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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>			<b>PUBLIC MATTER</b>
<b>Counsel For The State Bar</b>  Kim Kasreliovich Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1378  Bar # 261766	<b>Case Number(s):</b> 08-C-12935 - RAP (11-C-14165, 11-C-14166, 12-C-10583, 12-C-10822, 12-C-16647)	<b>For Court use only</b>   <div style="font-size: 2em; font-weight: bold;">FILED</div> <div style="font-size: 1.5em; font-weight: bold;">OCT 22 2012</div> <div style="font-size: 0.8em; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
<b>In Pro Per Respondent</b>  Dante Sean Ardite 4612 W 173rd Street, Apt 6 Lawndale, CA 90260 (323)359-2260  Bar # 207039	<b>Submitted to: Settlement 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> DANTE SEAN ARDITE  Bar # 207039  A Member of the State Bar of California (Respondent)			

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 1, 2000.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)



- (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: Costs to be paid in equal amounts prior to February 1 for three billing cycles following the effective date of the Supreme Court order. (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 07-O-14201
  - (b)  Date prior discipline effective October 29, 2009
  - (c)  Rules of Professional Conduct/ State Bar Act violations: two violations of Business and Professions code section 6068(a) and one violation of Business and Professions code section 6106.
  - (d)  Degree of prior discipline Respondent was suspended from the practice of law for one year, execution of that suspension stayed, with two years of probation and 30-days of actual suspension.
  - (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. See the Stipulation at page 11.
- (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. See the Stipulation at page 11.
- (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.

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- (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. See the Stipulation at page 11.
- (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:**

For Additional Mitigating Circumstances see the Stipulation at page 12.

**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 three (3) 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 six (6) months.
- 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: Respondent attended Ethics School on February 3, 2011, and passed the test given at the end of the session. (See rule 5.135, Rules of Procedure of the State Bar of California).
- (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:
  - Substance Abuse Conditions
  - Medical Conditions
  - Law Office Management Conditions
  - 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: Respondent took and passed the MPRE on November 6, 2010 as a condition of probation in case no. 07-O-14201. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244.)
- (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: DANTE SEAN ARDITE

CASE NUMBER(S): 08-C-12935 - RAP (11-C-14165, 11-C-14166, 12-C-10583, 12-C-10822, 12-C-16647)

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**Case No. 08-C-12935 (Conviction Proceedings)**

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On December 14, 2010, Respondent was convicted of violating Vehicle Code section 14601.1(a), driving on a suspended license, a misdemeanor.
3. On June 11, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

**FACTS:**

4. On June 6, 2008, Respondent was pulled over and cited in Los Angeles County for driving with a suspended license. Respondent was charged with this offense in Los Angeles County Superior Court case no. 8SY06229.
5. On December 14, 2010, Respondent pled guilty to violating Vehicle Code section 14601.1(a), driving on a suspended license, in Los Angeles County Superior Court case no. 8SY06229. Respondent was placed on summary probation for three years and ordered to obey all laws.

**CONCLUSIONS OF LAW:**

6. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 11-C-14165 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

7. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

8. On September 29, 2010, Respondent was convicted of violating Vehicle Code section 14601.1(a), driving on a suspended license, a misdemeanor.

9. On April 4, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

10. On August 2, 2010, Respondent was pulled over and cited in Orange County for driving with a suspended license. Respondent was charged with this offense in Orange County Superior Court case no. 10CM08653.

11. On September 29, 2010, Respondent pled guilty to violating Vehicle Code section 14601.1(a), driving on a suspended license, in Orange County Superior Court case no. 10CM08653. Respondent was placed on summary probation for three years and ordered to obey all laws.

CONCLUSIONS OF LAW:

12. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 11-C-14166 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

13. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

14. On September 1, 2011, Respondent was convicted of violating Vehicle Code section 14601.1(a), driving on a suspended license, a misdemeanor.

15. On April 4, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.



FACTS:

16. On November 10, 2010, Respondent was pulled over and cited in Orange County for driving with a suspended license. Respondent was charged with this offense in Orange County Superior Court case no. 10MN16315.

17. On September 1, 2011, Respondent pled guilty to violating Vehicle Code section 14601.1(a), driving on a suspended license, in Orange County Superior Court case no. 10MN16315. Respondent was placed on summary probation for three years and ordered to obey all laws.

