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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION			PUBLIC MATTER
Counsel For The State Bar BRANDON K. TADY Office of Chief Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 83045	Case Number(s): 08-O-12385 08-O-12658 08-O-13062 08-O-13925 11-O-10925	For Court use only <div style="text-align: center;"> FILED MAY 25 2011 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
Counsel For Respondent ARTHUR MARGOLIS Margolis & Margolis LLP 2000 Riverside Dr Los Angeles, CA 90039 Bar # 57703	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter of: ROBERT FRANCIS CARBONE Bar # 127138 A Member of the State Bar of California (Respondent)	STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted January 5, 1987.
- (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 17 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):
- ☐ Costs are added to membership fee for calendar year following effective date of discipline.
- ☒ 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.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
- (a) ☐ State Bar Court case # of prior case
- (b) ☐ Date prior discipline effective
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
- (d) ☐ Degree of prior discipline
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below 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. See Stipulation Re Facts, Conclusions and Disposition
- (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. See Stipulation Re Facts, Conclusions of Law and Disposition
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances

None.

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. See Stipulation Re Facts, Conclusions and Disposition.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. See Stipulation Re Facts, Conclusions of Law and Disposition.
- (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. See Stipulation Re Facts, Conclusions of Law and Disposition.

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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

None

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of one (1) year.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2) ☒ 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.

(3) ☒ 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.

(4) ☒ 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.

(5) ☐ 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.

- (6) ☒ 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.
- (7) ☒ 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 State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (8) ☐ 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.
- (9) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **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: .
- (2) ☐ **Other Conditions:**
- None

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT FRANCIS CARBONE

CASE NUMBER(S): 08-O-12385
 08-O-12658
 08-O-13062
 08-O-13925
 11-O-10925

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-12385 (COMPLAINANT: NICK MARTINEZ)

FACTS (Counts 1 & 2 of the Notice of Disciplinary Charges)

1. On August 14, 2006, Nick Martinez (Martinez") employed Respondent to represent him in a wrongful termination case. Martinez paid Respondent \$4,500 in advanced fees for the representation.
2. On December 26, 2006, Respondent sent Martinez a letter advising him that his chances of a successful outcome were slim and stating that he would refund the remainder of the \$4,500 if Martinez decided not to proceed.
3. On December 31, 2006, Respondent sent Martinez an invoice showing that the current balance from the advanced fees Martinez paid was \$3,970.61.
4. On January 3, 2007, Respondent refunded \$2,500 in unearned fees to Martinez. Respondent never gave an accounting for the difference, i.e. \$1470.61, between the balance on the December 31, 2006 Statement and the amount refunded to Martinez.
5. On September 4, 2007, Martinez spoke to Respondent by telephone and requested an accounting for the fees retained by Respondent. Thereafter, Respondent did not provide an accounting to Martinez. On December 2, 2007, Martinez sent a letter to Respondent requesting a refund of the rest

of the advanced fees of \$1,470.61. Respondent received the letter. Respondent did not respond to the letter or promptly provide Martinez with an accounting or a refund.

6. On January 15, 2008, Respondent sent a fax to Martinez enclosing a ledger indicating that he had incurred greater fees than shown on the December 31, 2006, invoice and indicating that he had paid \$1,000 of the advanced fees to another for research. Respondent did not itemize the hours of the other attorney or demonstrate how the fees were earned.

7. Respondent did not earn the remaining \$470.61 of Martinez's advanced fees. Respondent did not promptly refund \$470.61 to Martinez.

8. On November 3, 2010, Respondent sent Martinez a check in the amount of \$1470.61. Respondent sent the check to Martinez before the State Bar filed the Notice of Disciplinary Charges against him.

CONCLUSIONS OF LAW

9. In Count Two of the NDC, Respondent admits that he failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rules of Professional Conduct, rule 3-700(D)(2), by refusing to refund the unearned balance of Martinez's advanced fees.

