



ORIGINAL

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State Bar Court of California Hearing Department Los Angeles		
Counsel For The State Bar Mia R. Ellis Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213)765-1380 Bar # 228235	Case Number (s) 08-O-10639 08-O-14806	(for Court's use) <div style="text-align: center;"> PUBLIC MATTER FILED DEC 07 2009 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Gene Koon 332 W. Foothill Blvd. Monrovia, CA 91016 (626)256-1651 Bar # 77051	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Roy Peterson Bar # 153455 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 14, 1991.
- (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."

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- (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: for the three (3) 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 00-O-15212, etc. -RAH
 - (b) Date prior discipline effective February 11, 2004
 - (c) Rules of Professional Conduct/ State Bar Act violations: Ten counts of 3-110(A) and Two counts of 6068(m)
 - (d) Degree of prior discipline 60 days actual suspension
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

State Bar Court Case Number 99-O-10500. Discipline effective December 24, 2000. Rules of Procedure, Rule 3-110(A), Rule 4-100(B)(3), and Rule 3-700 (D)(1). Public Reprimand, one (1) year probation.

- (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. Please see attached factual stipulation pg. 14.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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

Actual Suspension

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- (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. Respondent had health problems in 2006 and 2007. Please see factual attachment pg 14.
- (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.

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- (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 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 5 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 120 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.

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- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

In the Matter of
ROY E. PETERSON

Case number(s):
08-O-10639 and 08-O-14806

A Member of the State Bar

Financial Conditions

a. Restitution

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

Payee	Principal Amount	Interest Accrues From
Carlos Arturo	\$1,560.00	May 19, 2003
Ezzat Guiguis	\$2,000.00	May 19, 2003
Magdelano Marin	\$1,000.00	May 19, 2003
Richard Morvedt	\$1,500.00	May 19, 2003
Gloria Redondo	\$110.00	May 19, 2003
Jesus Rocha	\$500.00	May 19, 2003
Javier Rivera	\$1,500.00	May 19, 2003
Annette Williams	\$1,000.00	May 19, 2003
Ruth Zamora	\$830.00	May 19, 2003

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **120 days after the effective date of the Supreme Court discipline order herein.**

b. Installment Restitution Payments

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

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

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:

(Financial Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004; 12/13/2006.)

- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROY E. PETERSON

CASE NUMBER(S): ET AL. 08-O-10639 and 08-O-14806

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-O-10639

1. On May 13, 2002, Karen Coombs ("Coombs") employed Respondent to represent her in a marital dissolution. On or about May 13, 2002, Coombs paid Respondent \$1,600 as an advance fee and \$233 for filing fees.
2. At no time did Respondent enter into a written fee agreement with Coombs for his representation in the marital dissolution.
3. On May 15, 2002, Respondent filed a petition for dissolution of marriage on behalf of Coombs in the San Bernardino County Superior Court entitled, *In re Marriage of Karen Lee Coombs v. Steven Coombs*, case number SBFSS65590.
4. On December 22, 2002, Steve Coombs accepted service of the summons and the petition by mail from Respondent.
5. On February 11, 2003, Respondent filed a proof of service of the summons with the court.
6. After February 11, 2003, Respondent provided no meaningful services for Coombs to advance or finalize the dissolution.
7. In 2007, Coombs attempted to contact Respondent by telephone, but found Respondent's telephone disconnected.
8. On January 22, 2008, Coombs contacted the State Bar.
9. Coombs and Respondent have agreed that Respondent will continue representing her in the marital dissolution matter.

Legal Conclusion

By not finalizing the dissolution after February 2003, Respondent failed to perform legal services with competence in violation of Rules of Professional Conduct rule 3-110(A)

Case No. 08-O-14806

10. In July 2003, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition with the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") in State Bar Court case numbers 00-O-15212, 00-O-15401, 01-O-00338, 01-O-00531, 01-O-01643, 01-O-01648, 01-O-01650, 01-O-03568, 01-O-03857, 02-O-15078, 02-O-15644, 03-O-00784, and 03-O-01156 (the "stipulation"). In the stipulation, Respondent agreed to comply with certain conditions of probation in order to resolve the cases.

11. On August 4, 2003, the Hearing Department of the State Bar Court filed an order approving the stipulation and recommending the disposition set forth in the stipulation to the California Supreme Court.

12. On January 12, 2004, the California Supreme Court filed its Order number S120141 regarding the stipulation. The Court ordered that Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that Respondent be placed on probation for five years with conditions, including the condition that he be actually suspended for 60 days (the "Order"). The Order was effective February 11, 2004. On or about January 12, 2004, the California Supreme Court clerk served a copy of the order on Respondent by mail. Respondent received a copy of the Order.

