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State Bar Court of California
Hearing Department
Los Angeles
ALTERNATIVE DISCIPLINE PROGRAM



<p>Counsel For The State Bar</p> <p>Charles A. Murray Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015-2299 Tel: 213-765-1486</p> <p>Bar # 146069</p>	<p>Case Number (s)</p> <p>09- N-12374 09- O-12176 09- O-14165</p> <p>(for Court's use)</p> <p>FILED</p> <p>JAN 07 2011 <i>HC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>Counsel For Respondent</p> <p>Jayesh Patel Pumilia Patel & Adamec LLP 555 W. 5th Street, Suite 3000 Los Angeles, CA 90013 Tel: 213-622-3006</p> <p>Bar # 132939</p>	<p>Submitted to: Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>
<p>In the Matter Of: Kenneth John Kleinberg</p> <p>Bar # 110732</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 12/12/1983.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **15** pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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 **04-0-11238**
 - (b) Date prior discipline effective **December 6, 2008**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **B&P Code sec 6068(a) 6106**
 - (d) Degree of prior discipline **120 days actual suspension**
 - (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 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.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. *see page 13*
- (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:

ATTACHMENT TO

ADP STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: KENNETH JOHN KLEINBERG MEMBER # 110732

CASE NUMBER(s): 09-N-12374; 09-O-12176; 09-O-14165

STIPULATION AS TO 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, or has otherwise committed acts of misconduct warranting discipline, as follows:

Facts for Case No. 09-N-112374

1. On November 6, 2008, the California Supreme Court filed an order, identified as S166492 in *In the Matter of Kenneth John Kleinberg*, State Bar Court case number 04-O-11238, that Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for five years with conditions, including the condition that he be actually suspended for 120 days (the "Order"). The Order included a requirement that Respondent comply with rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Order.

2. On November 6, 2008, the Clerk of the California Supreme Court served a copy of the Order on Respondent. Respondent received the Order.

3. The Order became effective on December 6, 2008, and by that Order Respondent was to comply with subdivision (a) and (b) of rule 9.20 of the California Rules of Court no later than January 5, 2009, and with rule 9.20(c), by filing a declaration under penalty of perjury regarding his compliance with rules 9.20(a) and 9.20 (b) (the "declaration") with the clerk of the State Bar Court by January 15, 2009. More particularly, under rule 9.20(a), Respondent was ordered to, among other things:

- (1) Notify all clients being represented in pending matters of his suspension and his consequent disqualification to act as an attorney after the effective date of the suspension and to notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients of a suitable time and place where

the papers/property may be obtained, calling attention to any urgency for obtaining the papers/property;

- (3) Refund any part of fees paid that have not been earned; and
- (4) notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of his suspension and consequent disqualification to act as an attorney after the effective date of the suspension, and file a copy of the notice with the court, agency or tribunal before which the litigation was pending for inclusion in its respective file or files;

4. On February 10, 2009, twenty-six days after it was due, Respondent filed a rule 9.20 declaration form with the State Bar Court. In the declaration, Respondent represented under penalty of perjury, by affirmatively checking the boxes, by hand, next to the pre-printed statements, that – as of the date upon which the order to comply with rule 9.20 was filed - he had no clients; he had no papers/property to which clients were entitled; had earned all fees paid to him; and, did not represent any clients in pending matters.

5. From December 6, 2008 through and including April 16, 2009, when Respondent's 120-day actual suspension terminated, Respondent was the attorney of record for the Agopians, plaintiffs in a matter pending in the Orange County Superior Court entitled, *William Douglas Agopian, et al. v. James A. Chronly, et al.*, case number 05CC13481 (the "Agopian matter").

6. On February 23, 2009 Respondent was served by mail by a defendant in the Agopian matter with a motion to vacate or continue trial pending arbitration with notice of hearing on March 25, 2009. The hearing was conducted as noticed and continued to a later date. On March 26, 2009 Respondent was served by mail with a notice of ruling re the March 25 hearing. The notice recites that no appearance was made by Respondent for plaintiff. No one represented plaintiff at the hearing. The notice also recited that a defendant's counsel had informed the court that it learned that day that according to the State Bar website that Respondent was not eligible to practice law as of December 6, 2008 and provide the court with a printout of Respondent's status. That defendant's counsel also noted that there had been no notice to the court in conformity with rule 9.20.

