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State Bar Court of California
Hearing Department
Los Angeles



<p>Counsel For The State Bar</p> <p>Eli Morgenstern, DTC The State Bar Of California 1149 South Hill Street Los Angeles, CA 90015-2299 Tel: (213) 765-1334</p> <p>Bar # 190560</p>	<p>Case Number (s)</p> <p>07-O-13724 08-O-11787</p>	<p>(for Court's use)</p> <p>FILED</p> <p>SEP 23 2010 <i>YJC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>In Pro Per Respondent</p> <p>Ben Edward Lofstedt 2701 E. Chapman Ave #112 Fullerton, CA 92834 Tel: (213) 738-8822</p> <p>Bar # 59678</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of:</p> <p>Ben Edward Lofstedt</p> <p>Bar # 59678</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 17, 1974.
- (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 12 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 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:

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. See page 9, for explanation re: candor/cooperation.
- (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

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law 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:

(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 thirty (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: _____

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- (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: Ben Edward Lofstedt

CASE NUMBER(S): ET AL. 07-O-13724 and 08-O-11787

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 Rules of Professional Conduct.

Case No. 07-O-13724 (the Trent matter)

Facts

1. On June 16, 2005, Richard Trent ("Trent") employed Respondent to file an Offer in Compromise with the IRS with the Internal Revenue Service ("IRS") on behalf of himself and his wife, Miriam Trent ("Miriam"). On or about June 16, 2005, Miriam paid Respondent \$2,500 in advanced attorney fees.
2. On March 2, 2007, the Richard and Miriam Trent (collectively, the "Trents") sent a facsimile to Respondent at his official membership records facsimile number inquiring about the status of the Offer in Compromise. Respondent received the facsimile. Respondent did not respond to it.
3. On March 27, 2007, Miriam sent another facsimile to Respondent at his official membership records facsimile number inquiring about the status of the Offer in Compromise. Respondent received the facsimile. Respondent did not respond to it.
4. On June 15, 2007, Miriam mailed a letter to Respondent via certified mail. In the letter, Miriam again asked about the status of the Offer in Compromise. In the letter, Miriam wrote that if Respondent did not respond to the letter within fourteen (14) days, the Trents would be "forced to take matters into our own hands." Respondent received the letter. Respondent did not respond to it.
5. At no time did Respondent file an Offer In Compromise with the IRS, or perform any services of value on behalf of the Trents.
6. On August 13, 2007, Miriam spoke with Respondent on the telephone and terminated his employment.
7. On August 14, 2007, Respondent provided the Trents with a refund of \$2,500.

Conclusions of Law

By failing to file an Offer of Compromise with the IRS on behalf of the Trents, Respondent failed to perform legal services competently in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By failing to respond to the Trents' letters, Respondent failed to adequately communicate with a client in wilful violation of Business and Professions Code section 6068(m).

Case No. 08-O-11787 (the Oliva matter)

Facts

1. In or about July 2007, Rosemarie Oliva ("Oliva") employed Respondent to represent her in a marital dissolution proceeding titled *Robert Oliva v. Rosemary Oliva*, San Bernardino County Superior Court case no. SBFSS77661 (the "Oliva marital dissolution"). At the time that Oliva employed Respondent, one day of trial had been completed in the Oliva marital dissolution.

2. On July 18, 2007, Respondent appeared in court on behalf of Oliva in the Oliva marital dissolution for the first time. The court ordered the receiver to release \$30,000 to Respondent as advanced attorney fees for his representation of Oliva. In or about July 2007, Respondent received \$30,000 from the receiver.

3. On September 24, 2007, Respondent filed an ex parte motion to be relieved as Oliva's counsel of record. On October 2, 2007, the court granted Respondent's motion to be relieved as Oliva's counsel and ordered that if any refund is due from Respondent, the refund should be returned to the court-appointed receiver.

4. On February 1, 2008, the court filed a judgment on reserved issues in the Oliva marital dissolution. Pursuant to the judgment, Respondent was ordered by the court to provide the court-appointed receiver with an accounting of all funds used in his representation of Oliva and refund the unused balance to the receiver. Respondent received a copy of the judgment on reserved issues.

5. At no time did Respondent provide an accounting to the receiver.

6. In or about June 2009, Respondent provided an accounting to counsel for Oliva's ex-husband.

Conclusions of Law

By failing to provide an accounting to the receiver as ordered by the court in the Oliva marital dissolution, and by delaying approximately 16 months before providing an accounting to the counsel for Oliva's ex-husband, Respondent willfully disobeyed an order of the court in violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was August 27, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of August 27, 2010, the prosecution costs in this matter are approximately \$1,983. The costs are to be paid in equal amounts prior to February 1 for the following three billing cycles following the effective date of the Supreme Court Order.

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 6086.10, 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.)

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.

AGGRAVATING CIRCUMSTANCES.

1. Prior Discipline

Respondent has been discipline on one prior occasion. A prior record of discipline is an aggravating circumstance. (Std. 1.2(b)(i).)

On April 27, 1994, the California Supreme Court ordered (S037911) that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to certain conditions.

