

ORIGINAL

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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

<p>Counsel For The State Bar</p> <p>Monique T. Miller Office of the Chief Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1486</p> <p>Bar # 212469</p>	<p>Case Number(s): 09-O-16744 09-O-18113 10-O-01911 10-O-02309 10-O-02453 10-O-04712 10-O-05792 10-O-06947</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED <i>Bar</i></p> <p>SEP 28 2011</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Kelly D. Christensen 7757 Dancy Road San Diego, CA 92126 (858) 863-6575</p> <p>Bar # 182620</p>	<p>Submitted to:</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: KELLY DAVID CHRISTENSEN</p> <p>Bar # 182620</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</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 June 12, 1996.
- (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 17 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):
 - 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: 2012 & 2013. (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.
- (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) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith. In January 2009, Respondent opened Financial Solutions Law group ("FSLG") in the hope of helping distressed homeowners obtain loan modifications. Respondent's priority was always to take care of clients. In June 2009, upon realizing that he was facing staff issues that affected the quality of services to be provided to clients, Respondent promptly ceased to sign up new clients, while continuing to service his existing clients.
- (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:

Admitted to the practice of law on June 12, 1996, Respondent has been practicing for 15 years without a prior record of discipline.

D. Discipline:

- (1) **Stayed Suspension:**
 - (a) Respondent must be suspended from the practice of law for a period of two (2) 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 (2) 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 three (3) months.
 - i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. and until Respondent does the following:

E. Additional Conditions of Probation:

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- (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 the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason: .

- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

(Effective January 1, 2011)

Actual Suspension

- (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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

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In the Matter of: KELLY DAVID CHRISTENSEN	Case Number(s): 09-O-16744; 09-O-18113; 10-O-01911; 10-O-02309; 10-O-02453 10-O-04712; 10-O-05792; 10-O-06947
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
See Attachment	See Attachment	See Attachment

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- 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 revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- 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:
- i. 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.

<p>In the Matter of:</p> <p>KELLY DAVID CHRISTENSEN</p>	<p>Case Number(s):</p> <p>09-O-16744; 09-O-18113; 10-O-02309; 10-O-02453; 10-O-01911; 10-O-04712; 10-O-05792; 10-O-06947</p>
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ATTACHMENT TO FINANCIAL CONDITIONS

RESTITUTION

Payee	Principal Amount	Interest Accrues From
Bee Lee Tan	\$2,000	October 1, 2009
Cornelio Laureta	\$2,750	November 1, 2009
Jorge Perez	\$3,500	October 1, 2009
Marian Lee	\$996.50	October 1, 2009
Dan Antonioli	\$2,000	July 1, 2009
Michael Stalnaker	\$3,500	January 1, 2010
James Harris	\$1,750	January 1, 2010

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In the Matter of: KELLY D. CHRISTENSEN	Case Number(s): 09-O-16744; 09-O-18113; 10-O-02309; 10-O-02453; 10-O-01911; 10-O-04712; 10-O-05792; 10-O-06947
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Nolo Contendere Plea Stipulations to Facts, Conclusions of Law, and Disposition

The terms of pleading nolo contendere are set forth in the Business and Professions Code and the Rules of Procedures of the State Bar. The applicable provisions are set forth below:

Business and Professions Code § 6085.5 Disciplinary Charges; Pleas to Allegations

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

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

Rules of Procedure of the State Bar, rule 5.56. Stipulations to Facts, Conclusions of Law, and Disposition

“(A) Contents. A proposed stipulation to facts, conclusions of law, and disposition must comprise:

[¶] . . . [¶]

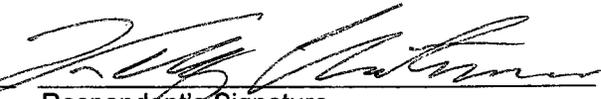
(5) a statement that the member either:

- (a) admits the truth of the facts comprising the stipulation and admits culpability for misconduct; or
- (b) pleads nolo contendere to those facts and misconduct;

[¶] . . . [¶]

(B) Plea of Nolo Contendere. If the member pleads nolo contendere, the stipulation must also show that the member understands that the plea is treated as an admission of the stipulated facts and an admission of culpability.”