7. Respondent did not inform opposing counsel in the Agopian matter in writing of his December 6, 2008 through April 16, 2009 suspension or provide the court with a copy of the written notice to opposing counsel of his suspension.

8. On September 22, 2009, a representative of the State Bar spoke with the Agopians. They stated that they did not know that Respondent was suspended from December 6, 2008 through April 16, 2009, and that this call from the State Bar was the first they heard of it.

9. Respondent did not comply with rule 9.20(a) by January 5, 2009, with respect to the Agopian matter pending in the Orange County Superior Court, as Respondent did not notify his clients of his suspension; did not return the clients' papers/property; did not notify opposing counsel of his suspension and, consequently, did not file a copy of such notice with the court.

10. Respondent's rule 9.20 declaration under penalty of perjury filed on February 10, 2009 was false in that Respondent remained as the attorney of record for the plaintiffs in Agopian matter which was pending in the Orange County Superior Court after the effective date of his suspension; he had not notified the Agopians of his suspension; he had not returned the Agopians' papers/property; and, he had not notified opposing counsel of his suspension, and he had not provided the court with a copy of his notice to opposing counsel.

Conclusions of Law for Case No. 09-N-12374

11. By not complying with rule 9.20(a) with respect to the Agopian matter, as set forth above, and by filing a false declaration with the State Bar Court, Respondent willfully violated rule 9.20, California Rules of Court, and Business and Professions Code section 6103.

12. By intentionally or with gross negligence filing a false declaration with the State Bar Court, Respondent committed an act of moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

13. By not filing his rule 9.20 declaration until February 10, 2009, twenty-six days after it was due, Respondent willfully violated rule 9.20, California Rules of Court, and Business and Professions Code section 6103.

Facts for Case No. 09-O-12176

14. Beginning in December 2005, Respondent provided legal representation to William and Cindy Lu Agopian ("Mr. and Mrs. Agopian").

15. On December 23, 2005, a real property action was filed in the Orange County Superior Court entitled, *William Douglas Agopian and Cindy Lu Marquardt Agopian v. James and Monique Chronley*, et al., case number 05CC13481 (the "Agopian action").

16. On November 15, 2006, Membership Billing of the State Bar of California ("membership billing") mailed a 2007 membership fee statement to Respondent at his membership records address of 3337 S. Bristol St. #149, Santa Ana, CA 92704 (the "membership records address"). The fee statement was not returned to membership billing undeliverable. Respondent received the fee statement.

17. On April 27, 2007, membership billing mailed a final delinquent notice regarding Respondent's unpaid membership fee to Respondent at the membership records address. The notice was not returned to membership billing undeliverable. Respondent received the notice.

18. On April 27, 2007, membership billing mailed a final delinquent notice regarding Respondent's unpaid membership fee to Respondent at the membership records address. The notice was not returned to membership billing undeliverable. Respondent received the notice.

19. On July 30, 2007, the California Supreme Court suspended Respondent by order number S154741 due to Respondent's failure to pay his 2007 membership fees. The order was effective August 16, 2007.

20. On August 3, 2007, membership billing mailed a notice of the suspension order to Respondent at the membership records address. The notice was not returned to membership billing undeliverable. Respondent received the notice.

21. On August 20, 2007, when Respondent was not entitled to practice law in California, Respondent represented client Cindy Lu Agopian during volume II of her deposition by defense counsel Thomas Lucero and Stuart Jasper.

22. On August 29, 2007, when Respondent was not entitled to practice law in California, Respondent served responses of William D. Agopian and Cindy Lu Marquardt's to special interrogatories propounded by defendants, Robin Kelly and First Team Real Estate, Inc. Respondent did not inform opposing counsel and the court that he was not entitled to practice law on August 29, 2007.

23. On August 29, 2007, when Respondent was not entitled to practice law in California, Respondent served responses of William D. Agopian and Cindy Lu Marquardt Agopian to inspection demand propounded by defendants, Robin Kelly and First Team Real Estate-Orange County, Inc. Respondent did not inform opposing counsel and the court that he was not entitled to practice law on August 29, 2007.

24. On August 29, 2007, when Respondent was not entitled to practice law in California, Respondent served responses of Cindy Lu Marquardt Agopian to form interrogatories propounded by defendants, Robin Kelly and First Team Real Estate - Orange County, Inc. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on August 29, 2007.

