


(Do not write above this line.)

**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-13804  <b>PUBLIC MATTER</b>	(for Court's use)  <b>FILED</b>  DEC 2 2009 <i>ef</i>  STATE BAR COURT CLERK'S OFFICE LOS ANGELES  kwiktag® 078 541 055 
In Pro Per Respondent  Yefim M. Shlionsky 6639 Colgate Avenue Los Angeles, CA 90048  Bar # 237892		
In the Matter Of: Yefim M. Shlionsky  Bar # 237892  A Member of the State Bar of California (Respondent)	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <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 October 27, 2005.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (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
  - (b) ☐ Date prior discipline effective
  - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
  - (d) ☐ Degree of prior discipline
  - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☒ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. Please see attachment page 13.
- (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 attachment page 13.
- (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. Please see page 13
- (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**

In recognition of his misconduct, Respondent has agreed to pay restitution to his client.

## 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 3 years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 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:

## E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (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 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  
YEFIM M. SHLIONSKY

Case number(s):  
08-O-13804

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
GILBERTO PANTIGA JUNIOR	\$1,270.90	November 18, 2009

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation [REDACTED]

**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:
- 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:                      YEFIM M. SHLIONSKY

CASE NUMBER(S): ET AL.              08-O-13804

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

The parties waive any variance between the Notice of Disciplinary Charges ("NDC") filed on May 5, 2009, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**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.

1. In June 2007, Gilberto Pantiga, Jr. employed Respondent to represent him in an immigration matter, particularly, to obtain an employment visa for Pantiga.
2. On February 5, 2008, Respondent advised Pantiga in an e-mail to apply for an O-1 extraordinary ability visa. Respondent stated that the attorney fees for an O-1 visa were \$1,500 prior to filing and \$1,500 upon case approval, and that the filing fees were \$320 with an optional \$1,000 fee for expedited processing of the visa application, or within 15 days, by the Department of Homeland Security ("DHS").
3. On February 6, 2008, Pantiga mailed two money orders to Respondent, one for \$1,000 (identified as "08833249649") and another for \$270.90 (identified as "08833249650") for attorney fees.
4. On March 21, 2008, Respondent sent an e-mail to Pantiga. In the e-mail, Respondent indicated that he was finalizing the visa application and that it would be filed by next week. On March 22, 2008, Pantiga responded to Respondent's e-mail stating, "I can wait, no problem."
5. On April 3, 2008, Respondent sent an e-mail to Pantiga. With the e-mail, Respondent provided a table of exhibits for the visa application for Pantiga's review. In the e-mail, Respondent stated that he would send Pantiga an e-mail with a final letter in support of the visa application for his review.
6. On April 4, 2008, Respondent sent an e-mail to Pantiga. With the e-mail, Respondent sent a final draft of the support letter, table, and a letter from Paul Tickenoff. Respondent also stated that he would e-mail another letter and forms to Pantiga later that day. On April 4 and 8, 2008, Pantiga sent e-mail to Respondent. In the e-mail, Pantiga informed Respondent of corrections that were needed to the table. Respondent received the e-mail.

7. On April 8, 2008, Respondent sent an e-mail to Pantiga. In the e-mail, Respondent asked Pantiga to call him later that day.
8. On April 9, 2008, Pantiga sent an e-mail to Respondent. In the e-mail, Pantiga stated he would need additional time to forward other documents and money to Respondent. Respondent received the e-mail.
9. On April 10, 2008, Pantiga sent an e-mail to Respondent. With the e-mail, Pantiga sent a letter of recommendation in support of the visa application from Ken Achrion ("Achrion"). Respondent received the e-mail.
10. On April 13, 2008, Respondent sent an e-mail to Pantiga. In the e-mail, Respondent confirmed receipt of the Achrion letter and asked Pantiga to make sure that payment was made out to the "Department of Homeland Security." On April 13, 2008, Pantiga sent an e-mail to Respondent. In the e-mail, Pantiga indicated that he sent paperwork and money orders to Respondent that day.
11. On May 13, 2008, Pantiga sent an e-mail to Respondent. In the e-mail, Pantiga asked Respondent if he had heard any news about his visa. Respondent received the e-mail.
12. On May 22, 2008, Pantiga obtained money orders for \$1,000 (identified as "08-879930053") and \$320 (identified as "08-8779930054") for the visas, payable to "Department of Homeland Security", and mailed the money orders to Respondent.
13. On May 26, 2008, Respondent sent an e-mail to Pantiga. In the e-mail, Respondent stated that he had received the money orders and would send the money orders to DHS right away.
14. On June 6, 2008, Pantiga sent an e-mail to Respondent. In the e-mail, Pantiga asked Respondent for the status of his visa. Respondent received the e-mail.
15. On June 23, 2008, Respondent sent an e-mail to Pantiga. In the e-mail, Respondent stated that he would contact DHS that day and inform Pantiga of the status of his visa. Respondent did not contact Pantiga with the status of his visa.
16. Between July 15, 2008 and August 3, 2008, Pantiga sent emails to Respondent. In the e-mails, Pantiga stated that he was waiting for information from Respondent regarding his visa. Respondent received the e-mail, but did not contact Pantiga with the status of his visa.
17. Respondent did not send the \$1,000 and \$320 money orders, which he received from Pantiga in May 2008, to DHS. Instead, Respondent interlineated the payee of "Department of Homeland Security" and changed the payee's name on the \$1,000 money order to "Wilshire Mariposa Towers" to pay his personal expense, and the payee's name on the \$320 money order to "Yefim Shlionsky," without Pantiga's knowledge or authorization.
18. On June 23, 2008, after Respondent provided the \$1,000 money order to his the payee, Wilshire Mariposa Towers, the \$1,000 money order was deposited into an account at Bank of America, maintained by B.H. Properties, 310 South Mariposa, LLC.
19. On July 14, 2008, Respondent deposited the \$320 money order at a Bank of America for his personal purpose.