CONCLUSIONS OF LAW:

18. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 12-C-10583 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

19. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

20. On September 1, 2011, Respondent was convicted of violating Vehicle Code section 14601.1(a), driving on a suspended license, a misdemeanor.

21. On April 4, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

22. On September 24, 2010, Respondent was pulled over and cited in Orange County for driving with a suspended license. Respondent was charged with this offense in Orange County Superior Court case no. 10NM13235.

23. On September 1, 2011, Respondent pled guilty to violating Vehicle Code section 14601.1(a), driving on a suspended license, in Orange County Superior Court case no. 10NM13235. Respondent was placed on summary probation for three years and ordered to obey all laws.

CONCLUSIONS OF LAW:

24. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 12-C-10822 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

25. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

26. On September 9, 2008, Respondent was convicted of violating Vehicle Code section 14601.1, driving on a suspended license, a misdemeanor.

27. On April 4, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

28. On November 24, 2007, Respondent was pulled over and cited in Los Angeles County for driving with a suspended license. Respondent was charged with this offense in Los Angeles County Superior Court case no. 7SY11053.

29. On September 9, 2008, Respondent pled guilty to violating Vehicle Code section 14601.1(a), driving on a suspended license, in Los Angeles County Superior Court case no. 7SY11053. Respondent was placed on summary probation for three years and ordered to obey all laws.

CONCLUSIONS OF LAW:

30. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 12-C-16647 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

31. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

32. On August 29, 2012, Respondent was convicted of violating Vehicle Code section 14601.1(a), driving on a suspended license, a misdemeanor.

33. On August 29, 2012, Respondent was sentenced to thirty-six (36) months of summary probation for violating Vehicle Code section 14601.1(a).

34. Respondent did not appeal his conviction. Per rule 8.853 of the California Rules of Court, the conviction became final on September 28, 2012.

## FACTS:

35. On March 21, 2012, Respondent was pulled over and cited in Los Angeles County for driving with a suspended license. Respondent was charged with this offense in Los Angeles County Superior Court case no. 2NW01135.

36. On August 29, 2012, Respondent pled guilty to violating Vehicle Code section 14601.1(a), driving on a suspended license, in Los Angeles County Superior Court case no. 2NW01135 (“the August 29, 2012 conviction”). Respondent was placed on summary probation for thirty-six (36) months and ordered to obey all laws.

37. On September 11, 2012, at a status conference before a State Bar Court Hearing Judge, Respondent brought the August 29, 2012 conviction to the attention of the court and the State Bar. On September 25, 2012, Respondent provided the court and the State Bar with documentary evidence of his arrest and conviction. The State Bar was previously unaware of the August 29, 2012 conviction.

## CONCLUSIONS OF LAW:

38. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

## ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline:** As previously noted under Section B(1), effective October 29, 2009, Respondent was actually suspended from the practice of law for 30 days. Respondent stipulated to two counts of practicing law while not entitled and he admitted that he committed acts of moral turpitude by misrepresenting to the court that he was entitled to practice law when he was not an active bar member. Respondent stipulated that he practiced law while suspended for failure to submit his proof of compliance with MCLE requirements. Although he had in fact completed enough credits, he did not provide compliance to the State Bar, which placed him on inactive status.

In mitigation, Respondent cooperated with the State Bar’s investigation, and he demonstrated remorse. He notified his clients of his status as soon as he learned he wasn’t entitled to practice and all clients elected to allow Respondent to continue handling their cases.

**Indifference:** Respondent continued to drive on a suspended license despite his convictions and while on probation for the same offense. Neither Los Angeles nor Orange County ever charged Respondent with a probation violation. Respondent was also on disciplinary probation when he engaged in the conduct that led to State Bar case nos. 11-C-14165, 11-C-14166, and 12-C-10583.

**Multiple/Pattern of Misconduct:** Respondent obtained six misdemeanor convictions evidencing multiple acts of misconduct. (See *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 646-7.)

## ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**Good Character:** Respondent provided six letters from members of the legal and general communities who were aware of Respondent’s misconduct and attested to his extraordinary good

character. Respondent's character references had known him from two to twenty years and they all held him in extremely high regard. (See Standard 1.2(e)(vi).)

Respondent provided further mitigation through evidence of his charitable and pro bono work. Respondent provided proof of charitable work with non-profit organizations and through his church. Respondent also supplied letters from several mothers who he had represented in dependency court on a pro bono basis. All the pro bono clients spoke very highly of Respondent. (See *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359.)

