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## **State Bar Court of California Hearing Department** Los Angeles **ACTUAL SUSPENSION** Counsel For The State Bar Case Number(s): For Court use only 09-O-15403-PEM PUBLIC MATTER Kevin B. Taylor Office of the Chief Trial Counsel State Bar of California 1149 S. Hill St. Los Angeles, CA 90015 213 765-1630 FILED Bar # 151715 MAR 1 2 2012 Counsel For Respondent STATE BAR COURT CLERK'S OFFICE **Arthur Margolis** SAN FRANCISCO Margolis & Margolis 2000 Riverside Dr. Los Angeles, CA 90039 Submitted to: Settlement Judge 323 953-8996 STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING Bar # 57703 In the Matter of: **ACTUAL SUSPENSION** David L. Kagel □ PREVIOUS STIPULATION REJECTED Bar # 58961 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 April 30, 1974.
- (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.

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(Effective January 1, 2011)

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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):			
		Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.  Costs are to be paid in equal amounts prior to February 1 for the following membership years: (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.			
i	Prof	ravating Circumstances [for definition, see Standards for Attorney Sanctions for essional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances equired.			
(1)	$\boxtimes$	Prior record of discipline [see standard 1.2(f)]			
	(a)	State Bar Court case # of prior case 94-J-18858			
	(b)	□ Date prior discipline effective April 30, 1997			
	(c)	Rules of Professional Conduct/ State Bar Act violations: Business & Professions Code, section 6106			
	(d)	Degree of prior discipline Six months 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.			

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(5)		<b>Indifference:</b> Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
(6)		<b>Lack of Cooperation:</b> 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)		<b>Multiple/Pattern of Misconduct:</b> Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
(8)		No aggravating circumstances are involved.
Addi	tiona	al aggravating circumstances:
	_	ating Circumstances [see standard 1.2(e)]. Facts supporting mitigating mstances are required.
(1)		<b>No Prior Discipline:</b> 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)		<b>Candor/Cooperation:</b> Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent was candid and cooperative with the State Bar in these proceedings and readily recoginized and admitted to his misconduct.
(4)		<b>Remorse:</b> 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)		<b>Restitution:</b> Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
(6)		<b>Delay:</b> 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)		<b>Emotional/Physical Difficulties:</b> 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)		<b>Severe Financial Stress:</b> 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)		<b>Family Problems:</b> At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

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(11)		<b>Good Character:</b> 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)		<b>Rehabilitation:</b> Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.		
(13)	No mitigating circumstances are involved.			
Addi	tiona	al mit	gating circumstances:	
D. D	)isci	iplin	<b>:</b>	
(1)	$\boxtimes$	Stay	ed Suspension:	
~	(a)	$\boxtimes$	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:	
	(b)	$\boxtimes$	The above-referenced suspension is stayed.	
(2)	$\boxtimes$	Prot	ation:	
			nt must be placed on probation for a period of Two years, which will commence upon the effective Supreme Court order in this matter. (See rule 9.18, California Rules of Court)	
(3)	$\boxtimes$	Actu	Il Suspension:	
	(a)	$\boxtimes$	Respondent must be actually suspended from the practice of law in the State of California for a period of Eight months.	
		i.	and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct	
		ii.	and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.	
		iii.	and until Respondent does the following:	
E. A	ddit	tiona	Conditions of Probation:	
(1)		he/sl	pondent is actually suspended for two years or more, he/she must remain actually suspended until e proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the all law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.	

(Do n	ot write	above this line.)			
(2)	$\boxtimes$	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			
(5)		promptly meet with the probation deputy as directed and upon request.			
		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)	$\boxtimes$	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 give at the end of that session.			
		☐ No Ethics School recommended. Reason: .			
(9)		Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.			
(10)	$\boxtimes$	The following conditions are attached hereto and incorporated:			
		☐ Substance Abuse Conditions ☐ Law Office Management Conditions			
		☐ Medical Conditions ☐ Financial Conditions			
F. C	the	r Conditions Negotiated by the Parties:			
(1)	$\boxtimes$	<b>Multistate Professional Responsibility Examination:</b> Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National			

