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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>San Francisco</b>		
<b>Counsel For The State Bar</b>  Donald R. Steedman Supervising Trial Counsel 180 Howard Street, 7th Floor San Francisco CA 94105  <b>Bar # 104927</b>	<b>Case Number (s)</b> 09-O-11124	<b>(for Court's use)</b>  <b>PUBLIC MATTER</b>  <b>FILED</b> <i>R</i>  NOV 29 2010  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>In Pro Per Respondent</b>  Mark T. Clausen 18 E Fulton Rd Santa Rosa, CA 95403  <b>Bar # 196721</b>	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter Of:</b> Mark T. Clausen  <b>Bar # 196721</b>  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 July 22, 1998.
- (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".

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004; 12/13/2006.)

Actual Suspension



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- (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: (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 07-O-11741
  - (b) ☒ Date prior discipline effective November 23, 2008
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code sections 6068(a), 6125 6126
  - (d) ☒ Degree of prior discipline one year suspension, stayed, two years probation based on conditions including a 30-day 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.
- (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.

(Do not write above this line.)

- (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. Respondent cooperated during the State Bar's investigation and also by entering this early settlement agreement.
- (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. Respondent fully cooperated in investigation and spontaneously expressed regret and recognition of wrongdoing.
- (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 two 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 two 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 30 days.

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: Respondent was ordered to take Ethics School as part of the October 24, 2008 disciplinary order.
- (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: Respondent was ordered to pass the examination as part of the October 24, 2008 disciplinary order .

- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

Attachment language begins here (if any):

## FACTS AND CONCLUSIONS OF LAW

1. Respondent wilfully violated Business and Professions Code, section 6068(a), by failing to support the Constitution and laws of the United States and of this state, as follows:
2. On or about June 23, 2008, respondent and the State Bar entered a stipulation wherein respondent agreed to receive an actual suspension for disciplinary violations, specifically, prior incidences of practicing law while on suspension (State Bar case number 07-O-11741). The stipulation provided that respondent would receive a 30-day actual suspension but also provided as follows:  
  
"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...."
3. On or about October 24, 2008, the Supreme Court filed an order imposing the stipulated discipline (Supreme Court case number S166100).
4. Notice of the rule 9.20 order was properly served upon respondent in the manner prescribed by California Rule of Court 9.18(b) at the address respondent maintained with the State Bar in accordance with Business and Professions Code section 6002.1 subdivision (a).
5. Respondent was aware of the order prior to its effective date.
6. The order became effective on or about November 23, 2008, and at all times thereafter has remained in full force and effect.
7. On or about November 24, 2008, the State Bar sent respondent a letter reminding him that he would remain on suspension until he paid his disciplinary costs. Respondent received this letter shortly thereafter.
8. Respondent's suspension lasted more than 30 days because respondent (1) did not pay the applicable disciplinary costs within the thirty-day period and (2) never sought or obtained relief from payment of the costs.
9. Respondent remained on actual suspension until on or about February 4, 2009.
10. During the period of suspension, respondent signed and submitted pleadings and letters on behalf of clients to courts, as follows:

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Date respondent signed	Date filed	Document	Case	Court
12/31/2008	1/14/2009	Stipulation and Order Vacating Stay and Granting Leave to the Parties to Submit 5-Page Supplemental Briefs on the Application of Vasquez v. State	O'Connell v. City of Stockton, case no. CV 019275	San Joaquin County Superior Court
1/6/2009	1/7/2009	Supplemental Memorandum of Points and Authorities in Support of Motion for Attorney Fees [re application of Vasquez v. State]	O'Connell v. City of Stockton, case no. CV 019275	San Joaquin County Superior Court
1/14/2009	1/14/2009	Notice of Motion and Motion for Sanctions	Musaelian v. Adams, case number SCV-236208	Sonoma County Superior Court
1/14/2009	1/14/2009	Memorandum of Points and Authorities in Support of Motion for Sanctions	Musaelian v. Adams, case number SCV-236208	Sonoma County Superior Court
1/26/2009	1/27/2009	Plaintiff's Supplemental Request for Judicial Notice in Support of Motion for Attorney Fees and Costs.	O'Connell v. City of Stockton, case no. CV 019275	San Joaquin County Superior Court
1/26/2009	n/a	Letter to the Honorable Elaine Rushing "Re: Attorney John Warner's Letter of January 23, 2009	Musaelian v. Adams, case number SCV-236208	Sonoma County Superior Court
1/27/2009	n/a	Letter to Clerk of the Court, with copies to Judges Rushing and Golden and opposing counsel John Warner, "Re: Withdrawal of Defendant's Motion for Sanctions."	Musaelian v. Adams, case number SCV-236208	Sonoma County Superior Court

11. Respondent represents that he was unaware that his suspension continued after the initial 30-day actual suspension.

12. Prior to the actual suspension, though not required to do so by the terms of the stipulation imposing the suspension, respondent represents that he provided written notice of the pending suspension

(Stipulation form approved by SBC Executive Committee 10/16/00. Revised 12/16/2004.)