13. As conditions of probation, the California Supreme Court ordered Respondent to do the following:

- a. During the period of probation, comply with the State Bar Act and the Rules of Professional Conduct during the probation period;
- b. Submit written quarterly reports to the State Bar of California's Office of Probation ("Probation") on each January 10, April 10, July 10 and October 10 during the period of probation, stating under penalty of perjury whether Respondent had complied with all the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar;
- c. Report to the State Bar of California's Membership Records Office ("Membership Records") and to Probation all changes of information, including his current office address and telephone number or, if no office was maintained by him, an address to be used for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code, within 10 days of any change; and,
- d. Subject to a proper or good faith assertion of any applicable privilege, fully, promptly, and truthfully answer any inquiries of Probation directed to him, whether personally or in writing, relating to whether he is complying or has complied with the conditions of his probation.
- e. As a condition of probation, the California Supreme Court ordered Respondent to make restitution payments to the following nine clients or to the Client Security Fund ("CSF") if it had paid restitution to the clients, within four years and nine months of the effective date of discipline, or by November 11, 2008
- f. The California Supreme Court further ordered that the restitution paid by Respondent include interest at the rate of 10% per annum from May 19, 2003,

and that Respondent issue individual payments to each of the nine clients on a monthly basis, or a cumulative amount of \$690 per quarter.

g. As a further condition of probation, the California Supreme Court ordered Respondent to include with each quarterly report required, satisfactory proof of all restitution payments made by him during that reporting period.

14. On February 26, 2004, Probation mailed a letter to Respondent with information regarding his probation conditions to his Membership Records address of 332 W. Foothill Blvd., Monrovia, CA 91016. With the letter, Probation sent a blank quarterly report form that he could use to report his compliance to Probation. In the letter, Probation informed Respondent that his first quarterly report was due on April 10, 2004. Respondent received the letter.

15. On March 28, 2006, Probation mailed a letter to Respondent to his Membership Records address of 1700 Cameron Ave., #100, West Covina, CA 91790. In the letter, Probation informed Respondent that Probation had not received his quarterly report due on January 10, 2006. On March 28, 2006, Probation also left Respondent a telephone message about the March 28, 2006 letter. Respondent received the letter, but did not submit the eighth quarterly report to Probation. Also, on April 18, 2006, Probation left Respondent a telephone message that his eighth quarterly report was overdue .

16. On June 16, 2007, Probation left a telephone message for Respondent regarding his probation conditions. On June 20, 2007, Respondent called Probation back and left a message that he was returning Probation's call.

17. On June 27, 2007, Respondent called Probation back. At that time, Probation discussed the reports and information due with Respondent, including his tenth quarterly report.

18. On July 16, 2007, CSF mailed a letter to Respondent at his Membership Records address of 9550 Flair Drive, #500, El Monte, CA 91731, in response to his inquiry on or about June 27, 2007 regarding the amount he owed to CSF. In the letter, CSF informed Respondent of the amount owed and provided an itemization of the amounts due for each of the clients. Respondent received the letter.

19. On July 21, 2008, Probation mailed a letter to Respondent at his Membership Records address of 9550 Flair Dr., Ste. 500, El Monte, CA 91731. In the letter, Probation informed Respondent of the probation conditions that Respondent had not yet satisfied, including the condition that he file the tenth quarterly report. Respondent received the letter.

20. Respondent did not timely file nineteen quarterly reports with Probation, covering the quarterly period of February 11, 2004 to September 30, 2008.

21. Respondent did not make cumulative restitution payments by the end of each of the following quarters and did not timely provide to Probation satisfactory proof of restitution for the quarterly reports due by April 10, 2004, July 10, 2004, January 10, 2005, April 10, 2005, July 10, 2005, October 10, 2005, April 10, 2006, July 10, 2007, October 10, 2007, January 10, 2008, April 10, 2008.

22. Respondent did not make restitution payments during the periods of the following quarterly reports: October 10, 2004, January 10, 2006, July 10, 2006, October 10, 2006, January 10, 2007, April 10, 2007, July 10, 2008, and by October 10, 2008.

23. Respondent did not file with probation proof that he had completed restitution to Carlos Arturo, Ezzat Guirguis, Annette Williams, Jesus Rocha, Gloria Redondo, Richard Mortvedt, Magdelano Marin, Ruth Zamora, Javier Rivera, or CSF by November 11, 2008.

