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<p>State Bar Court of California Hearing Department Los Angeles</p>		<p>kwiktag® 018 038 581 </p>
<p>PUBLIC MATTER</p> <p>Counsel For The State Bar</p> <p>Kimberly G. Anderson 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1083</p> <p>Bar # 150359</p>	<p>Case Number (s) 09-C-10291, 10-C-03194 and 10-C-03195</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 18pt; font-weight: bold;">JAN 20 2011</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Frank E. Noble 850 Beech Street, Suite 803 San Diego, CA 92101 (619) 239-2550</p> <p>Bar # 109725</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: Frank Edward Noble</p> <p>Bar # 109725</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 December 12, 1983.
- (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 10 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 added to membership fee for calendar year following effective date of discipline (public reproof)
- case ineligible for costs (private reproof)
- costs to be paid in equal amounts for the following membership years:
(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

- (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:
- (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.

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- (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. See Stipulation Attachment at page 9 (Attachment page 4).
- (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 Attachment at page 9 (Attachment page 4).
- (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.

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- (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:

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 Reproof:

- (1) Respondent must comply with the conditions attached to the reproof for a period of two (2) years.
- (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 reproof. 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 reproof 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 reapproval.
- (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 reapproval.
- No MPRE recommended. Reason:
- (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: FRANK EDWARD NOBLE

CASE NUMBER(S): ET AL. 09-C-10291, 10-C-03194 and 10-C-03195

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING.

CASE NO. 09-C-10291:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On July 21, 2009, respondent was convicted of violating Vehicle Code, section 14601.2(a), a misdemeanor.
3. On July 28, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of Vehicle Code, section 14601.2(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 10-C-03194:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On January 5, 2006, respondent was convicted of violating Vehicle Code, section 14601.1(a), a misdemeanor.
3. On August 13, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of Vehicle Code, section 14601.1(a) involved moral turpitude or other misconduct warranting discipline.

CASE NO. 10-C-03195:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On May 20, 2004, respondent was convicted of violating Vehicle Code, section 23152(b), with a prior reckless driving involving alcohol conviction.
3. On July 28, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending the

discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of Vehicle Code, section 23152(b) involved moral turpitude or other misconduct warranting discipline.

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. 09-C-10291:

1. On November 10, 2008, Officer K. Armentano of the San Diego Police Department executed a traffic stop of the vehicle being driven by Respondent. Officer Armentano learned that Respondent's driver's license was suspended due to a prior driving under the influence conviction and cited Respondent for a misdemeanor violation of Vehicle Code, section 14601.2(a).
2. At the time of the traffic stop, Respondent was on probation for a prior conviction for driving on a suspended license in violation of Vehicle Code, section 14601.1(a) in the case entitled *People of the State of California v. Frank Noble*, San Diego Superior Court Case No. M974232. As conditions of his probation in Case No. M974232, Respondent was ordered not to violate any laws excepting minor traffic violations and Respondent was ordered not to drive without a valid license and insurance. (The facts and circumstances of this case are discussed more fully below under Case No. 10-C-03194.)
3. At the time of the traffic stop, Respondent was also on probation for a prior conviction for driving under the influence conviction in violation of Vehicle Code, section 23152(b) in the case entitled *People of the State of California v. Frank Noble*, San Diego Superior Court Case No. M869061. As conditions of his probation in Case No. M869061, Respondent was ordered not to violate any laws excepting minor traffic violations and Respondent was ordered not to drive without a valid license and insurance. (The facts and circumstances of this case are discussed more fully below under Case No. 10-C-03195.)
4. On February 17, 2009, Respondent was charged in the case entitled *People of the State of California v. Frank Noble*, San Diego Superior Court Case No. M067401 with driving on a suspended license in violation of Vehicle Code, section 14601.2(a), with an allegation that Respondent had a prior conviction for driving on a suspended license in Case No. M974232.
5. On July 21, 2009, Respondent pled guilty to violating Vehicle Code, section 14601.2(a) and admitted the prior conviction for driving on a suspended license in Case No. M974232. The court placed Respondent on summary probation for three years. The court also ordered him to obey all laws excepting minor traffic violations and not to drive without a valid license and insurance.
6. By driving on a suspended license on November 10, 2008, and by violating the terms of his probation in Case Nos. M974232 and M869061, Respondent committed misconduct warranting discipline which amounted to a violation of Business and Professions Code, section 6068(a), but which does not involve moral turpitude.

CASE NO. 10-C-03194:

1. On September 22, 2005, Officer M. Hart of the San Diego Unified Port Harbor Police Department executed a traffic stop of the vehicle being driven by Respondent. Officer Hart learned that Respondent's driver's license was suspended due and cited Respondent for a misdemeanor violation of Vehicle Code, section 14601.1(a).
2. At the time of the traffic stop, Respondent was on probation for a prior conviction for driving under the influence conviction in violation of Vehicle Code, section 23152(b) in the case entitled *People of the State of California v. Frank Noble*, San Diego Superior Court Case No. M869061. As conditions of his probation in Case No. M869061, Respondent was ordered not to violate any laws excepting minor traffic violations and Respondent was ordered not to drive without a valid license and insurance. (The facts and circumstances of this case are discussed more fully below under Case No. 10-C-03195.)
3. Respondent was charged in the case entitled *People of the State of California v. Frank Noble*, San Diego Superior Court Case No. M974232 with driving on a suspended license in violation of Vehicle Code, section 14601.1(a).
4. On January 5, 2006, Respondent pled no contest to violating Vehicle Code, section 14601.1(a) in Case No. M974232. The court placed Respondent on summary probation for three years. The court also ordered him to obey all laws excepting minor traffic violations and not to drive without a valid license and insurance.
5. By driving on a suspended license on September 22, 2005, and by violating the terms of his probation in Case No. M869061, Respondent committed misconduct warranting discipline which amounted to a violation of Business and Professions Code, section 6068(a), but which does not involve moral turpitude.