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and a copy of the stipulation imposing the suspension to those judges, attorneys and clients involved in his then-pending cases.

13. In response to the State Bar's investigation, respondent timely produced copies of some of these notices, including those filed and served in the cases of O'Connell v. City of Stockton, case no. CV 019275, and Musaelian v. Adams, case no. 236208, in which respondent later signed and submitted pleadings and letters on behalf of clients to the court as set forth in paragraph 10, above.

14. Respondent represents that he did not engage in the practice of law during the period of the initial 30-day actual suspension. The State Bar is not aware of any allegation or evidence to the contrary.

15. On completion of the initial 30-day actual suspension respondent was otherwise eligible to return to the practice of law on payment of the applicable disciplinary costs. Respondent represents that he had more than adequate funds to pay those costs and other members of the State Bar had offered to pay those costs, but respondent did not pay those costs at the time because he was unaware they were due as a condition of reinstatement to active status.

16. After the initial 30-day actual suspension and while still suspended for non-payment of the applicable disciplinary costs, respondent signed and submitted pleadings and letters on behalf of clients to the court during the period December 31, 2008 thru January 27, 2009, as set forth in paragraph 10, above, including a Notice of Motion and Motion for Sanctions on January 7, 2009 in the matter of Musaelian v. Adams, case no. 236208.

17. On January 23, 2009, attorney John Warner, an involved party in Musaelian v. Adams, case no. 236208, directed a letter to the trial court, Honorable Elaine Rushing, advising that respondent had filed the January 7, 2009 sanctions motion while suspended from the practice of law.

18. On January 26, 2009 respondent directed a letter to the Honorable Elaine Rushing, stating in part: "Attorney Warner is incorrect to assert that I am currently suspended from the practice of law. I served a 30-day suspension from November 23 to December 23, 2008, and was thereafter reinstated to active status, where I remain. Had attorney Warner extended a modicum of professional courtesy by contacting me before making a contrary representation to the Court, his error would have been corrected."

19. Respondent represents that after tendering this letter, on or about January 26, 2009, upon examination of his status with the State Bar, he found he was still listed as suspended.

20. On January 27, 2009, respondent directed a letter on attorney letterhead to the Clerk of the Court in the matter of Musaelian v. Adams, case no. 236208, copied to the Honorable Elaine Rushing, attorney John Warner and State Bar Probation Officer Cindy Jollota, stating: "Please drop from calendar defendants' motion for sanctions set for hearing before Judge Golden on February 23, 2009. The motion may be refiled at a later date, once issues concerning my Bar status are satisfactorily resolved." Although this letter served to withdraw the sanctions motion which respondent had filed on January 7, 2009 while suspended from the practice of law, it is the position of the State Bar that respondent should not have used attorney letterhead and should have had an active member of the State Bar drop the motion from calendar, rather than doing so himself while suspended from the practice of law.

21. Respondent represents that, upon tender of the January 27, 2009 letter to the Court Clerk he did not again engage in the practice of law again until fully reinstated. The State Bar is not aware of any allegation or evidence to the contrary.

22. On or about January 28, 2009 respondent contacted his State Bar Probation Officer Cindy Jollota and was advised that he remained in suspended status for failure to pay the applicable investigatory costs. Respondent advised State Bar Probation Officer Cindy Jollota that respondent was unaware that he remained in suspended status for failure to pay applicable investigatory costs, and believed he had been returned to active status on completion of the initial 30-day actual suspension. Respondent candidly stated that, believing he had been reinstated to active status following the completion of the initial 30-day actual suspension, he had engaged in the practice of law following completion of the initial 30-day actual suspension. Respondent was advised not to practice law until the applicable investigatory costs were paid and he was returned to active status. As stated, respondent represents that he did not again engage in the practice of law again until fully reinstated, and the State Bar is not aware of any allegation or evidence to the contrary.