Legal Conclusion

By failing to timely file nineteen quarterly reports with Probation, covering the quarterly period of February 11, 2004 to September 30, 2008, Respondent is culpable of nineteen counts of wilfully violating Business and Professions Code section 6068, subdivision (k).

By failing to make cumulative restitution payments by the end of each of the following quarters and not timely providing to Probation satisfactory proof of restitution for the quarterly reports due by April 10, 2004, July 10, 2004, January 10, 2005, April 10, 2005, July 10, 2005, October 10, 2005, April 10, 2006, July 10, 2007, October 10, 2007, January 10, 2008, April 10, 2008, Respondent is culpable of eleven counts of wilfully violating Business and Professions Code section 6068, subdivision (k).

By not making restitution payments during the periods of the following quarterly reports: October 10, 2004, January 10, 2006, July 10, 2006, October 10, 2006, January 10, 2008, April 10, 2007, July 10, 2008, and by October 10, 2008. Respondent is culpable of eight counts of violating Business and Professions Code section 6068, subdivision (k).

By not filing with probation proof that he had completed restitution to Carlos Arturo, Ezzat Guirguis, Annette Williams, Jesus Rocha, Gloria Redondo, Richard Mortvedt, Magdelano Marin, Ruth Zamora, Javier Rivera, or CSF by November 11, 2008, Respondent is culpable of nine counts of violating Business and Professions Code section 6068, subdivision (k).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was November 16, 2009.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 16, 2009, the prosecution costs in this matter are \$4,318. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.7(b) –if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.4(b) - culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of misconduct and the degree of harm to the client.

Standard 2.6 culpability of a member of a violation of any of the following provisions 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 the due regard to the purposes of imposing discipline set forth in standard 1.3: sections 6068.

DISMISSALS

Case Number 08-O-10639	Count One	Improper Withdrawal From Employment
Case Number 08-O-10639	Count Three	Failure to Refund Unearned Fees

AGGRAVATING CIRCUMSTANCES.

PRIOR DISCIPLINE.

FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.

Respondent failed to perform services in case number 08-O-10639. His failure to perform caused harm to the client as it delayed resolution of her case.

MITIGATING CIRCUMSTANCES.

FACTS SUPPORTING MITIGATING CIRCUMSTANCES.

The Respondent has provided the State Bar with medical evidence to support compelling mitigation. Respondent suffered from atrial flutter, hyperlipidemia, and hyperthyroidism. In September 2006, Respondent had an ablation and dual pacemaker inserted in his chest. He was on medication. Respondent has provided medical records during the time period of his noncompliance with his probation. The records remain in the possession of the State Bar.

STATE BAR ETHICS SCHOOL.

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

FINANCIAL CONDITIONS, RESTITUTION.


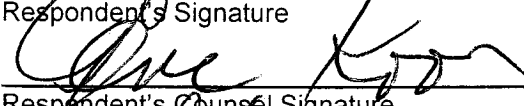
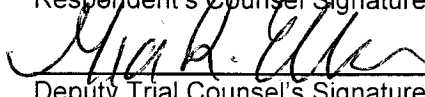
Respondent must be actually suspended from the practice of law in the State of California for a period of 120 days and until Respondent pays restitution as set forth in the financial conditions form attached to the stipulation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him during that reporting period. Respondent contends that he paid complaining witnesses Carlos Arturo and Richard Morvedt directly through separate judgments and liens. The Office of Probation and/or CSF will consider giving Respondent credit for these payments should Respondent provide satisfactory proof of payment to the Office of Probation within thirty (30) days of the effective date of the Supreme Court discipline order.

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In the Matter of ROY E. PETERSON	Case number(s): 08-O-10639 and 08-O-14806
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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>11/23/09</u> Date	<u></u> Respondent's Signature	<u>ROY E PETERSON</u> Print Name
<u>11/27/09</u> Date	<u></u> Respondent's Counsel Signature	<u>GENE KOON</u> Print Name
<u>11/24/09</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>MIA R. ELLIS</u> Print Name

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In the Matter Of ROY E. PETERSON	Case Number(s): 08-O-10639; 08-O-14806
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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.

On page four of the stipulation, the box next to item E(1) is checked.

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.)**

12-7-09
Date

George Scott
Judge of the State Bar Court
George Scott
Judge Pro Tem

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 December 7, 2009, 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:

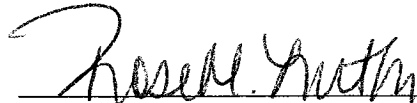
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GENE KOON, ESQ.
332 W FOOTHILL BLVD
MONROVIA, CA 91016

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

MIA ELLIS, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 7, 2009.



Rose Luthi
Case Administrator
State Bar Court