CASE NO. 08-O-12658 (COMPLAINANTS: FRANK MARR AND TRISHA MARR)

FACTS (Counts 3-5 of the Notice of Disciplinary Charges)

10. In December 2006, Frank and Trisha Marr (the "Marrs") employed Respondent to represent them in obtaining guardianship of their grandson. At or about the same time Marrs' paid Respondent \$3,500 in advanced fees toward an hourly fee for his legal services.

11. On June 27, 2007, Respondent filed a petition on behalf of the Marrs for appointment of a guardian in Kern County Superior Court. On or about February 25, 2008, the Marrs' petition for guardianship was granted by the court.

12. On February 25, 2008, Respondent and the Marrs appeared in court for a hearing on the petition for guardianship of their grandson. At that time, the court granted the petition.

13. On March 1, 2008, Respondent sent the Marrs a billing statement showing that they had a credit balance of \$1,080.43. Thereafter, Respondent did not provide the Marrs with any further billing statements.

14. On June 6, 2008, Frank Marr mailed a letter to Respondent at his law office address requesting that refund the balance of \$1,080.43. Respondent received the letter. Respondent did not respond to the letter to provide an accounting or a refund to the Marrs.

15. On June 25, 2008, the Marrs submitted a complaint to the State Bar regarding Respondent's failure to provide a refund.

16. On July 16, 2008, a State Bar investigator mailed a letter to Respondent requesting a response to the Marrs' complaint. Thereafter, Respondent's counsel mailed a letter to the State Bar investigator requesting a extension of time to respond. On or about December 1, 2008, Respondent's counsel, Erica Tabachnick, informed the State Bar that she was no longer representing Respondent in this matter.

17. On December 2, 2008, the State Bar Investigator mailed a letter to Respondent at his State Bar membership records address requesting that he respond in writing to the Marrs' complaint. Respondent received the letter. Respondent did not provide the State Bar with a written response to the Marrs' complaint or otherwise cooperate in the State Bar's investigation.

18. On November 3, 2010, Respondent sent a check to the Marrs in the amount of \$1080.43. Respondent sent the check to the Marrs before the State Bar filed the NDC against him.

CONCLUSIONS OF LAW

19. In Count Four of the NDC, Respondent admits that by failing to refund the unearned balance of Marrs' advanced fees, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rules of Professional Conduct, rule 3-700(D)(2).

20. In Count Five of the NDC, Respondent admits that by failing to respond to the State Bar investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code, section 6068(i).

CASE NO. 08-O-13062 (COMPLAINANT: LINDA PILKINGTON)

FACTS

21. In February 2007, Linda Pilkington ("Pilkington") employed Respondent to represent her in obtaining spousal arrears from her former husband.

22. On May 25, 2007, Respondent filed an Order To Show Cause and Affidavit for Contempt to be heard on or about June 27, 2007. Thereafter the hearing was continued to on or about August 29, 2007.

23. On August 28, 2007, Respondent's staff informed Pilkington that the hearing would be continued. The hearing was not continued. On August 29, 2007, neither Respondent nor opposing counsel appeared for the hearing, and the court took the matter off calendar.

24. During the period from in or about September 2007 to April 2008, Pilkington repeatedly contacted Respondent's office by e-mail inquiring about the status of her case. During that period, Respondent's staff informed her that Respondent had prepared garnishment documents which were with the court for signature.

25. In April 2008, Respondent's staff informed Pilkington that Respondent had decided to prepare a new Order To Show Cause to the court. The Order To Show Cause requested the court to award Pilkington a lump sum payment of arrears to be paid from Pilkington's former husband's

retirement, and monthly spousal support. Thereafter, Pilkington supplied further information to Respondent as requested.

26. On July 9, 2008, Respondent filed the order to show cause to be heard on September 10, 2008. Respondent never informed Pilkington of the hearing date.

