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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>STAYED SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p>Hugh G. Radigan Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 213-765-1206</p> <p>Bar # 94251</p>	<p>Case Number(s): 09-O-10348 09-O-15697 10-O-05308(inv) 10-O-09743(inv) 10-O-10662(inv) 11-O-10491(inv) 11-O-10322(inv)</p> <p><b>PUBLIC MATTER</b></p>	<p>For Court use only</p> <p style="text-align: center; font-size: 24pt;"><b>FILED</b></p> <p style="text-align: center;">MAR 18 2011</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Zachary D. Wechsler 6060 Center Drive, Ste. 825 Los Angeles, California 90045 310-642-4600</p> <p>Bar # 198354</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: Dionne Mateos</p> <p>Bar # 205959</p> <p>A Member of the State Bar of California (Respondent)</p>	<p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 22, 1999.
- (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 18 pages, not including the order.



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- (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 are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycle following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline** [see standard 1.2(f)]
  - (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. Respondent's repetitive pattern of failure to perform and responsiveness to client inquiries within these matters caused significant harm to the clients involved.

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- (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. These multiple matters involving failure to perform and responsiveness to client inquiries is a common theme in these matters.
- (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. Respondent was admitted December 22, 1999 and has no record of discipline.
- (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 \$ 1000.00 on February 11, 2011 in restitution to Ceasar de La Cruz, \$1000.00 to Jose Santana on February 11, 2011, \$2860.00 to Edith Palma on February 11, 2011, and \$750.00 in sanctions to the USDC on February 11, 2011 in the case of Juarez v. Federal Home Loan 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.

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- (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 one year.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

The above-referenced suspension is stayed.

(2)  **Probation:**

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

#### E. Additional Conditions of Probation:

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

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- (6)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Other Conditions:**
- Respondent is to participate in six additional hours of CLE classes to include either ethics or law office management during the first nine months of probation.

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Attachment language (if any):

**ATTACHMENT TO**

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

IN THE MATTER OF:

Dionne Mateos

CASE NUMBER(S):

09-O-10348, 09-O-15697, 10-O-05308(inv), 10-O-09743(inv), 10-O-10662(inv), 11-O-10491(inv), 11-O-10322(inv)

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 09-O-10348(Complainant: Shroyer)

**FACTS:**

1. On July 19, 2008, Jeannette Shroyer ("Jeannette"), with the assistance of her parents Kathleen and Edward Shroyer ("the Shroyers"), employed Respondent to represent Jeannette in a wrongful termination matter against her former employer. The Shroyers paid Respondent \$2500 in advanced attorney's fees.
2. On July 19, 2008, Respondent prepared a draft letter to a witness in the case. After preparing this draft letter, Respondent performed no further work on Jeannette's case and took no further steps to advance the matter on her behalf.
3. Between August 2008 and September 2008, Kathleen Shroyer, acting as Jeannette's authorized agent, called Respondent on approximately five occasions seeking a status update on Jeannette's case. Respondent did not return Kathleen Shroyer's calls or contact Jeannette in any manner.
4. On August 18, 2008, Kathleen Shroyer, acting as Jeannette's authorized agent, emailed Respondent and copied Jeannette on the email. In the email, Kathleen Shroyer asked for a status update on the case. Respondent received this email. Respondent did not respond to this email or contact Jeannette in any manner.
5. On October 6, 2008, the Shroyers, acting as Jeannette's authorized agents, sent Respondent a letter stating, in substance, that they have tried to contact her repeatedly by telephone and email over the course of the last month to ascertain the status of Jeannette's claim, but have been unable to reach

Respondent. The letter requested that Respondent provide a "detailed accounting of actions you have taken or plan to take and time expended on Jeannette's behalf." The letter was address to Respondent at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was Respondent's official membership records address at that time. Respondent received this letter but did not respond to the Shroyers or Jeannette in any manner.

6. On October 21, 2008, the Shroyers , acting as Jeannette's authorized agents, resent the October 6, 2008 letter to Respondent at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was her official membership records address at that time. This letter was returned to the Shroyers stamped " Return to Sender, Unknown Reason, Unable to Forward."

7. On November 13, 2008, acting as Jeannette's authorized agents, the Shroyers sent another letter to Respondent at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was her official membership records address at that time. The letter again stated, in sum, that the Shroyers have made numerous attempts to contact Respondent and again requested a status update on the matter. The letter further requested that Respondent provide an accounting of the time she spent on the matter and a return any documents pertaining to Jeannette's claim. Respondent received this letter but did not respond to the Shroyers or Jeannette in any manner.