25. On August 29, 2007, when Respondent was not entitled to practice law in California, Respondent served responses of William D. Agopian to form interrogatories propounded by

defendants, Robin Kelly and First Team Real Estate - Orange County, Inc. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on August 29, 2007.

26. On August 31, 2007, when Respondent was not entitled to practice law in California, Respondent filed a third amended complaint for damages for fraud; negligent misrepresentation; professional negligence; negligence and declaratory relief. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on August 31, 2007.

27. On September 27, 2007, when Respondent was not entitled to practice law in California, Respondent sent an email to opposing counsel, Stuart Jasper, about stipulating to continue the trial date, set for January 28, 2008. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on September 27, 2007.

28. On October 1, 2007, when Respondent was not entitled to practice law in California, Respondent sent an email to opposing counsel, Stuart Jasper, about dismissing the action as to Mr. William D. Agopian as he was not a purchaser of the property and about the Stipulation to Continue Trial. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on October 1, 2007.

29. On October 2, 2007, when Respondent was not entitled to practice law in California, Respondent sent an email to opposing counsel Stuart Jasper about agreeing to a new trial date and signing the stipulation. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on October 2, 2007.

30. On October 10, 2007, when Respondent was not entitled to practice law in California, Respondent filed memorandum of points and authorities in opposition to demurrer to plaintiff's third amended complaint. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on October 10, 2007.

31. On October 10, 2007, when Respondent was not entitled to practice law in California, Respondent filed memorandum of points and authorities in opposition to defendant's motion to strike portions of plaintiff's third amended complaint.

32. On October 24, 2007, when Respondent was not entitled to practice law in California, Respondent appeared in court regarding opposing counsel's motion to strike and demurrer to the amended complaint.

33. On October 29, 2007, when Respondent was not entitled to practice law in California, Respondent filed a request for dismissal of fraud, negligent misrepresentation, negligence, and declaratory relief on behalf of Plaintiff William D. Agopian. Respondent did not inform the court that he was not entitled to practice law on October 29, 2007.

34. On November 5, 2007, when Respondent was not entitled to practice law in California, Respondent filed a fourth amended complaint for damages for fraud; negligent misrepresentation; negligence; breach of contract; professional negligence; negligence and declaratory relief. Respondent did not inform opposing counsel or the court that he was not entitled to practice law on November 5, 2007.

35. On November 21, 2007, when Respondent was not entitled to practice law in California, Respondent served notice of taking deposition of defendant, Robin Kelly. On the same date, November 21, 2007, Respondent sent an email to opposing counsel Tom Lucero and Stuart Jasper that he was serving notice of taking Robin Kelly's deposition and also about continuing the summary judgment date. Respondent did not inform opposing counsel that he was not entitled to practice law on November 21, 2007.

36. On November 28, 2007, when Respondent was not entitled to practice law in California, Respondent sent an email to opposing counsel Catherine Jasper and Stuart Jasper regarding the hearing date on defendant's demurrer and motion to strike. Respondent did not inform opposing counsel that he was not entitled to practice law on November 28, 2007.

37. On December 5, 2007, membership billing received payment of the membership fees and penalties due from Respondent, and the suspension was terminated.

38. Respondent was not entitled to practice law in California from August 16, 2007 to December 5, 2007, and at all times knew he was not entitled.

39. At no time did Respondent inform opposing counsel or the court of his "not entitled" status.

40. Respondent knowingly and repeatedly concealed from opposing counsel and the court in the Agopian action the material fact that he was not entitled to practice law from August 16, 2007 to December 5, 2007.

41. Respondent disobeyed the suspension order that he was not entitled to practice law from August 16, 2007 to December 5, 2007.

Conclusions of Law for Case No. 09-O-12176

42. By appearing in court and providing legal representation for Agopian on October 24, 2007; by filing the documents with the court on August 31, 2007, October 10 and 29, 2007, November 5, 2007, as the attorney for Mr. and Mrs. Agopian; and by contacting opposing counsel as the attorney for Mr. and Mrs. Agopian on September 27, 2007, October 1 and 2, 2007, and November 21 and 28, 2007, Respondent engaged in the unauthorized practice of law and held himself out as entitled to practice law, and violated Business and Professions Code sections 6125 and 6126 ("sections 6125 and 6126").