27. On July 17, 2008, Pilkington submitted a complaint to the State Bar regarding Respondent's conduct in her case.

28. During the period from May 2008 through September 2008, Pilkington telephoned Respondent's office on multiple occasions requesting to speak to Respondent about the status of her case. Respondent received the messages. Respondent did not return the calls or otherwise communicate with Pilkington prior to the hearing in her case in September 2008.

29. On September 10, 2008, Respondent appeared in court for the hearing on the Order To Show Cause and stipulated to settle the matter. In the stipulation Pilkington's former husband agreed to pay Pilkington \$310 per month from his retirement in lieu of the spousal support arrears, and that spousal support would be set at \$0. Respondent did not have Pilkington's authorization or consent to enter into the stipulation.

30. On August 26, 2008, a State Bar investigator mailed a letter to Respondent's counsel, Erica Tabachnick, requesting a response to Pilkington's complaint. Thereafter, Respondent's counsel mailed a letter to the State Bar investigator requesting a extension of time to respond. On December 1, 2008, Respondent's counsel informed the State Bar that she was no longer representing Respondent in this matter.

31. On December 2, 2008, the State Bar Investigator mailed a letter to Respondent at his State Bar membership address requesting that he respond in writing to Pilkington's complaint. Respondent received the letter. Respondent did not provide the State Bar with a written response to the Pilkington's complaint or otherwise cooperate in the State Bar's investigation.

CONCLUSIONS OF LAW

32. In Count Six of the NDC, Respondent admits that by stipulating to a settlement without Pilkington's authorization, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

33. In Count Seven of the NDC, Respondent admits that by not responding to Pilkington's status inquiries prior to the hearing on September 10, 2008, and by failing to inform her of the date of the hearing, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, and failed to keep a client reasonably informed of significant developments in a manner in which Respondent had agreed to provide legal services in violation of Business and Professions Code, section 6068(m)

34. In Count Eight of the NDC, Respondent admits that by failing to respond to the State Bar investigator's letters, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of Business and Professions Code, section 6068(i).

CASE NO. 08-O-13925 (COMPLAINANT: JOHN YUBETA)

FACTS

35. In April 2007, John D. Yubeta ("Yubeta") employed Respondent to represent him in seeking to set aside a stipulated order awarding his former wife an interest in his disability retirement.

Thereafter, Yubeta paid Respondent \$2,500 in advanced fees and \$75 in advanced costs for filing fees.

36. Respondent took no action to set aside the order that Yubeta wished to contest. After accepting the \$2500 in advanced fees, Respondent did not advise Yubeta regarding whether there were grounds to seek the relief that Yubeta wanted. Respondent provided no services of value to Yubeta. Respondent did not earn any of the \$2,500 in fees received from Yubeta.

37. On August 14, 2008, Yubeta mailed a letter to Respondent terminating his employment and requesting a refund of the fees paid. Respondent received the letter. Respondent did not respond to Yubeta's letter. Respondent did not promptly refund any of the unearned fees to Yubeta.

38. On November 3, 2010, Respondent sent a check to Mr. Yubeta in the amount of \$2500. Respondent sent the check to Mr. Yubeta before the State Bar filed the NDC against him.

CONCLUSIONS OF LAW:

39. In Count Ten of the NDC, Respondent admits that by not promptly refunding any of the unearned fees to Yubeta, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rules of Professional Conduct, rule 4-100(B)(3).

DISMISSALS

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
1. Case number 08-O-12658	Count Three	RPC, rule 4-100 (B) (3)
2. Case number 08-O-13925	Count Nine	RPC, rule 4-100 (B) (3)

CIRCUMSTANCES IN AGGRAVATION.