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		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 5.162(A) & (E), Rules of Procedure.
		□ No MPRE recommended. Reason:
(2)	$\boxtimes$	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:

	not write above this line.)	****			
	the Matter of: avid L. Kagel		Case Number(s): 09-O-15403-PEM		
Fin	ancial Conditions				
a.	Restitution				
	Respondent must pay restitute payee(s) listed below. If the Corrany portion of the principal amount(s) paid, plus applicab	Client Security Fund ("CSF") has amount(s) listed below, Respond	reimbursed one or more of the	payee(s) for all	
	Payee	Principal Amount	Interest Accrues From		
b.	Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reproval), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.				
	Respondent must pay the about must provide satisfactory production as otherwise directed by the Coprobation (or period of reprove	ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than al), Respondent must make any i	bation with each quarterly prob 30 days prior to the expiration	ation report, or of the period of	
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с.	Respondent must pay the about must provide satisfactory production as otherwise directed by the Control probation (or period of reprove the payment of restitution, incompared (CSF (as applicable))  If Respondent fails to pay any	ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than al), Respondent must make any isoluding interest, in full.  Minimum Payment Amount  installment as described above,	bation with each quarterly prob 30 days prior to the expiration necessary final payment(s) in o	ation report, or of the period of the period of order to complet	
c.	Respondent must pay the about must provide satisfactory provide as otherwise directed by the C probation (or period of reprove the payment of restitution, incompared in the payment of the p	ove-referenced restitution on the of of payment to the Office of Pro Office of Probation. No later than al), Respondent must make any isoluding interest, in full.  Minimum Payment Amount  installment as described above,	pation with each quarterly prob 30 days prior to the expiration necessary final payment(s) in or as may be modified by the 3 a certificate from Respondent yed by the Office of Probation, pank authorized to do business	ation report, or of the period of the period of order to complete state Bar Court, uired quarterly and/or a certified certifying that:	

- b. Respondent has kept and maintained the following:
  - i. A written ledger for each client on whose behalf funds are held that sets forth:
    - 1. the name of such client:
    - 2. the date, amount and source of all funds received on behalf of such client;
    - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and.
    - 4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    - 1. the name of such account;
    - 2. the date, amount and client affected by each debit and credit; and,
    - 3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
  - each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
- 2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
- 3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

#### d. Client Trust Accounting School

Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

### **ATTACHMENT TO**

# STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DAVID L. KAGEL

STATE BAR COURT CASE NUMBER: 09-O-15403-PEM

David L. Kagel, Respondent herein, admits that the following facts are true and that he is culpable of the violation of the specified statutes and/or Rules of Professional Conduct.

## **FACTS**

- 1. During the time period addressed herein, Respondent maintained his client trust account at Preferred Bank, checking accounting number xxxxx 560<sup>1</sup>.
- 2. On May 20 and 26, 2009, two checks Respondent issued from his client trust account were presented for payment when Respondent did not have sufficient funds in the account to pay the checks. The two checks were paid by Respondent's bank because his client trust account had overdraft protection. Because of this, the balance in Respondent's client trust account fell to a negative \$1,736.
- 3. On August 17 and 19, 2009, two additional checks Respondent issued from his client trust account were presented for payment when Respondent did not have sufficient funds in the account to pay the checks. These two checks were also paid by Respondent's bank because his client trust account had overdraft protection. Because of this, the balance in Respondent's client trust account fell to a negative \$1,556.
- 4. Respondent explained that his client trust account became overdrawn in May and August 2009 because in each of those months he mistakenly wrote a check issued from his client trust account which should have been issued from his general account. The mistaken check of May 2009 was in the amount of \$1,750. The mistaken check of August 2009 was in the amount of \$2,000. When each of those checks was presented for payment, Respondent's client trust account balance dropped, resulting in those two checks and two others to be paid against insufficient funds.
- 5. Respondent corrected the May 2009 imbalance in his client trust account on May 27, 2009 and the August 2009 imbalance on August 20, 2009.
- 6. Although, no client lost funds as a result of Respondent's conduct, he was grossly negligent in managing his client trust account.
- 7. Additionally, from April 22, 2009 through December 30, 2009, Respondent made 13 deposits of personal funds into his client trust account. One of those deposits, made and withdrawn on June 5, 2009, totaled \$100,000. The other personal deposits were amounts in the range of \$1,000 to \$6,000, with the exception of two deposits which were in the amount of \$20,000 and \$56,000.

<sup>&</sup>lt;sup>1</sup> The account number has been partially redacted due to privacy concerns.

#### **CONCLUSIONS OF LAW**

- 8. By issuing checks from his client trust account when he did not have sufficient funds in the account to pay those checks, Respondent, through gross negligence, engaged in an act of moral turpitude in willful violation of Business and Professions Code, section 6106.
- 9. By using overdraft protection and depositing personal funds into his client trust account, Respondent commingled personal funds in a client trust account and misused same in willful violation of rule 4-100(A) of the Rules of Professional Conduct.

