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### State Bar Court of California

Hearing Department  
Los Angeles

**ORIGINAL**

Counsel For The State Bar

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Bar # 201988

In the Matter Of:  
Henry Alan Pattiz

Bar # 44073

A Member of the State Bar of California  
(Respondent)

Case Number (s)

07-O-14357

**PUBLIC MATTER**

(for Court's use)

**FILED**

NOV 30 2010

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

Submitted to: **Assigned Judge**

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

**ACTUAL SUSPENSION**

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 December 29, 1967.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 15 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Do not write above this line.)

- (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. From September 18, 2006, until March 19, 2007, Respondent concealed from his client and other parties involved in the underlying matter that he was ineligible to practice law.
- (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.
- (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 has no prior record of discipline over 39 years of practice.

**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 ninety (90) 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.

(Do not write above this line.)

- (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:

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

Actual Suspension

(Do not write above this line.)

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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:**

(Do not write above this line.)

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Attachment language begins here (if any):

See, Attachment 1, Statement of Facts, pages 8-12.

See, Attachment 2, Conclusions of Law, page 13.

See, Attachment 3, Supporting Authority, page 14.

**ATTACHMENT 1: STATEMENT OF FACTS**

IN THE MATTER OF:        HENRY ALAN PATTIZ

CASE NUMBER:            07-O-14357

Respondent acknowledges and stipulates that the following facts are true:

**COUNT ONE**

**Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Unauthorized Practice]**

1. During the period from September 18, 2006, through until September 22, 2008, Respondent was suspended from the practice of law pursuant to order of the California Supreme Court due to his failure to pay State Bar member fees. Respondent knew that he was suspended during the period from September 18, 2006, until September 22, 2008.

2. During the period from October 24, 2006, through until October 13, 2008, Respondent was not entitled to practice of law pursuant to order of the State Bar Court in case no. 06-AE-14189-RAP which involuntarily enrolled Respondent as an inactive member of the Bar for failure to pay a fee arbitration award. Respondent knew that he was involuntary enrolled inactive to practice law during the period from October 24, 2006, until October 15, 2008.

3. As a result of his overlapping suspensions from practice, Respondent was not entitled to practice law for over two years between September 18, 2006 and October 15, 2008.

4. On July 11, 2006, Robert Krieger employed Respondent to represent him in negotiations concerning certain stock purchases. Krieger paid Respondent \$7,000 as advanced attorney's fees.



5. When Respondent was suspended from the practice of law on September 18, 2006, he did not inform Krieger of the suspension. When Respondent was enrolled inactive to practice law on October 24, 2006, he did not inform Krieger of the inactive enrollment. Respondent never informed Krieger of the suspension nor of the inactive enrollment.

6. Respondent represented Krieger in negotiations until March 19, 2007, after Krieger discovered that Respondent was not entitled to practice law, and after Krieger terminated Respondent.

7. Between September 18, 2006, and March 19, 2007, Respondent held himself out to Krieger as an attorney entitled to practice law.

8. During his representation of Krieger, Respondent held himself out to opposing counsel, Rosser Cole ("Cole"), as entitled to practice law. On October 24, 2006, Respondent delivered an email to Cole summarizing the terms of a counter proposal for the distribution of monetary proceeds and ended the email by identifying himself as "Henry A. 'Hap' Pattiz, Attorney at Law." Further emails on this subject were exchanged between Respondent and opposing counsel on October 26, 2006.

9. Thereafter, Respondent represented Krieger by engaging in negotiations on his behalf to negotiate a Deal Point Memorandum. On December 14, 2006, Respondent sent an email to Cole to confirm that Cole had received his draft of the Understanding of Agreement. Other details of the ongoing negotiation were discussed in this email.

10. On January 17, 2007, Respondent sent a billing statement to Krieger for services rendered between June 2006 and December 2006. The statement indicates that during these months Respondent worked 95.5 hours on Krieger's matter. The statement was delivered on letterhead reading "Henry A. Pattiz, Law Offices."