43. By violating sections 6125 and 6126, Respondent willfully failed to support the laws of this state, in willful violation of Business and Professions Code, section 6068(a).

44. By knowingly and repeatedly concealing a material fact from opposing counsel and the court in the Agopian action, Respondent willfully committed acts involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code, section 6106.

45. By knowingly and repeatedly making court appearances and filing documents with the court, and communicating with opposing counsel from August 16, 2007 to December 5, 2007, Respondent willfully disobeyed a court order, in willful violation of Business and Professions Code, section 6103.

Facts for Case No. 09-O-14165

46. In June 2008, Respondent entered into a stipulation regarding facts, conclusions of law, and disposition in State Bar Court case no. 04-O-11238, including a stipulation that Respondent would comply with probation conditions, including restitution.

47. On November 6, 2008, the California Supreme Court filed its Order number S166492 approving the stipulation reached in case no. 04-O-11238. The Court ordered that Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that Respondent be placed on probation for five years with conditions of probation, including restitution and 120 days' actual suspension (the "Order"). The Order was effective December 6, 2008. On November 6, 2008, the California Supreme Court clerk served a copy of the order on Respondent by mail. Respondent received a copy of the Order.

48. As a condition of the probation, the Court ordered Respondent to contact the Office of Probation of the State Bar of California ("Office of Probation") and schedule a meeting with his assigned probation deputy to discuss the terms and conditions of the probation imposed against him by the Order within 30 days from the effective date of discipline, or by January 5, 2009. Respondent contacted the Office of Probation on February 6, 2009. Respondent did not comply with this condition of probation.

49. As conditions of probation, the Court ordered Respondent to do the following:

a. to comply with the State Bar Act and the Rules of Professional Conduct during the probation period; and,

b. to submit written quarterly reports to the Probation on each January 10, April 10, July 10 and October 10 of the period of probation, certifying under penalty of perjury whether he had complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter, and to file a final report containing the same information no earlier than twenty days prior to the expiration of the probation period and no later than the last day of probation.

50. Respondent did not file his quarterly report due by April 10, 2009 with Probation. Respondent's written quarterly report was received four days late on April 14, 2009

51. Respondent did not file his quarterly report due by July 10, 2009 with Probation. A defective quarterly report was received late on July 15, 2009. After notification to Respondent, an acceptable quarterly report was received ten days late on July 20, 2009.

52. As condition of probation, the Court ordered Respondent, within 30 days of the effective date of discipline, to provide the Office of Probation with written confirmation, as provided to Respondent or his counsel by the payees, of the precise amount of principal, interest, and penalties owed to each payee regarding Sallie Matonis.

53. Respondent has not filed with the Office of Probation written confirmation of the precise amount of principal, interest, and penalties owed to each payee regarding Sallie Matonis.

54. As condition of probation, the Court ordered Respondent, to pay the restitution (including the principal amount, plus penalties, interest, etc.) monthly to the payee(s). If the Client Security Fund ("CSF") has reimbursed one or more of the payees for all or any portion of the principal amount(s), Respondent must also pay restitution to CSF in the amount paid.

55. Respondent was ordered to pay restitution on a payment schedule set forth in the Order beginning 150 days after the effective date of his discipline. Respondent was further ordered to provide satisfactory proof of payment to the Office of Probation within 30 days of each payment, or as otherwise directed by the Office of Probation.

56. Respondent was ordered to pay \$675.38 in minimum monthly payment to the United States Department of Treasury. Respondent did not comply with these conditions.

57. Respondent was ordered to pay \$169.89 in minimum monthly payment to the California Franchise Tax Board. Respondent did not comply with these conditions.

58. Respondent was ordered to pay \$16.02 in minimum monthly payment to the California Employment Development Department. Respondent did not comply with these conditions.

59. Respondent was ordered to pay \$313.63 in minimum monthly payment to the Social Security Administration. Respondent did not comply with these conditions.

60. Respondent was ordered to pay \$313.63 in minimum monthly payment to the Social Security (employer contribution). Respondent did not comply with these conditions.