CASE NO. 10-C-03195:

1. On March 23, 2002, Respondent was driving a motor vehicle with a blood alcohol concentration of .18 when he was stopped by the police during a traffic stop. Respondent had previously been convicted on February 8, 1999 of reckless driving involving alcohol in violation of Vehicle Code, section 23103 pursuant to section 23103.5.
2. On July 15, 2002, Respondent was charged in the case entitled *People of the State of California v. Frank Noble*, San Diego Superior Court Case No. M869061 with driving under the influence of alcohol and driving with a blood alcohol concentration in excess of .08 in violation of Vehicle Code, sections 23152(a) and 23152(b). The complaint also alleged that Respondent had a prior conviction for on February 8, 1999 of reckless driving involving alcohol in violation of Vehicle Code, section 23103 pursuant to section 23103.5.
3. On May 20, 2004, Respondent pled no contest to a violation of Vehicle Code, section 23152(b) and the court dismissed the allegation that Respondent violated Vehicle Code, section 23152(a). Respondent admitted that he had previously been convicted on February 8, 1999 of reckless driving involving alcohol in violation of Vehicle Code, section 23103 pursuant to section 23103.5. The placed Respondent on summary probation for five years. The court also ordered

Respondent to obey all laws excepting minor traffic violations and not to drive without a valid license and insurance, among other conditions.

4. By driving on a motor vehicle with a .18 blood alcohol concentration on March 23, 2002 after having previously been convicted of reckless driving involving alcohol on February 8, 1999, Respondent committed misconduct warranting discipline which amounted to a violation of Business and Professions Code, section 6068(a), but which does not involve moral turpitude.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was December 21, 2010.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.6 of the Standards for Attorney Sanctions for Professional Misconduct and *In re Kelley* (1990) 52 Cal.3d 487 (public reproof warranted for second-time driving under the influence charge with probation violations.)

MITIGATING CIRCUMSTANCES.

Respondent has been a member of the State Bar for many years, coupled with conduct that is not serious.

COMPLIANCE WITH CONDITIONS OF PROBATION IN UNDERLYING CRIMINAL MATTER.

Respondent shall comply with all conditions of probation imposed in the underlying criminal matters and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Office of Probation.


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In the Matter of Frank Edward Noble	Case number(s): 09-C-10291, 10-C-03194 and 10-C-03195
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SIGNATURE OF THE PARTIES

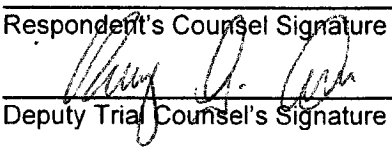
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

December 21, 2010
Date


Respondent's Signature

F. E. Noble
Print Name

January 10, 2011
~~December 2010~~
Date


Respondent's Counsel Signature

Deputy Trial Counsel's Signature

KIMBERLY G. ANDERSON
Print Name

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In the Matter Of
Frank Edward Noble

Case Number(s):
09-C-10291, 10-C-03194 and 10-C-03195

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 125(b), 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

01-11-11

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 January 20, 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:

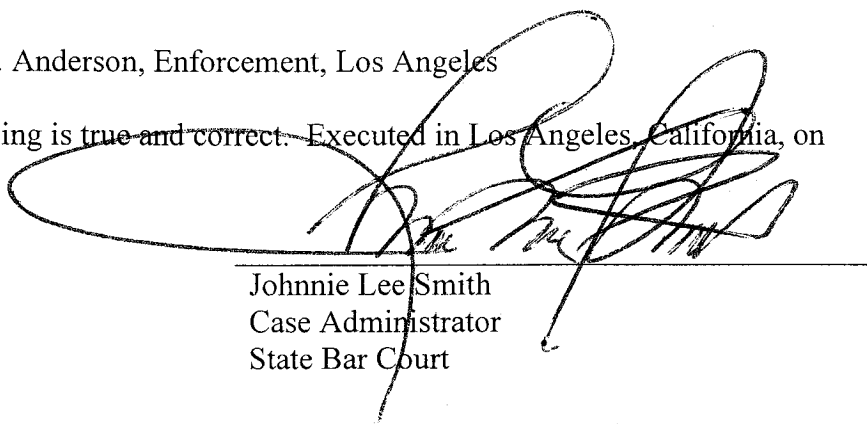
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

FRANK EDWARD NOBLE
LAW OFC FRANK E NOBLE
850 BEECH ST #803
SAN DIEGO, CA 92101

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

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 20, 2011.



Johnnie Lee Smith
Case Administrator
State Bar Court