8. On December 1, 2008, the Shroyers, acting as Jeannette's authorized agents, sent another letter to Respondent at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was Respondent's official membership records address at that time. The letter terminated Respondent's services effective November 14, 2008, requested an accounting of the time spent on the case, and a refund of any unused portion of the \$2500 retainer paid in the matter. Further, the letter again requested the return of any documents pertaining to Jeannette's claim. Respondent received this letter but did not respond to the Shroyers or Jeannette in any manner.

9. Respondent did not perform legal services commensurate with the \$2500 retainer paid by the Shroyers.

10. On December 16, 2008, the State Bar opened an investigation regarding a complaint submitted by Edward, Kathleen and Jeannette Shroyer.

11. On February 11, 2009, a State Bar Investigator sent Respondent a letter at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was Respondent's official membership records address at that time, requesting her written response to the allegations in the complaint submitted by the Jeannette and the Shroyers. Respondent received but did not provide a response to the letter.

12. On March 3, 2009, a State Bar Investigator sent Respondent a letter at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was Respondent's official membership records address at that time, requesting her written response to the allegations in the complaint submitted by Jeannette and the Shroyers. Respondent received but did not provide a written response to the letter.

13. On March 18, 2009, Respondent called the State Bar investigator and stated that she would provide a written response to the complaint by March 24, 2009. Respondent subsequently failed to provide such a response.

14. On May 20, 2009, a State Bar Investigator sent Respondent a letter at 11901 Santa Monica Blvd., #445, Los Angeles, CA 90025, which was Respondent's official membership records address at that time, again requesting her written response to the allegations in the complaint submitted by Jeannette and the Shroyers. Respondent received but did not provide a written response to this letter.

#### CONCLUSIONS OF LAW:

15. By failing to take any steps to advance Jeannette's matter and by not performing any work on her case, aside from drafting one letter, Respondent wilfully failed to perform with competence legal services for which she was retained in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

16. By not responding to the Shroyers' phone calls, emails or letters, or contacting Jeannette and providing her with a status update regarding her matter, Respondent failed to communicate with her client and respond status inquiries regarding her case in willful violation of section 6068(m) of the Business and Professions Code.

17. By not providing the Shroyers or Jeannette with an accounting of the time Respondent spent on the case, Respondent failed to promptly render, as requested by a client, an accounting of the funds paid by the client for Respondent's legal services in willful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.

18. By not providing all documents related to Jeannette's case to Jeannette or the Shroyers, Respondent failed, upon the request of a client or her authorized agents, to return all client papers and property upon termination of employment in willful violation of 3-700(D)(1) of the Rules of Professional Conduct.

19. By failing to refund any portion of the \$2500 retainer to Jeannette or the Shroyers, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

20. By not providing a response to the State Bar Investigator regarding the complaint submitted by Jeannette and the Shroyers, Respondent willfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of section 6068(i) of the Business and Professions Code.

Case No. 09-0-15697 (Complainant: Palma)

FACTS:

21. On March 27, 2009, Edith Palma ("Palma") employed Respondent to negotiate a loan modification on Palma's behalf. Palma signed a retainer agreement with "CBG Legal/Law Offices of Dionne Mateos" providing that she would make several installment payments toward a flat legal fee of \$3000. At all times relevant to this complaint, Respondent was the owner of CBG Legal. Between March and July 2009, Palma paid \$2500 to CBG Legal.

22. Respondent subsequently failed to perform any work on Palma's loan modification matter or take any steps to advance her case.

23. In September 2009, no work having been performed on her loan modification matter, Palma terminated Respondent's services.

24. In September 2009, Palma spoke to "Priscilla", an employee of Respondent's law office. Palma informed Priscilla that because no work had been performed on her case, she was terminating CBG Legal/ Respondent. Palma also requested a refund of the \$2500 fee she paid to CBG Legal/Respondent. Respondent did not comply with this request.

25. On January 11, 2010, Palma obtained a judgment in Small Claims Case No. WH09SO1393 in the Southeast District, Whittier Courthouse, in the amount of \$2880.00 against CBG Legal.

26. On January 20, 2010, Palma sent a letter to CBG Legal with a copy of the above described small claims judgment. Palma further requested that CBG Legal return her documents.

27. Respondent did not perform legal services commensurate with the \$2500 fee paid by Palma.

28. On September 9, 2009, the State Bar opened an investigation regarding the complaint submitted by Palma.

29. On June 9, 2010, a State Bar Investigator sent Respondent a letter at 9829 Carmenita Road, #H, Whittier, CA 90605, which was Respondent's official membership records address at that time, requesting her written response to the allegations in the complaint submitted by Palma by June 23, 2010.

