanne Marie Rowzee	Case Number(s): 07-O-12849 and 07-O-13141
--	--

### Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

#### Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere will be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court will find the member culpable. The legal effect of such a plea will be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based.

#### Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) **Contents.** A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

(5) a statement that the member either:

- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

(B) **Plea of Nolo Contendere.** If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

<u>3/16/11</u> Date	<u>Jeanne M. Rowzee</u> Respondent's Signature	<u>Jeanne Marie Rowzee</u> Print Name
------------------------	---	--

In the Matter of:  
Jeanne Marie Rowzee

Case number(s):  
07-O-12849 and 07-O-13141

### 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.

Date 3/06/11

  
Respondent's Signature

Jeanne M. Rowzee  
Print Name

Date

  
Respondent's Counsel Signature

Print Name

Date 4/5/11

  
Deputy Trial Counsel's Signature

Diane J. Meyers  
Print Name

In the Matter of:  
Jeanne Marie Rowzee

Case Number(s):  
07-O-12849 and 07-O-13141

### 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.

Page 5: the following language is added after Paragraph 27: "28. Between April and August 2007, Respondent paid personal expenses from the CTA."

Page 13-14: Financial Conditions, subp. C [Client Funds Certificate]: This condition of probation is deleted. There is no evidence that Respondent's mishandling of her client trust account involved client funds, properties, or securities.

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.)**

Date

4/29/11

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 Los Angeles, on April 29, 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:

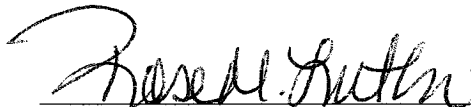
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

JEANNE M. ROWZEE  
92 CORPORATE PARK #C203  
IRVINE, CA 92606

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

DIANE MEYERS, Enforcement, Los Angeles

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



Rose Luthi  
Case Administrator  
State Bar Court