20. Respondent concealed from Pantiga that he used the \$1,000 and \$320 money orders for his personal purposes.
21. At no time did Respondent return the costs that Pantiga sent to Respondent and received by him for the processing of Pantiga's visa application.
22. Respondent did not file the visa application for Pantiga.
23. On September 5, 2008, the State Bar of California ("State Bar") opened an investigation identified as case number 08-O-13804, concerning a complaint submitted against Respondent by Pantiga.
24. On October 20, 2008, a State Bar investigator mailed a letter regarding the investigation to Respondent at his membership records address of 6639 Colgate Avenue, Los Angeles, CA 90048 (the "membership records address"). The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the U.S. Postal Service ("USPS") in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter.
25. On November 5, 2008, the State Bar investigator mailed another letter regarding the investigation, with a copy of her October 20, 2008 letter, to Respondent at the membership records address. The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter.
26. On December 8, 2008, the State Bar investigator mailed another letter regarding the investigation to Respondent at an address provided by Pantiga, 8425 W. 3rd St., Suite 305, Los Angeles, CA 90048. The letter was mailed in a sealed envelope by first class mail, postage prepaid, by depositing for collection by the USPS in the ordinary course of business. The letter was not returned to the State Bar by the USPS as undeliverable or for any other reason. Respondent received the letter. Respondent did not respond to the December 8, 2008 letter.

### **Conclusions of Law**

By not responding to Pantiga's e-mails sent to Respondent on or about July 15, 25, 29, and 30, 2008 and August 3, 2008, Respondent wilfully violated Business and Professions Code, section 6068(m),

By changing the payee's name on the money orders without Pantiga's knowledge or consent; by concealing from Pantiga that he used the money orders for Respondent's personal purposes; and by not returning the costs that Pantiga sent to Respondent and received by him for the processing of Pantiga's visa application, Respondent illegally converted funds belonging to Pantiga and wilfully committed acts involving moral turpitude, dishonesty and corruption, in violation of Business and Professions Code, section 6106.

By not filing the visa application for Pantiga, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A)

By not providing a written response to the allegations raised in the investigators' letters of October 20, November 5 and December 8, 2008, Respondent wilfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in violation of Business and Professions Code, section 6068(i).

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(6), was November 19, 2009.

### **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>
08-O-13804	Four	Failure to Release File

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 19, 2009, the prosecution costs in this matter are \$3,654. 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 1.6 –provides that 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 2.2(a) - provides that wilful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In these latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

Standard 2.3 - provides that culpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

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 willfully failing to communicate with a client shall the client.

Standard 2.6 - provides that culpability of a member of a violation of any of the following provisions of the Business and Professions Code 6068 shall result in disbarment or suspension depending on the gravity of the offense or harm.

#### **AGGRAVATING CIRCUMSTANCES.**

##### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES.**

Respondent's misconduct was surrounded by dishonesty and concealment as he changed the payee's name on two money orders without Gilberto Pantiga's knowledge or consent and concealed from Pantiga that he used the money orders for Respondent's personal purposes.

##### **ADDITIONAL AGGRAVATING CIRCUMSTANCES.**

Respondent's misconduct harmed significantly his client, Gilberto Pantiga because he did not file the visa application for Mr. Pantiga, who was at risk of deportation.

#### **MITIGATING CIRCUMSTANCES**

Respondent cooperated to the extent that he stipulated to facts, conclusions of law and level of discipline.

#### **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 1 year and until Respondent makes restitution as set forth in the Financial Conditions form attached to this stipulation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him or her during that reporting period.

(Do not write above this line.)

In the Matter of  
**YEFIM M. SHLIONSKY**

Case number(s):  
**08-O-13804**

### 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.

11/24/09

Date

Y. Shlionsky  
Respondent's Signature

Yefim Shlionsky  
Print Name

11/

Date

Respondent's Counsel Signature

Print Name

11/24/09

Date

Mia Ellis  
Deputy Trial Counsel's Signature

Mia Ellis  
Print Name

(Do not write above this line.)

In the Matter Of  
**YEFIM M. SHLIONSKY**

Case Number(s):  
**08-O-13804**

### ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public,  
IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without  
prejudice, and:

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify  
the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies  
or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The  
effective date of this disposition is the effective date of the Supreme Court order herein,  
normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

12/2/09  
Date

  
Judge of the State Bar Court

**DONALD F. MILES**

## 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 2, 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:
- YEFIM M. SHLIONSKY  
6639 COLGATE AVE  
LOS ANGELES, CA 90048
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 2, 2009.



Cristina Potter  
Case Administrator  
State Bar Court