30. On June 29, 2010, Respondent called the investigator and requested an extension to respond until July 5, 2010. Respondent was granted the extension.

31. On July 13, 2010, Respondent faxed a set of documents to the investigator but failed to attach her written response to Palma's complaint. The investigator called Respondent and left her a voicemail again advising her that she is required to provide a written response to Palma's allegations. Respondent failed to provide a response.

32. On July 20, 2010, the investigator emailed Respondent and again requested her written response to the allegations in Palma's complaint. Respondent did not respond to this email or provide a response to Palma's complaint.

#### CONCLUSIONS OF LAW:

33. By failing to perform any work on Palma's loan modification matter, Respondent wilfully failed to perform with competence legal services for which she was retained in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

34. By failing to refund the fee paid by Palma and honor the judgment subsequently obtained by Palma, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

35. By failing to provide Palma with the documents associated with her matter, Respondent failed, upon the request of a client, to return all client papers and property upon termination of employment in willful violation of rule 3-700(D)(1) of the Rules of Professional Conduct.

36. By not providing a response to the State Bar Investigator regarding the allegations in Palma's complaint, Respondent willfully failed to cooperate and participate in a disciplinary investigation pending against Respondent in willful violation of section 6068(i) of the Business and Professions Code.

Case No. 10-O-10662(inv) (Complainant: SBI)

FACTS:

37. Respondent was retained by Margarita Juarez to pursue a home loan modification related proceeding involving foreclosure and unlawful detainer, in Case No. CV 10-2542 AHM (RCx) venued in the United States District Court, Central District of California.

38. Respondent failed to respond to inquiries from opposing counsel regarding preparation of the Rule 26 report. Respondent additionally failed to appear for a Rule 16(b) scheduling conference conducted June 28, 2010, resulting in the issuance of an OSC directed to Respondent seeking sanctions against Respondent. Respondent failed to respond to the OSC resulting in the assessment of \$250.00 in sanctions.

39. Respondent failed to oppose two motions to dismiss filed June 28, 2010, and additionally failed to appear at the scheduled hearing of those motions resulting in the issuance of a second OSC on August 2, 2010, which Respondent failed to respond to in timely fashion.

40. Respondent again failed to oppose two motions to dismiss plaintiff's amended complaint and failed to appear at the hearing of these two matters on October 18, 2010, resulting in the issuance of a third OSC seeking sanctions against Respondent. Respondent failed to respond to the OSC resulting in an order filed November 2, 2010, assessing sanctions of \$500.00 against Respondent.

CONCLUSIONS OF LAW:

41. By failing to appear and participate within the Juarez home foreclosure related action, Respondent wilfully failed to perform with competence legal services for which she was retained in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

42. By failing to respond to the multiple OSC's directed to Respondent or appear at the hearings associated therewith, Respondent failed to abide by an order of the Court requiring Respondent to do or forebear an act connected with course of her profession in willful violation of section 6103 of the Business and Professions Code.

Case No. 10-O-09743(inv) (Complainant: De La Cruz)

FACTS;

43. Respondent was retained by De La Cruz on January 21, 2009, to perform a loan modification on his behalf at which time he paid \$1,500.00 of a negotiated \$3,000.00 fee. Incapable of financing the remaining fee obligation, De La Cruz cancelled the requested service and requested a refund and accounting.

CONCLUSIONS OF LAW:

44. By failing to make a full refund in timely fashion and failed to respond to the client's inquiries requesting status updates in timely fashion in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct and section 6068(m) of the Business and Professions Code, respectively.

Case No. 10-O-05308 (inv)(Complainant: Santana)

FACTS:

45. Respondent was retained on February 8, 2010, by Santana to assist him in filing a Bankruptcy petition for which services he paid \$1,000.00 towards a \$2,800.00 total fee.

46. Dissatisfied with the Respondent's responsiveness to his concerns, Santana visited Respondent's office on March 8, 2010, where he was not able to find anyone familiar with his matter to assist him. As a result, Santana terminated Respondent's services by certified letter dated March 12, 2010.

47. Within the letter terminating Respondent's services was included a demand for a refund and the return of his file materials. Respondent failed to timely refund any unearned fees and failed to date to return his file materials.

48. On October 7, 2010, the State Bar investigator assigned this matter wrote to Respondent inviting respondent to reply to the concerns raised by this matter as set forth within Santana's complaint to the State Bar. On October 23, 2010, the assigned investigator again wrote to Respondent at her membership records address and requested that she cooperate with this investigation. Both letters were received by Respondent and neither letter was responded to by Respondent.