The discipline resulted from Respondent's stipulation in State Bar Court to having committed misconduct in four client matters:

- In Case No. 89-O-10432, Respondent violated Business and Professions Code section 6068(b);
- In Case No. 89-O-11216, Respondent violated rule 4-210 of the Rules of Professional Conduct;
- In Case No. 90-O-17618, Respondent violated rule 2-100(A) of the Rules of Professional Conduct; and
- In Case No. 91-O-00994, Respondent violated rule 4-100(A) of the Rules of Professional Conduct, and Business and Professions Code section 6068(d) and 6068(m).

Further, if discipline has been imposed on a member on one prior occasion, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust. (Std. 1.7(a).)

MITIGATING CIRCUMSTANCES.

1. Candor and Cooperation

Respondent is entitled to mitigation for entering into this stipulation. (Std. 1.2(e)(v).)

AUTHORITIES SUPPORTING DISCIPLINE.

1. Standards

“The primary purposes of disciplinary proceedings . . . are the protection of the public, the courts[,] and the legal profession; the maintenance of high professional standards by attorneys[:] and the preservation of public confidence in the legal profession.” (Std 1.3.)

Standards 2.4(b) and 2.6(a) and (b) of the Standards for Attorney Sanctions for Professional Misconduct (“Standards”) apply to this proceeding.

Standard 2.4(b) provides, in pertinent part, that: “Culpability of a member of willfully failing to perform services in an individual matter . . . shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.”

Standard 2.6(a) and (b) provides, in pertinent part, that culpability of a member of a violation of Business and Professions Code section 6068(m) and Business and Professions Code section 6103, respectively, shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim.

In addition, Standard 2.2(b) is instructive. In the Oliva matter (Case No. 08-O-11787), Respondent failed to provide an accounting to the receiver in the Oliva marital dissolution in violation of the court’s order. Rule 4-100(B)(3) of the Rules of Professional Conduct mandate that members render appropriate accounts to their client. Standard 2.2(b) provides that a violation of rule 4-100(B)(3) shall result in a three month actual suspension.

Here, Respondent failed to perform on behalf of the Trents for over two years, and he failed to provide an accounting for the legal services that he provided to Oliva for over one year in violation of a court order. In addition, Respondent has a prior record of discipline consisting of a one year stayed suspension. In light of Respondent’s prior record of discipline, the misconduct committed herein warrants a period of actual suspension.

2. Case Law

In *Stuart v. State Bar* (1985) 40 Cal.3d 838, the attorney failed to answer interrogatories which caused his client's personal injury matter to be dismissed. The attorney also was found to have lost his client's file, and inadequately communicated with the client. The attorney had a prior private reproof. The Supreme Court ordered that the attorney be actually suspended for 30 days as part of a one-year probation.

In *Bach v. State Bar* (1991) 52 Cal.3d 1201, the attorney, who had practiced 27 years without a prior record of discipline, failed to perform legal services in an uncontested marital dissolution proceeding, failed to communicate, improperly withdrew, failed to refund the \$3,000 unearned, advanced fee and failed to cooperate in the State Bar's investigation. The Supreme Court ordered that the attorney be actually suspended for 30 days.

In *In the Matter of Kennon* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 267, the attorney failed to perform and communicate in two client matters, and refund unearned fees in one of the matters. The Review Department recommended a 30-day actual suspension.

Under case law, a failure to render appropriate accountings for client funds has resulted in discipline in the range of stayed suspension to 60-days actual suspension. (See, *In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 751 [60-day actual suspension for failure to account for fees and conflicts in two client matters where attorney had 25 years with no discipline]; *In the Matter of Cacioppo* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 128 [six-month stayed suspension for failure to render a proper accounting of settlement funds and failing to communicate, where attorney had prior public reproof]; and *In the Matter of Lazarus* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 387 [two-month stayed suspension for failure to notify client of receipt of settlement funds and failure to render an accounting of settlement funds].)

Considering the facts and circumstances surrounding Respondent's misconduct, and the aggravating and mitigating circumstances that are present, the parties submit that the intent and goals of the Standards are met in these matters by the imposition of a two year stayed suspension, and two years probation with conditions including a 30-day actual suspension.

STATE BAR ETHICS SCHOOL.

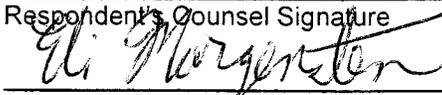
Because Respondent has agreed to attend State Bar Ethics School as part of this stipulation, he may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

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In the Matter of Ben Edward Lofstedt	Case number(s): 07-O-13724, 08-O-11787
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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>9/8/2010</u> Date	 Respondent's Signature	<u>Ben Edward Lofstedt</u> Print Name
<u>9/13/10</u> Date	 Respondent's Counsel Signature	<u>Eli Morgenstern</u> Print Name
<u> </u> Date	<u> </u> Deputy Trial Counsel's Signature	<u> </u> Print Name

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In the Matter Of Ben Edward Loftstedt	Case Number(s): 07-O-13724, 08-O-11787
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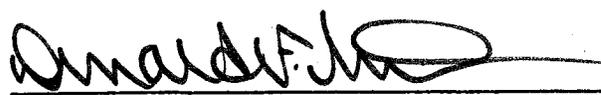
ORDER

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.)**

9/23/10
Date



Judge of the State Bar Court

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 September 23, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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:

**BEN EDWARD LOFSTEDT
CHRISTIAN LAW CENTER
2701 E CHAPMAN AVE #112
PO BOX 4189
FULLERTON, CA 92834**

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

ELI MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 23, 2010.



Tammy Cleaver
Case Administrator
State Bar Court