11. On January 24, 2007, Respondent sent a letter to attorney Sanford K. Rubin, counsel for Krieger's mother and trustee, requesting the signature of Krieger's mother on the Understanding of Agreement and describing the additional work that needed to be

accomplished to conclude the negotiation of a pay out to his client. Respondent's letterhead read "Henry A. Pattiz, Attorney at Law." Respondent signed the letter as "Henry A. Pattiz, Attorney at Law."

12. On February 21, 2007, Krieger paid Respondent \$24,000 in additional fees.

13. On March 6, 2007, Respondent sent a letter to Krieger explaining the status of negotiations and describing the remaining steps to be taken to conclude the stock purchase transaction. Respondent also noted that from February 25, 2007 and March 5, 2007, he had billed an additional nine hours of time as well as six hours of staff time. Respondent's correspondence was written on letterhead that read "Henry A. Pattiz, Law Offices."

14. On March 13, 2007, Respondent wrote to Phyllis Pollock, another California attorney also representing Krieger in the stock purchase transaction. In this correspondence Respondent delivered certain draft documents and discussed the progress of negotiations. Respondent's correspondence contained the letterhead "Henry A. Pattiz, Law Offices."

15. On March 15, 2007, Respondent wrote to Krieger informing him that most of the necessary documents had been completed. Respondent also noted that between March 5, 2007 and March 15, 2007, he expended just under 40 hours in attorney time. Respondent's letter was written on letterhead reading "Henry A. Pattiz, Law Offices."

16. On March 16, 2007, Respondent sent a billing statement to Krieger for services rendered during the month of February 2007. The statement indicates that in February 2007, Respondent worked 17.7 total hours on Krieger's matter. The statement was delivered on letterhead reading "Henry A. Pattiz, Law Offices."

**COUNT TWO**

**Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]**

17. On October 24, 2007, the State Bar opened an investigation, case no. 07-O-14357, pursuant to a complaint filed by Robert Krieger (the "Krieger complaint").

18. On January 3, 2008, State Bar Investigator Denise Ventura mailed a letter to Respondent at his address on file with the State Bar Membership Records regarding the Krieger complaint. The letter requested that Respondent provide a written response to the allegations arising out of the Krieger complaint by a certain date. Respondent received the letter.

19. Respondent did not provide a written response to the January 3, 2008, letter and he did not otherwise address the allegations in the Krieger complaint.

20. On January 22, 2008, Investigator Ventura mailed another letter to Respondent at his State Bar membership records address, reminding him to respond to the specific allegations of misconduct being investigated by the State Bar in the Krieger matter. Respondent received the letter.

21. Respondent did not provide a written response to the January 22, 2008, letter and he did not otherwise address the allegations in the Krieger matter.

22. On February 1, 2008, Investigator spoke with Respondent by telephone and asked whether he had received her January 3, 2008, and January 22, 2008, letters; Respondent said he had not received the letters. Respondent provided Investigator Ventura with his facsimile number, and on February 1, 2008, Investigator Ventura faxed a copy of the January 3, 2008, letter to Respondent which Respondent later confirmed he received.

23. On February 20, 2008, Investigator Ventura spoke with Respondent by telephone and Respondent informed her that he was in the midst of hiring an attorney to represent him in the State Bar's investigation. Respondent agreed to send Investigator

Ventura a letter confirming the fact that he was seeking counsel. Respondent never sent the investigator a letter confirming that he was seeking counsel.

24. On February 22, 2008, Investigator Ventura wrote to Respondent. In the letter, the investigator confirmed the substance of their February 20, 2008, telephone conversation, and she agreed to extend to March 5, 2008, the time within which Respondent must provide a written response to the allegations of misconduct.

25. At no time did Respondent provide a written response to the allegations in the Krieger matter, as repeatedly requested by the Investigator, and Respondent did not otherwise participate in the State Bar investigation.