#### CONCLUSIONS OF LAW:

48. By failing to respond to client inquiries, Respondent willfully failed to perform in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

49. By failing to respond in writing to multiple requests from the State Bar seeking Respondent's position with respect to the allegations of this matter, Respondent willfully failed to cooperate with a State Bar investigation in willful violation of Business and Professions Code section 6068(i).

CASE NO. 11-O-10491 (inv)(Complainant: Trejo)

#### FACTS:

50. Respondent was retained on November 17, 2009, to secure a loan modification on behalf of Pedro Trejo, at which time Trejo paid an initial retainer of \$1,000.00 toward a total fee of \$1,750.00.

51. Upon being advised that his loan modification had been rejected, Respondent suggested that Trejo alternatively pursue bankruptcy. Thereafter, Respondent was not responsive to the client's requests for status updates, closed the client's file and refused to refund unearned fees.

#### CONCLUSIONS OF LAW

52. By failing to respond to the client's requests for status updates, Respondent willfully failed to perform in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

#### DISMISSALS.

Case No. 11-O-10322 (inv)(Complainant: Hernandez) is dismissed in the interests of justice.

#### PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was February 25, 2011.

#### AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.6(a) provides that, "The appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged. If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions."

Standard 1.6(b)(i) provides for a greater degree of discipline than the appropriate sanction where aggravating circumstances are found to surround the complained of misconduct. In the case at bar there exists no mitigation of consequence existent at the operative period of Respondent's misconduct in either matter.

Standard 2.6 provides for disbarment or suspension depending upon the gravity of the offense or harm where culpability for violation of sections 6068(m) or 6068(i) is found.

Standard 2.4(a) provides for disbarment for culpability for a pattern of willfully failing to perform services demonstrating abandonment.

Standard 2.4(b) provides for reproof or suspension for culpability for a failure to perform services that does not constitute a pattern of misconduct or culpability of a member for willful failure to communicate with a client.

Standard 2.10 provides for reproof or suspension for culpability for a violation of the Rules of Professional Conduct not otherwise specified.

The Standards should be followed whenever possible. *In re Silverton* (2005) 36 Cal. 4th 81, 92.

In consideration of the facts and circumstances surrounding Respondent's misconduct, and the aggravating and mitigating factors present, the parties submit that the intent and goals of the standards are met in this matter by the imposition of a one year stayed suspension and one year probation.

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

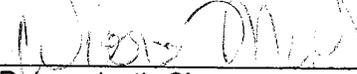
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 23, 2011, the prosecution costs in this matter are approximately \$7368.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: DIONNE MATEOS	Case number(s): 09-O-10348, 09-O-15697, 10-O-05308 (inv), 10-O-09743(inv), 10-O-10662(inv), 11-O-10491 (inv), 11-O-10322 (inv)
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**SIGNATURE OF THE PARTIES**

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

<u>2/23/2011</u> Date	 Respondent's Signature	Dionne Mateos Print Name
<u>2/28/2011</u> Date	 Respondent's Counsel Signature	Zeck Wechsler Print Name
<u>January 28 '11</u> Date	 Deputy Trial Counsel's Signature	Hugh G. Radigan Print Name

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In the Matter of: DIONNE MATEOS	Case Number(s): 09-O-10348, 09-O-15697, 10-O-05308 (inv), 10-O-09743 (inv), 10-O-10662 (inv), 11-O-10491 (inv), 11-O-10322 (inv)
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### STAYED SUSPENSION ORDER

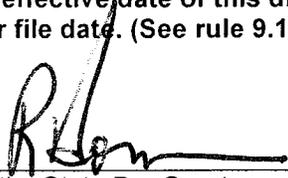
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

On "Attachment Page 8" of the stipulation, under the heading "Dismissals," the words "with prejudice" are INSERTED after the word "dismissed" so that the sentence now reads: "Case No. 11-O-10322 (inv)(Complainant: Hernandez) is dismissed with prejudice he interests of justice."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

3/14/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court

**RICHARD A. HONN**

**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 March 18, 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:

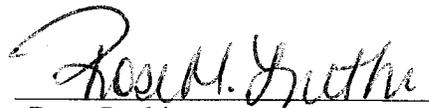
ZACHARY D. WECHSLER, ESQ.  
LAW OFFICES OF ZACHARY D WECHSLER  
6100 CENTER DR STE 600  
LOS ANGELES, CA 90045

DIONNE MATEOS, ESQ.  
LAW OFFICES OF DIONNE MATEOS  
7032 COMSTOCK AVE STE 100  
WHITTIER, CA 90602

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

HUGH RADIGAN, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 18, 2011.



Rose Luthi  
Case Administrator  
State Bar Court