23. Respondent represents that on January 28, 2009 he tendered payment of the applicable investigatory costs and 2009 State Bar dues (due February 2009) by certified check sent by overnight mail to the State Bar's San Francisco office. He thereafter contacted the State Bar on a daily basis to inquire about his status with the State Bar. Respondent was informed there was a significant delay in processing payments as a result of the influx of payments on State Bar dues due February 2009. The State Bar is not aware of any allegation or evidence to the contrary.

24. Respondent represents he continued to contact the State Bar and on February 4, 2009 was afforded the opportunity to hand-deliver payment of the applicable investigatory costs and 2009 State Bar dues to the State Bar's San Francisco office for immediate processing and reinstatement. Respondent represents he immediately drew on funds for another certified check for payment of the applicable investigatory costs and traveled to the State Bar's San Francisco office where he tendered payment for immediate processing and reinstatement. The State Bar is not aware of any allegation or evidence to the contrary.

25. Respondent was reinstated February 4, 2009, following payment of the applicable investigatory costs. Respondent also paid his 2009 State Bar dues that date, which were not a condition of reinstatement to active status and were due February 2009 for all members of the State Bar.

26. Prior to the commencement of the State Bar investigation, respondent provided to his State Bar Probation Officer Cindy Jollota written accounts of the events and copies of the letters and some of the pleadings respondent had directed to the court while suspended for non-payment of the applicable investigatory costs. Respondent represented that he was unaware his initial 30-day actual suspension would remain in place until applicable investigatory costs were paid, and believed he had been returned to active status on completion of the initial 30-day actual suspension, during which time he had not practiced law.

27. In response to the State Bar investigation, respondent was cooperative and candid and timely provided copies of each of the letters and pleadings respondent had directed to the court while suspended for non-payment of the applicable investigatory costs, and written accounts of the events. Respondent represented that he was unaware his initial 30-day actual suspension would remain in place until applicable

investigatory costs were paid, and believed he had been returned to active status on completion of the initial 30-day actual suspension, during which time he had not practiced law.

28. Though respondent represents that he was unaware that his suspension continued after the initial 30-day actual suspension, he concedes that he acted in disregard of his duty to assure that he had returned to active status before he resumed practice.

29. Each time respondent submitted one of these pleadings or letters, respondent engaged in the practice of law in violation of Business and Professions Code section 6125.

30. In each of the pleadings and letters cited above, respondent held himself out both as practicing law and entitled to practice law, and he thereby violated Business and Professions Code section 6126 subdivisions (a) and (b).

31. By violating Business and Professions Code sections 6125, 6126(a) and 6126(b), respondent failed to support the laws of this state in violation of Business and Professions Code section 6068(a).

#### PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(7) was October 4, 2010.

#### AUTHORITIES SUPPORTING DISCIPLINE

Standard 2.3 provides that culpability for violating Business and Professions Code sections 6068, 6125 and 6126 shall result in disbarment or suspension depending upon the gravity of the offense and the harm, if any, to the victim with due regard to the purposes of imposing discipline. Standard 1.7 (a) provides for progressive discipline. In this instance, the State Bar is recommending a longer period of stayed suspension than in the previous discipline, but the same period of actual suspension given the unusual circumstances of the misconduct.

(Do not write above this line.)

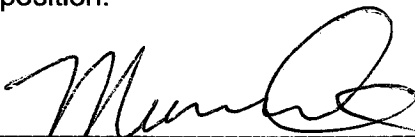
In the Matter of  
Mark T. Clausen

Case number(s):  
09-O-11124

### SIGNATURE OF THE PARTIES

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

11/5/10  
Date

  
Respondent's Signature

Mark T. Clausen  
Print Name

11/15/10  
Date

  
Respondent's Counsel Signature

Print Name

11/15/10  
Date

  
Deputy Trial Counsel's Signature

Donald R. Steedman  
Print Name

(Do not write above this line.)

In the Matter Of <b>Mark T. Clausen</b>	Case Number(s): <b>09-O-11124</b>
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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 stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☒ All Hearing dates are vacated.

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

Date

Nov. 29, 2010

Judge of the State Bar Court

  
LUCY ARMENDARIZ

## 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 San Francisco, on November 29, 2010, 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 San Francisco, California, addressed as follows:

**MARK T. CLAUSEN  
LAW OFC MARK CLAUSEN  
18 E FULTON RD  
SANTA ROSA, CA 95403**

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

**DONALD STEEDMAN, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 29, 2010.



Bernadette C.O. Molina  
Case Administrator  
State Bar Court