

**ORIGINAL**

**State Bar Court of California  
Hearing Department  
Los Angeles  
REPROVAL**

<p>Counsel For The State Bar</p> <p>Katherine Kinsey State Bar of California 1149 S. Hill Street Los Angeles, CA 90015 213-765-1503</p> <p>Bar # 183740</p>	<p>Case Number(s): 08-O-11293 10-O-08625</p>	<p>For Court use only</p> <p align="center"><b>FILED</b></p> <p align="center"><b>AUG 31 2011</b> <i>KE</i></p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p align="center"><b>PUBLIC MATTER</b></p>
<p>Counsel For Respondent</p> <p>Thomas R. Saltarelli Saltarelli Law Corporation 695 Town Center Drive Suite 530 Costa Mesa, CA 92626 714-389-5300</p> <p>Bar # 97889</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Patrick Lee Lund</p> <p>Bar # 86371</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted May 31, 1979.
- (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 9 pages, not including the order.



- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - ☐ Case ineligible for costs (private reproof).
  - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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.
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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:

(Do not write above this line.)

- (d) ☐ Degree of prior discipline
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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 cooperated with State Bar in resolving these matters.

**D. Discipline:**

- (1) ☐ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of One (1) Year.
- (2) ☒ During the condition period attached to the reproof, 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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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) ☐ 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 within one year of the effective date of the reprobation.

☒ No MPRE recommended. Reason: The protection of the public and the interests of the attorney do not require passage of the MPRE in this case.

- (11) ☐ 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:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        Patrick Lee Lund

CASE NUMBER(S):        08-O-11293; 10-O-08625

**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-11293 (Complainant: Clinton Williams)

**FACTS:**

1. In March 2007, Clinton Williams ("Williams") employed Respondent for a civil action to quiet title on his residence.
2. In 2007, Respondent referred Williams to Legacy Builders for home improvement services related to the residence that was the subject of the quiet title action. Legacy Builders is owned by Jon Lund ("J. Lund"), Respondent's brother. Respondent did not inform Williams in writing that Legacy Builders was owned by his brother. Respondent's contends that he verbally advised Williams that Legacy Builders was owned by his brother.
3. On April 25, 2007, J. Lund faxed a copy of the home improvement contract between Williams and Legacy Builders to Respondent. Respondent reviewed the contract on Williams's behalf.
4. Prior to representing Williams in dealings with Legacy Builders, Respondent did not disclose to Williams in writing the actual and reasonably foreseeable adverse consequences of Williams hiring Legacy Builders to handle the home improvements on Williams's home.
5. In 2007, Respondent helped Williams obtain a loan. Respondent deposited funds from the loan into his account and disbursed \$56,753.38 to Legacy Builders for contract work on Williams's home. Before receiving the funds, Respondent did not disclose in writing the actual and reasonably foreseeable adverse consequences of Respondent receiving the funds and disbursing funds to Legacy Builders as payment for contracting services.
6. In 2008, a dispute arose between Williams and Legacy Builders regarding the work performed by Legacy Builders, and Williams filed a complaint with the contractor's licensing board.

**CONCLUSIONS OF LAW:**

By representing Williams in dealings with Legacy Builders, including reviewing the contract between Williams and Legacy Builders and paying Legacy Builders invoices on Williams's behalf, without providing Williams with proper written disclosure, Respondent willfully violated Rules of Professional Conduct, rule 3-310(B)(3).

Case No. 10-O-08625 (Complainant: Malka Bussman)

FACTS:

1. On December 15, 2006, Malka Bussman ("Bussman") filed a lawsuit entitled *Malka Bussman v. Moshe Adri et. al.* Los Angeles County Superior Court, case no. BC363449 (the "Bussman action").
2. On February 2, 2009, Bussman employed Respondent to represent her in the Bussman action.
3. On February 3, 2009, Bussman paid Respondent \$10,000 in attorney's fees.
4. On February 10, 2009, Bussman paid Respondent an additional \$10,000 in attorney fees.
5. Pursuant to the retainer agreement, Bussman was required to pay Respondent \$16,000 in attorney's fees two weeks before trial in the Bussman action and an additional \$4,000 in attorney's fees at the end of trial.
6. In March 2009, Bussman paid Respondent \$8,000 in attorney's fees for the trial, then scheduled for June 2009.
7. Trial in the Bussman action was subsequently rescheduled to November 30, 2009.
8. On November 23, 2009, Respondent wrote Bussman that the trial fee of \$16,000 was due within seven days before trial. Therefore, she was required to pay an additional \$8,812.50 before trial and \$4,000 at the end of trial.
9. By November 27, 2009, Bussman paid Respondent an additional \$8,800 in attorney's fees.
10. On November 30, 2009, trial in the Bussman action was continued to April 12, 2010 and later to October 26, 2010.
11. On June 28, 2010, Respondent filed a motion to be relieved as counsel in the Bussman action.
12. On June 28, 2010, Respondent's motion to be relieved as counsel, and Bussman filed opposition to Respondent's motion. The court granted Respondent's motion to be relieved.
13. On July 27, 2010, Bussman requested a refund of the \$16,000 in attorney's fees paid to Respondent to handle the trial in the Bussman action. Respondent did not promptly provide a refund.
14. In August 2010, Bussman filed a complaint against Respondent with the State Bar of California.
15. On January 2011, Bussman again wrote Respondent seeking a refund of the \$16,000 trial fee. Respondent did not promptly provide a refund of attorney's fees.
16. In March 2011, Respondent and Bussman entered into a settlement agreement. Pursuant to the settlement, Respondent agreed to refund the \$16,000 in attorney's fees to Bussman. Although it was not a condition for her receiving the \$16,000 in funds, pursuant to the agreement, Bussman agreed to withdraw her State Bar complaint.

## CONCLUSIONS OF LAW:

By entering into a global agreement that included a provision that Bussman withdraw her State Bar complaint against Respondent, Respondent acting as a party or as an attorney for a party and agreed or sought an agreement that a plaintiff would withdraw a disciplinary complaint or would not cooperate with the investigation or prosecution conducted by the disciplinary agency in willful violation of Business and Professions Code section 6090.5.

By not promptly refunding the \$16,000 in attorney's fees to Bussman despite her requests, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

## PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was August 25, 2011.

## AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.4(a): Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a willful violation of any Rule of Professional Conduct not specified in these 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 set forth in standard 1.3.



(Do not write above this line.)

In the Matter of: Patrick Lee Lund	Case number(s): 08-O-11293; 10-O-08625
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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.

<u>8.25.11</u> Date	 Respondent's Signature	<u>Patrick Lee Lund</u> Print Name
<u>8-25-2011</u> Date	 Respondent's Counsel Signature	<u>Thomas R. Saltarelli</u> Print Name
<u>8/25/2011</u> Date	 Deputy Trial Counsel's Signature	<u>Katherine Kinsey</u> Print Name

(Do not write above this line.)

In the Matter of:  
Patrick Lee Lund

Case Number(s):  
08-O-11293; 10-O-08625

### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department 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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date

08-31-11

Judge of the State Bar Court

RICHARD A. PLATEL

## 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 August 31, 2011, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:

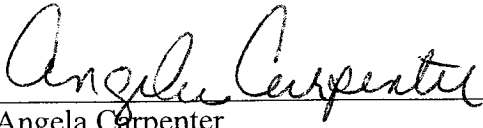
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

THOMAS R SALTARELLI  
SALTARELLI LAW CORPORATION  
695 TOWN CENTER DRIVE, SUITE 530  
COSTA MESA CA 92626

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

KATHERINE KINSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 31, 2011.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court