


(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b>			kwiktag® 018 040 224 
Counsel For The State Bar  Brandon K. Tady Deputy Trial Counsel Office of the Chief Trial Counsel 1149 South Hill Street Los Angeles, California 90015  Bar # 83045	Case Number (s) 09-C-13135 and 10-O-03297	(for Court's use)  <div style="text-align: center;"> <b>FILED</b>  <b>NOV 23 2010</b> <i>vic</i>          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES       </div> <div style="text-align: center; margin-top: 20px;"> <b>PUBLIC MATTER</b> </div>	
Counsel For Respondent  Arthur L. Margolis Margolis & Margolis 2000 Riverside Drive Los Angeles, California 90039  Bar # 57703	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		
In the Matter Of: Garabed Kamarian  Bar # 236670  A Member of the State Bar of California (Respondent)			

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted June 3, 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 12 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".

In the Matter of

Case Number(s):

**GRRABED KAMARIAN**  
A Member of the State Bar

~~09~~ 09-C-13135 & 10-0-03297

**NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

Bus. & Prof. Code §6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

(a) Admission of culpability.

(b) Denial of culpability.

(c) **Nolo contendere**, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

**RULE 133. Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition shall set forth each of the following: . . .

(5) a statement that respondent either

(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

(ii) **pleads nolo contendere to those facts and violations. If the respondent pleads nolo contendere, the stipulation shall include each of the following:**

(a) **an acknowledgment that the respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**

(b) **if requested by the Court, a statement by the deputy trial counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter. (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code §6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea shall be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

10/22/2010

Date

Signature

print name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/97)

- (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: three (3) billing cycles following the effective date of the Supreme Court's Order in this matter.  
(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. See Stipulation of Facts attached hereto.
- (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 of Facts attached hereto.
- (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. See Stipulation of Facts attached hereto.
- (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. See Stipulation of Facts attached hereto.
- (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**

#### D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of three (3) 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 three (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 20 months.

- 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 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: December 20, 2009.
- (5) ☒ **Other Conditions:** If he chooses to do so, Respondent may take the State Bar's Ethics School and he may take the MPRE before the effective date of the Supreme Court's Order in this matter.

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

IN THE MATTER OF: Garabed Kamarian

CASE NUMBER(S): ET AL. 09-C-13135 and 10-O-03297

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING, Case No. 09-C-13135.**

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 August 10, 2009, Respondent was convicted of violating California Penal Code Section 32 (Accessory To A Felony After The Fact).
3. On May 5, 2010, the Review Department of the State Bar Court issued an Order finding that Respondent's conviction of violating California Penal Code, section 32 is a misdemeanor crime involving moral turpitude.
4. On May 5, 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.

**FACTS AND CONCLUSIONS OF LAW IN CONVICTION PROCEEDING CASE NO. 09-C-13135.**

Respondent pleads nolo contendere to the following facts and violations. Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified herein.

Respondent was admitted to practice law on June 3, 2005. Before his admission to practice law, he had a bookkeeping and tax preparation business. One of his clients was Mr. Richard Nazabal ("Nazabal"). Before the alleged misconduct, Respondent knew Nazabal for approximately 10 years and they were friends. After Respondent's admission to practice law, he represented Nazabal in various legal matters.

In late 2005 or early 2006, Nazabal wanted to purchase a house located at 5097 Granada Court, Rancho Cucamonga, California ("Rancho House"). The price of the Rancho House was \$1.688 million. Nazabal told Respondent he could not qualify for a loan to purchase the Rancho House because of a problem involving unpaid child support. He asked Respondent to apply for a loan in Respondent's name to purchase the Rancho House. Nazabal told Respondent that he would live in the Rancho House and each month he would give Respondent money to pay the mortgage. Nazabal's plan was to pay the monthly mortgage payments for several months and then Respondent would sign a Quit Claim Deed transferring his interest in the Rancho House to Nazabal and his wife. Nazabal would then apply for a loan in his name for the Rancho House.



Based on his knowledge of Nazabal's finances obtained from providing Nazabal with bookkeeping and tax preparation services, Respondent believed that Nazabal had the income to pay the monthly mortgage payments for the Rancho House.