I, the Respondent in this matter, have read the applicable provisions of Business and Professions Code section 6085.5 and rule 5.56 of the Rules of Procedure of the State Bar. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea will be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

9-15-11  KELLY D. CHRISTENSEN
 Date Respondent's Signature Print Name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: KELLY DAVID CHRISTENSEN, #182620

CASE NUMBERS: 09-O-16744; 09-O-18113;
 10-O-01911; 10-O-02309; 10-O-02453
 10-O-04712; 10-O-05792; 10-O-06947

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 09-O-16744 (Complainant: Bee Lee Tan)

FACTS:

1. At all times relevant herein, Respondent was the owner of Financial Solutions Law Group (“FSLG”).
2. On February 25, 2009, Bee Lee Tan (“Tan”), signed a retainer agreement with FSLG. The retainer agreement provided that the client would be entitled to a refund of up to 50% less any incidental expenses, should a financial institution decline all of the loan modification requests made on behalf of the client.
3. On February 25, 2009, Tan paid \$2,000 advanced fees for Respondent’s legal services.
4. Thereafter, FSLG failed to perform any service of value to Tan. Respondent did not earn the \$2,000 paid by Tan.
5. On September 11, 2009, Tan sent an email to FSLG, requesting a full refund.
6. To date, Tan has not been refunded any portion of the \$2,000 advanced fees.

CONCLUSIONS OF LAW:

7. By not providing competent legal services to Tan, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).
8. By not refunding any portion of the \$2,000 advanced fees, Respondent failed to promptly refund any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 09-O-18113 (Complainant: Cornelio Laureta)

FACTS:

9. On April 23, 2009, Cornelio Laureta ("Laureta"), signed a retainer agreement with FSLG. The retainer agreement provided that the client would be entitled to a refund of up to 50% less any incidental expenses, should a financial institution decline all of the loan modification requests made on behalf of the client.
10. Between April 23 and September 1, 2009, Laureta paid \$2,750 advanced fees for Respondent's legal services.
11. Thereafter, FSLG failed to perform any service of value to Laureta. Respondent did not earn the \$2,750 paid by Laureta.
12. On October 5, 2009, Laureta sent an email to FSLG, requesting a full refund.
13. To date, Laureta has not been refunded any portion of the \$2,750 advanced fees.

CONCLUSIONS OF LAW:

14. By not providing competent legal services to Laureta, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).
15. By not refunding any portion of the \$2,750 advanced fees, Respondent failed to promptly refund any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 10-O-01911 (Complainant: Jorge Perez)

FACTS

16. On January 30, 2009, Jorge Perez ("Perez"), a resident of Maryland, paid FSLG \$3,500 advanced fees, retaining Respondent's legal services.
17. On September 25, 2009, FSLG sent Perez a letter informing him that a loan modification had been sent to his lender and that the quickest way for Perez to learn about the status of his modification request would be to directly call the lender.

CONCLUSIONS OF LAW:

18. By providing legal services in Maryland where Respondent is not licensed to practice law, Respondent engaged in the unauthorized practice of law, in violation of Rules of Professional Conduct, rule 1-300(B).
19. By accepting legal fees in a jurisdiction where Respondent is not authorized to practice, Respondent collected an illegal fee, in violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 10-O-02309 (Complainant: Marian Lee)

FACTS:

20. On June 30, 2009, Marian Lee ("Lee"), a resident of North Carolina, paid FSLG an initial advance of \$480.75, retaining Respondent's legal services.
21. On August 10, 2009, Lee paid an additional \$498.50 to FSLG.
22. On September 14, 2009, FSLG informed Lee that she still owed \$498.00 to FSLG.
23. On September 21, 2009, FSLG informed Lee that she need not pay the \$498.00 still owed to FSLG and that her loan modification was denied by the lender.

CONCLUSIONS OF LAW:

24. By providing legal services in North Carolina where Respondent is not licensed to practice law, Respondent engaged in the unauthorized practice of law, in violation of Rules of Professional Conduct, rule 1-300(B).
25. By accepting legal fees in a jurisdiction where Respondent is not authorized to practice, Respondent collected an illegal fee, in violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 10-O-02453 (Complainant: Randy Hundwardson)

FACTS:

26. In March 2009, Randy Hundwardson ("Hundwardson") searched the Internet for help available regarding loan modification of the mortgages on Hundwardson's two properties.
27. On June 15, 2009, Randy Hundwardson ("Hundwardson"), signed a retainer agreement with FSLG, retaining Respondent's legal services. The retainer agreement provided that the client would be entitled to a refund of up to 50% less any incidental expenses, should a financial institution decline all of the loan modification requests made on behalf of the client.
28. Between March 2 and June 2, 2009, Hundwardson paid \$6,000 advanced fees to FSLG.
29. Between July 30 and November 10, 2009, FSLG communicated with Provident Funding and ASC, the lenders on Hundwardson's two properties.
30. On November 2, 2009, FSLG learned that ASC denied the loan modification request submitted on behalf of Hundwardson.
31. On November 17, 2009, Hundwardson called FSLG regarding his loan modifications. FSLG recommended that Hundwardson directly contacted the lenders.