Conclusions of Law for Case No. 09-O-14165

61. By not contacting or meeting with Probation by January 5, 2009, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

62. By not filing his quarterly report due by April 10, 2009 with Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

63. By not filing his quarterly report due by July 10, 2009 with Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

64. By not providing the Office of Probation with confirmation of the precise amount of principal, amount of interest, and penalties owed to each payee regarding Sallie Matonis, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

65. By not providing restitution payments to the United States Department of Treasury and proof of restitution payments to the Office of Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

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66. By not providing restitution payments to the California Franchise Tax Board and proof of restitution payments to the Office of Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

67. By not providing restitution payments to the California Employment Development Department and proof of restitution payments to the Office of Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

68. By not providing restitution payments to the Social Security Administration and proof of restitution payments to the Office of Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

69. By not providing restitution payments to Social Security (employer contribution) and proof of restitution payments to the Office of Probation, Respondent willfully failed to comply with all conditions attached to any disciplinary probation, in willful violation of Business and Professions Code, section 6068(k).

AGGRAVATING CIRCUMSTANCES.

PRIOR DISCIPLINE:

Case No. (S166492) 04-O-11238: Effective December 6, 2008 to April 16, 2009.

Violations:

Discipline: Two (2) years suspension stayed, five (5) years probation with conditions including restitution, 120 days actual suspension; rehabilitation if suspension two (2) years or more. MPRE within one (1) year, compliance with Rule 9.20, and costs.

CONCEALMENT:

Respondent concealed his suspension from his clients, opposing counsel, and the court before which he had a pending matter.

MITIGATING CIRCUMSTANCES:

FAMILY PROBLEMS:

During this time, Respondent was caring for his ill & elderly mother who died on February 6, 2009. Respondent experienced significant distress over his perception of her care by others.

(Do Not Write Above This Line)

RESTITUTION:

Respondent shall pay as restitution in resolving this matter, all restitution owed but not paid in the prior discipline, a portion of which forms the basis of the violations set forth in case no 09-O-14165, to the same payees, in the same sums, upon the same interest, and interest accruing from the same date as originally ordered in that matter. Respondent shall receive credit for any restitution payments he made from the effective date of that discipline order for which he provided proof satisfactory to the Office of Probation. This shall include Respondent filing with the Office of Probation a written confirmation of the precise amount of principal, interest, and penalties owed to each payee regarding Sallie Mantonis. Further, Respondent shall also pay as restitution any additional interest, penalties or other such payments that may have been imposed or accrued on these obligations not included in the original imposition of discipline.

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In the Matter of Kenneth John Kleinberg	Case number(s): 09-N-12374; 09-O-12176; 09-O-14165
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SIGNATURE OF THE PARTIES


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

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

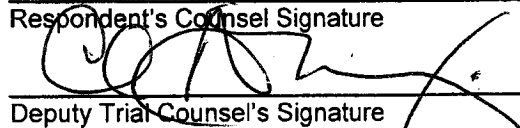
If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

7/14/10
Date


Respondent's Signature

Kenneth John Kleinberg
Print Name

7/14/2010
Date


Respondent's Counsel Signature

Jayesh Patel
Print Name


Deputy Trial Counsel's Signature

Charles A. Murray
Print Name

(Do not write above this line.)

In the Matter of Kenneth John Kleinberg`	Case number(s): 09-N-12374; 09-O-12176; 09-O-14165
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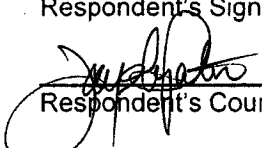
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If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

_____ Date 7/14/10	_____ Respondent's Signature 	Kenneth John Kleinberg Print Name
_____ Date	_____ Respondent's Counsel Signature	Jayesh Patel Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	Charles A. Murray Print Name

(Do not write above this line.)

In the Matter Of Kenneth John Kleinberg	Case Number(s): 09-N-12374, 09-O-12176, 09-O-14165
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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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(a), Rules of Procedure.)

Jan 6, 2011
Date


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 7, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW

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:

JAYESH PATEL
PUMILIA PATEL & ADAMEC LLP
555 W 5TH ST STE 3000
LOS ANGELES CA 90013

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:

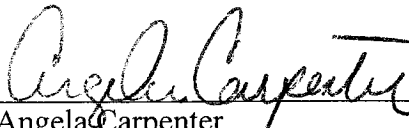
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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:

CHARLES MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 7, 2011.



Angela Carpenter
Case Administrator
State Bar Court