Respondent agreed to help Nazabal purchase the Rancho House because they were friends. In February and March, 2006 Respondent submitted at least one loan application to obtain a loan to purchase the Rancho House. In this loan application, Respondent represented that he was the real buyer in interest and that he intended to live in the Rancho House. These representations were false. The loan application included Respondent's and not Nazabal's financial information.

Respondent's loan application was approved and he used the loan to purchase the Rancho House. After the purchase, Nazabal moved into the Rancho House. Nazabal made at least one monthly mortgage payment for the Rancho House. Respondent signed Quit Claim Deeds transferring title to the Rancho House to Nazabal and his wife. Nazabal did not apply for a loan in his name for the Rancho House.

Nazabal and his wife defaulted on the mortgage payments and the mortgagee foreclosed on the Rancho House. At the time of the foreclosure, the loan on the Rancho House was still in Respondent's name.

#### **FACTS AND CONCLUSIONS OF LAW IN CASE NO. 10-O-03297.**

Respondent pleads nolo contendere to the following facts and violations. Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified herein.

On November 23, 2009, the Review Department of the State Bar Court filed an Order in Case number 09-C-13135 placing Respondent on interim suspension following his conviction of one misdemeanor count of violating California Penal Code, section 32 (Accessory To A Felony After The Fact). The effective date of the interim suspension was December 20, 2009.

On April 4, 2009, Petros Petrosyan ("Petroysan") hired Respondent to represent him in several legal matters including an investigation and audit by the Internal Revenue Service ("IRS") of Petrosyan's Federal Income Tax returns. Before December 20, 2009, Respondent communicated with the IRS auditor assigned to the Petrosyan matter. The IRS investigation and audit was not resolved by December 20, 2009. After December 20, 2009, when Respondent was not entitled to practice law, he had a least one further conversation with the IRS auditor on Petrosyan's behalf.

By communicating with the IRS auditor on Petrosyan's behalf after he had been placed on interim suspension, Respondent engaged in the unauthorized practice of law when he was not an active member of the State Bar in wilful violation of California Business and Professions Code, sections 6125 and 6068 (a).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A (7), was November 3, 2010.

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 5, 2010, the prosecution costs in case numbers 09-C-13135 and 10-O-03297 total \$6460.49. 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.

## **AGGRAVATING CIRCUMSTANCES.**

Respondent's application for a loan to purchase the Rancho House was surrounded by dishonesty or concealment (Standard 1.2 (b) (iii)). Respondent misrepresented in his loan application that he was the real buyer in interest for the Rancho House and that he intended to live there.

Respondent's misconduct harmed the public (Standard 1.2 (b) (iv)). The mortgagee relied on the information contained in Respondent's loan application to fund the loan for his purchase of the Rancho House. The mortgagee suffered a financial loss as a result of Nazabal's defaulting on the mortgage.

## **MITIGATING CIRCUMSTANCES.**

Respondent displayed spontaneous candor and cooperation to the State Bar during the disciplinary proceeding and investigation (Standard 1.2 (e) (v)). Respondent cooperated fully with the State Bar including stipulating in deposition to the facts and circumstances of the alleged misconduct.

Respondent spontaneously took objective steps demonstrating remorse and recognition of the wrongdoing found or acknowledged which steps were designed to timely atone for the consequences of his misconduct (Standard 1.2 (e) (vii)). Respondent fully cooperated with the San Bernardino County District Attorney's Office in its criminal prosecution of Nazabal for real estate fraud. Nazabal's prosecution for real estate fraud was unrelated to the Rancho House.

Also, after Respondent learned that Nazabal had defaulted on the mortgage payments for the Rancho House, he contacted the mortgagee and Nazabal's wife and offered to cure the mortgage default and to take title to the Rancho House. Nazabal's wife refused Respondent's offer.

In State Bar Court Case number 10-O-03297, Respondent was an accountant and tax preparer before he became a member of the State Bar. Respondent mistakenly believed he could continue to act on Petrosyan's behalf in the IRS investigation and audit in his capacity as an accountant and tax preparer after he was placed on interim suspension and not entitled to practice law.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 1.3 provides that the purposes of disciplinary proceedings conducted by the State Bar of California and the sanctions imposed upon a finding or acknowledgement 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.

Standard 3.2 provides that final conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall

disbarment not be imposed. In those latter cases, the discipline shall not be less than a two-year actual suspension, prospective to any interim suspension imposed, irrespective of mitigating circumstances.