1. Respondent's current misconduct evidences multiple acts of wrongdoing. Respondent committed misconduct in four separate client matters identified above (Standard 1.2 (b) (ii)).
2. Respondent's misconduct significantly harmed Martinez, Frank and Trisha Marr, Pilkington, and Yubeta. (Standard 1.2 (b) (iv)) Respondent's misconduct caused harm to Martinez by depriving him of money that rightfully belonged to him. Respondent caused harm to Frank and Trisha Marr by depriving them of money that rightfully belonged to them. Respondent caused harm to Pilkington by depriving her of the right to make a decision that would significantly impact her finances. Respondent caused harm to Yubeta by depriving him of money that rightfully belonged to him.

CIRCUMSTANCES IN MITIGATION.

1. Respondent was admitted to the practice of law in California on January 5, 1987 and he does not have a prior record of State Bar discipline (Standard 1.2 (e) (i)).
2. Respondent demonstrated spontaneous candor and cooperation to the State Bar in the present disciplinary proceeding. Respondent cooperated in the present discipline proceeding, including entering into the present Stipulation resolving all of the allegations against him in the Notice of Disciplinary Charges (Standard 1.2 (e) (v)).
3. Respondent was prepared to call at trial good character witnesses from a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct (Standard 1.2 (e) (vi).)

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3

Standard 1.3 provides that the primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct 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. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

Standard 1.6(a)

Standard 1.6(a) provides that the appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged. If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding,

and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.4 (b)

Standard 2.4 (b) provides that 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 willing failing to communicate with a client shall result in reproof or suspension depending on the extent of the misconduct and the degree of harm to the client.

Standard 2.6

Standard 2.6 provides that culpability of a member of a violation of Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard

Standard 2.10

Standard 2.10 provides that 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.

Argument

In the present proceeding, the stipulated discipline of one year stayed suspension, with two years probation with conditions including ethics school and passage of the MPRE is consistent with the above cited standards for discipline, because Respondent's years in practice without prior discipline, his cooperation in entering into this Stipulation of Facts, Conclusions of Law, and Disposition, and his evidence of good character are important mitigating circumstances.

**WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND
STIPULATED FACTS AND CULPABILITY.**

The parties waive any variance between the Notice of Disciplinary Charges filed on November 18, 2010 and the facts contained in this Stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the Notice of Disciplinary Charges.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was April 18, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 13, 2011, the prosecution costs in this matter are \$5,736. 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.

MAY-10-2011 15:51

STATE BAR OF CALIF


(Do not write above this line.)

In the Matter of: ROBERT FRANCIS CARBONE	Case number(s): 08-O-12385 08-O-12658 08-O-13062 08-O-13925 11-O-10925
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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.

5/16/11
Date


Respondent's Signature

ROBERT FRANCIS CARBONE
Print Name

5/19/11
Date


Respondent's Counsel Signature

ARTHUR MARGOLIS
Print Name

5/23/11
Date


Deputy Trial Counsel's Signature

BRANDON K. TADY
Print Name

In the Matter of: ROBERT FRANCIS CARBONE	Case Number(s): 08-O-12385 08-O-12658 08-O-13062 08-O-13925 Inv. #11-O-10925
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STAYED 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:

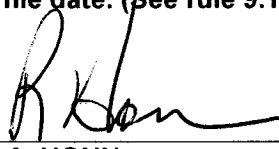
- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

1. On page 2 of the stipulation, paragraph A.(8), in the paragraph marked with an "X" in the box, "years:" is deleted and in its place is inserted "years: 2012 and 2013."
2. On page 15 of the stipulation, under the "Standard 2.6" heading, line 3, "standard" is deleted and in its place is inserted "standard 1.3."

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.)**

Date

5/25/11


RICHARD A. HONN
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 May 25, 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:

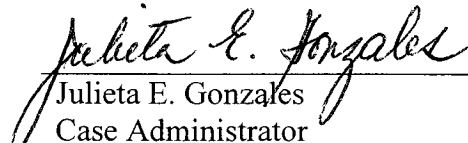
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR L MARGOLIS ESQ
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

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

Brandon K. Tady, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 25, 2011.



Julieta E. Gonzales
Case Administrator
State Bar Court