**Additional Mitigating Circumstances:** Respondent displayed spontaneous candor and cooperation with the State Bar in these proceedings. On September 11, 2012, at a status conference before a State Bar Court Hearing Judge, Respondent brought a new conviction to the attention of the court and the State Bar. On September 25, 2012, Respondent provided the court and the State Bar with documentary evidence of his arrest and conviction. The State Bar was previously unaware of Respondent's August 29, 2012 conviction and Respondent did not have a duty to report the misdemeanor conviction. (See Standard 1.2(e)(v) and *In the Matter of Duxbury* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 61.)

Respondent is also entitled to limited mitigation for entering into this stipulation. (See *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50.)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed 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." (*In re Morse* (1995) 11 Cal.4<sup>th</sup> 184, 205; std 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Standard 3.4 states that final conviction of a member of a crime which does not involve moral turpitude but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under Part B, "Standards Pertaining to Sanctions for Professional Misconduct Found or Acknowledged in Original Disciplinary Proceedings," appropriate to the nature and extent of the misconduct found to have been committed by the member.

Under Part B, the applicable standard is Standard 2.10 which states that culpability of a member of a violation of any provision of the Business and Professions Code not specified elsewhere in the standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline. In the present case, Respondent has six convictions for driving on a suspended license. However, neither clients nor the courts suffered specific harm from Respondent's conduct.

In addition, Standard 1.7(a) states that if a member has a prior record of discipline, the degree of discipline in the current proceeding shall be greater than the discipline imposed in the prior proceeding, unless the prior discipline 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. Respondent has one prior involving the unauthorized practice of law. The level of discipline of Respondent's prior was 30-days of actual suspension and under Standard 1.7(a) the discipline should increase because the prior imposition is neither remote in time nor minimal in severity.

In aggravation, Respondent has one prior record of discipline and committed multiple acts of misconduct. Respondent also demonstrated indifference through his actions as he continued to engage in the same conduct even after having been convicted and placed on summary probation with conditions including to obey all laws. In mitigation, Respondent has offered evidence of his good character and pro bono work for underserved communities, as discussed supra. In addition, Respondent's convictions did not harm clients or involve the practice of law. In fact, several letters attesting to Respondent's good character were written by clients. Weighing the severity of the misconduct against the aggravation and mitigation, the level of discipline should involve significant actual suspension. (See *In re Kelley* (1990) 52 Cal. 3d 487 [Respondent was convicted of 2 DUIs, one occurring while on probation for the first, and received a public reproof].) When the number of Respondent's convictions and prior discipline is measured against the mitigating factors, a period of six (6) months actual suspension serves the purpose of attorney disciplinary proceedings.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was October 9, 2012.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 9, 2012, the prosecution costs in this matter are \$11,435. 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.

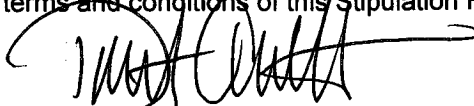
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In the Matter of: DANTE SEAN ARDITE Bar# 207039	Case number(s): 08-C-12935 - RAP (11-C-14165, 11-C-14166, 12-C-10583, 12-C-10822, 12-C-16647)
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

October 10, 2012  
Date

  
Respondent's Signature

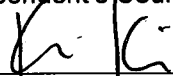
Dante S. Ardite  
Print Name

Date

Respondent's Counsel Signature

Print Name

October 10, 2012  
Date

  
Deputy Trial Counsel's Signature

Kim Kasreliovich  
Print Name

(Do not write above this line.)

In the Matter of: DANTE SEAN ARDITE Bar # 207039	Case Number(s): 08-C-12935 - RAP (11-C-14165, 11-C-14166, 12-C-10583, 12-C-10822, 12-C-16647)
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### 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.

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.)**

10-17-2012  
Date

  
RICHARD A. PLATEL  
Judge of the State Bar Court

## 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 October 22, 2012, 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:

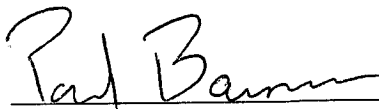
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DANTE S. ARDITE ESQ.  
LAW OFFICE  
4612 W 173RD ST APT 6  
LAWNDALE, CA 90260

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

Kimberly G. Kasreliovich, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 22, 2012.



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Paul Barona  
Case Administrator  
State Bar Court