## **DISCUSSION RE RECOMMENDED DISCIPLINE**

Standard 2.3 of the *Standards For Attorney Sanctions For Professional Misconduct* provides that culpability of a member for engaging in an act of moral turpitude shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled.

In this matter, no client or member of the public suffered any actual harm as a result of Respondent's misconduct.

Standard 2.2(b) provides that violations of rule 4-100(A) not involving the misappropriation of client funds shall result in a minimum sanction of three months actual suspension irrespective of mitigation.

Additionally, Respondent has a record of prior discipline.

In April 1997, Respondent suffered a six month actual suspension in State Bar Court case number 94-J-18858. That matter involved 1988 misconduct including the making of materially false statements in a registration statement filed with the Securities and Exchange Commission (SEC) and subsequently attempting to conceal same by way of further misrepresentations to the SEC in response to their investigative inquiries. Respondent stipulated to violating Business and Professions Code, section 6106, in that matter.

The parties recognize that more than 20 years have passed since the occurrence of the misconduct underlying Respondent's prior discipline. However, that misconduct, along with that addressed herein, is not minimal in severity. Therefore, Standard 1.7(a), directing that subsequent discipline be greater than any past imposition of discipline, applies here.

In light of these Standards and the facts of this matter, the parties submit that an eight month actual suspension, along with the rehabilitative probation conditions attached thereto, is consistent with the *Standards for Attorney Sanctions for Professional Misconduct* and sufficient to address Respondent's misconduct and protect the public.

# **DISMISSAL OF CHARGES**

The parties respectfully request that the Court, in the interest of justice, dismiss Counts One, Two, Three, Five and Six of the Notice of Disciplinary Charges filed in this matter.

# WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY

The parties waive any variance between the Notice of Disciplinary Charges filed in this matter on November 28, 2011 and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. Finally, the parties waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

## PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), was February 14, 2012.

### **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of, February 14, 2012, the prosecution costs in this matter are approximately \$3,269. 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.

n the Matter of: David L. Kagel	Case number(s); 09-O-15403-PEM	

# 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.

3-1-12	John Kryl	David L. Kagel
Date 3-3-12	Respondent's Signature	Print Name
Date	Respondent's Counsel Signature	Arthur Margolis
21/1.	Le Course Signature	Print Name
<u>3/3/12</u> Date	Deputy Trial Counsel's Signature	Kevin B. Taylor
Date	Deputy Mai Coynsel's Signature	Print Name

(Effective January 1, 2011)

Signature Page

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In the Mat David L.		Case Number(s): 09-O-15403-PEM
	ACTU	JAL SUSPENSION ORDER
Finding the requested of	stipulation to be fair to the parties dismissal of counts/charges, if any,	and that it adequately protects the public, IT IS ORDERED that the is GRANTED without prejudice, and:
☑	The stipulated facts and disposi Supreme Court.	ition are APPROVED and the DISCIPLINE RECOMMENDED to the
	The stipulated facts and disposi DISCIPLINE IS RECOMMENDI	ition are APPROVED AS MODIFIED as set forth below, and the ED to the Supreme Court.
	All Hearing dates are vacated.	
within 15 da stipulation.	ays after service of this order, is gra (See rule 5.58(E) & (F), Rules of P	proved unless: 1) a motion to withdraw or modify the stipulation, filed anted; or 2) this court modifies or further modifies the approved Procedure.) The effective date of this disposition is the effective date by 30 days after file date. (See rule 9.18(a), California Rules of
03	-08-12	Andala Man
Date		RICHARD A. PLATEL Judge of the State Bar Court

## **DECLARATION OF SERVICE BY REGULAR MAIL**

CASE NUMBER: 09-O-15403-PEM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope placed for collection and mailing at Los Angeles, on the date shown below, addressed to:

Arthur Margolis, Esq. Margolis & Margolis LLP 2000 Riverside Dr Los Angeles, CA 90039

**Counsel for Respondent** 

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: March 5, 2012

Signed: Charles C. Bagai

Declarant

-1-

#### 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 San Francisco, On March 12, 2012, 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:

ARTHUR LEWIS MARGOLIS MARGOLIS & MARGOLIS LLP 2000 RIVERSIDE DR LOS ANGELES, CA 90039

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

KEVIN B. TAYLOR, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 12, 2012.

Lauretta Cramer Case Administrator State Bar Court