**ATTACHMENT 2: CONCLUSIONS OF LAW**

IN THE MATTER OF:        HENRY ALAN PATTIZ

CASE NUMBER:            07-O-14357

Respondent admits, and the parties stipulate, that by his conduct described in the attached Statement of Facts, Respondent is culpable of violations of the following Rules of Professional Conduct.

**COUNT ONE**

**Business and Professions Code, section 6068(a)  
[Failure to Comply With Laws – Unauthorized Practice]**

By representing Krieger, and by holding himself out to Krieger and others as eligible to practice law, when he was not an active member of the State Bar and he was not otherwise entitled to practice law, Respondent violated Business and Professions Code sections 6125 and 6126, and thus he failed to support the laws of this state, in willful violation Business and Professions Code section 6068(a).

**COUNT TWO**

**Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]**

By not providing a written response to the State Bar investigator's letters, by not providing substantive responses to the allegations arising out of the Krieger complaint, and by not otherwise participating in the investigation of the allegations in the Krieger matter, Respondent failed to cooperate and participate in a disciplinary investigation, in willful violation of Business and Professions Code section 6068(i).

**ATTACHMENT 3: SUPPORTING AUTHORITY**

IN THE MATTER OF:        HENRY ALAN PATTIZ

CASE NUMBER:            07-O-14357

Culpability of a member of a violation of Section 6068 of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3. *Rules of Procedure of the State Bar of California, Standard 2.6.*

In *Farmham vs. State Bar* (1976) 17 Cal.3d 605, the respondent was found to have engaged in the unauthorized practice of law by giving legal advice and preparing legal papers for a client during the period of time he was suspended for nonpayment of membership fees. In addition, he willfully deceived clients, avoided their efforts to communicate with him and eventually abandoned their cases. The respondent had a prior record of discipline. The Supreme Court imposed two years suspension, the execution of which was stayed, and two years probation, with the condition that respondent be actually suspended for six months.

In *In the Matter of Mason* (1997) 3 Cal.State Bar Ct. Rptr. 639, the respondent, while suspended as a result of a prior discipline, made a court appearance in a family law matter, and he did not disclose to the court or to opposing counsel that he had been suspended. Respondent was actually suspended for three months.

(Do not write above this line.)

In the Matter of Henry Alan Pattiz	Case number(s): 07-O-14357
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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.

10/29/10

Date

10/29/10

Date

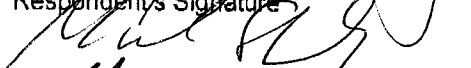
11/2/10

Date



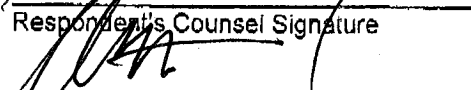
Respondent's Signature

Henry Alan Pattiz  
Print Name



Respondent's Counsel Signature

Martin S. Rudoy  
Print Name



Deputy Trial Counsel's Signature

Rizamari C. Sitton  
Print Name

(Do not write above this line.)

In the Matter Of  
**HENRY ALAN PATTIZ**

Case Number(s):  
**07-O-14357**

**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.)**

Date

11-30-10

  
\_\_\_\_\_  
Judge of the State Bar Court

**RICHARD A. HONN**



**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 30, 2010, 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:

MARTIN S. RUDOY  
LAW OFFICES OF MARTIN S RUDOY  
SHERMAN OAKS GALLERIA  
15303 VENTURA BLVD STE 900  
SHERMAN OAKS, CA 91403

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

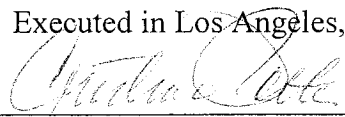
by overnight mail at , California, addressed as follows:

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Rizamari C. Sitton, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 30, 2010.

  
\_\_\_\_\_  
Cristina Potter  
Case Administrator  
State Bar Court