In *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 103, the Review Department stated that "...an attorney's commission of a crime involving moral turpitude is always a matter of serious consequence but does not always result in disbarment [citations omitted]. In the past and since 1955, the sanction imposed is determined by the Supreme Court in each case depending on the nature of the crime and the circumstances presented by the record before it [citations omitted]."

In *In the Matter of Lybbert* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 297, respondent Lybbert was convicted of one misdemeanor count of violating California Welfare and Institutions Code, section 10980 subdivision (c) (welfare fraud-willfully and unlawfully by means of false statement obtained and retained aid under the provisions of division 9 of the Welfare and Institutions Code for themselves and their children in an amount exceeding \$400), a crime involving moral turpitude. For a period of 15 months, respondent Lybbert signed monthly eligibility reports for cash aid and food stamps which failed to disclose the income he received from working as a law clerk. During this 15 month period, respondent Lybbert knew he was legally required to report to the Riverside County Department of Public Social Services ("Riverside DPSS") any receipt of money from any source. The Review Department recommended discipline of two (2) years actual suspension with the requirement of a Standard 1.4 (c) (ii) hearing, three (3) years stayed suspension, and three (3) year probation. The Review Department found the following mitigating circumstances: respondent Lybbert was candid and cooperative with the Riverside DPSS investigation, he provided character evidence attesting to his integrity, and he was experiencing difficult economic circumstances when the misconduct occurred.

Here, Respondent's misconduct is not as aggravated as respondent Lybbert's misconduct because Respondent did not repeatedly commit acts of misconduct over a long period of time. In mitigation, Respondent cooperated with the San Bernardino County District Attorney's Office and with the State Bar and he offered to cure the mortgage default by taking title to the Rancho House and by paying the unpaid mortgage payments and any interest and penalties.

In *In the Matter of Johnston* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 585, respondent Johnston improperly held himself out as entitled to practice law by misleading his client, Beatrice Brown ("Brown"), into believing that he was still working on her case when he was on suspension for not paying bar dues, failed to perform with competence, and failed to cooperate with the State Bar. The Review Department recommended 60 days actual suspension. The Review Department found that respondent Johnston's practice of law for 12 years without a prior record of discipline was a significant mitigating circumstance. The Review Department found that respondent Johnston's failure to perform with competence caused harm to Brown and that his failure to cooperate with the State Bar were aggravating circumstances.

Here, Respondent's misconduct in engaging in the unauthorized practice of law is less aggravated than respondent's Johnston's misconduct. However, respondent Johnston's years in practice without prior State Bar discipline was found to be a significant mitigating circumstance.

In the present proceeding, the stipulated discipline of 20 months actual suspension, three (3) years stayed suspension, and three (3) year probation with conditions is consistent with the purposes of attorney sanctions for professional misconduct set forth in Standard 1.3.

**COMPLIANCE WITH CONDITIONS OF PROBATION IN UNDERLYING CRIMINAL MATTER.**

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

(Do not write above this line.)

In the Matter of Garabed Kamarian	Case number(s): 09-C-13135 and 10-O-03297
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**SIGNATURE OF THE PARTIES**

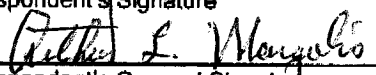
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Fact, Conclusions of Law and Disposition.

  
November 4, 2010  
Date

  
Respondent's Signature

Garabed Kamarian  
Print Name

November 9, 2010  
Date

  
Respondent's Counsel Signature

Arthur L. Margolis  
Print Name

November 19, 2010  
Date

  
Deputy Trial Counsel's Signature

Brandon K. Tady  
Print Name

(Do not write above this line.)

In the Matter Of  
**GARABED KAMARIAN**

Case Number(s):  
**09-C-13135 and 10-O-03297**

### 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.

*PAGE 1 - INSERT X IN "PREVIOUS STIPULATION REJECTED" BOX.*  
*PAGE 4 - PARAGRAPH D(1)(b) - INSERT X IN BOX.*

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.)**

Date

*11-23-10*

  
Richard A. Platel  
Judge of the State Bar Court

## 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 November 23, 2010, I deposited a true copy of the following document(s):

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

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 LEWIS MARGOLIS  
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 TADY, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 23, 2010.



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Tammy Cleaver  
Case Administrator  
State Bar Court