32. On November 18, 2009, FSLG learned that Provident Funding denied the loan modification request submitted on behalf of Hundwardsen.
33. On November 18, 2009, FSLG sent Hundwardsen a letter acknowledging that it was mistaken in its "assumptions about the time and costs involved in negotiating a loan workout" and stating that FSLG no longer had "the resources to call the lenders; sit on hold; go through the process of verifying that we are working for you, only to be told that [the client's] request is still in review."
34. In December 2009 and January 2010, Hundwardsen mailed FSLG at least three requests for a refund of the \$6,000 advanced fees. FSLG offered a partial refund of \$647.00 which Hundwardsen rejected.

CONCLUSIONS OF LAW:

35. By offering a \$647.00 refund without providing to the client appropriate accounts of all funds paid by the client, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, perform, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 10-O-04712 (Complainant: Dan Antonioni)

FACTS:

36. On June 3, 2009, Dan Antonioni ("Antonioni") paid \$2,500 advanced fees to FSLG, retaining Respondent's legal services.
37. Thereafter, FSLG failed to perform any service of value to Antonioni. Respondent did not earn the \$2,500 paid by Antonioni.
38. On January 25, 2011, Antonioni obtained a small claims judgment of \$2,500 and \$86 costs against Respondent.

CONCLUSIONS OF LAW:

39. By not providing competent legal services to Antonioni, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).
40. By not refunding the \$2,500 advanced fees, Respondent failed to promptly refund any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct, rule 3-700(D)(2).¹

Case No. 10-O-05792 (Complainant: Michael Stalnaker)

FACTS:

41. In May 2009, Michael Stalnaker ("Stalnaker"), a resident of Florida, paid FSLG \$3,500 advanced fees, retaining Respondent's legal services.

¹ In May and June 2011, Respondent refunded Antonioni a total of \$500.00.

42. On November 18, 2009, FSLG sent Stalnaker a letter acknowledging that it was mistaken in its “assumptions about the time and costs involved in negotiating a loan workout” and stating that FSLG no longer had “the resources to call the lenders; sit on hold; go through the process of verifying that we are working for you, only to be told that [the client’s] request is still in review.”

43. In December 2009, Stalnaker emailed Respondent several requests for a refund.

CONCLUSIONS OF LAW:

44. By providing legal services in Florida where Respondent is not licensed to practice law, Respondent engaged in the unauthorized practice of law, in violation of Rules of Professional Conduct, rule 1-300(B).

45. By accepting legal fees in a jurisdiction where Respondent is not authorized to practice, Respondent collected an illegal fee, in violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 10-O-06947 (Complainant: James Harris)

FACTS:

46. In June 2009, James Harris (“Harris”), a resident of Florida, paid FSLG \$1,750 advanced fees, retaining Respondent’s legal services.

47. On November 18, 2009, FSLG sent Harris a letter acknowledging that it was mistaken in its “assumptions about the time and costs involved in negotiating a loan workout” and stating that FSLG no longer had “the resources to call the lenders; sit on hold; go through the process of verifying that we are working for you, only to be told that [the client’s] request is still in review.”

48. In December 2009, Harris mailed Respondent a request for a refund.

CONCLUSIONS OF LAW:

49. By providing legal services in Florida where Respondent is not licensed to practice law, Respondent engaged in the unauthorized practice of law, in violation of Rules of Professional Conduct, rule 1-300(B).

50. By accepting legal fees in a jurisdiction where Respondent is not authorized to practice, Respondent collected an illegal fee, in violation of Rules of Professional Conduct, rule 4-200(A).

AUTHORITIES SUPPORTING DISCIPLINE.

Standards Pertaining to Sanctions for Professional Misconduct:

Standard 2.2(b): Culpability of a member of a violation of rule 4-100, Rules of Professional Conduct, not resulting in the wilful misappropriation of entrusted funds, shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.4(b): Culpability of a member of wilfully failing to perform in matters nor demonstrating a pattern of misconduct shall result in reproof or suspension depending upon the extent of the misconduct and the harm to the client.

Standard 2.10: Culpability of a member of a violation of any provision of the Business and Professions Code not specified in these standards or of a willful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Case Law:

In *In the Matter of Riley* (1994) 3 Cal. State Bar Ct. Rptr. 91, the Review Department noted that Standard 2.7, proposing a six-month actual suspension, does not apply by its own terms, since Riley's violation of former rule 2-107 involved the collection of an illegal fee, but not an unconscionable fee. [See FN28]

FEE ARBITRATION CONDITION IN CASE NO. 10-O-02453 (Complainant: Randy Hunwardsen)

Within 120 days from the effective date of the discipline herein, Respondent hereby agrees to:

- (i) Send to Randy Hundwardsen a letter, notifying him that Respondent is required by court order to initiate, pay for, and participate in Mandatory Fee Arbitration. The purpose of the arbitration is to determine whether Respondent had earned all fees and/or costs paid by the client to Respondent.
- (ii) Mail a request for Arbitration of a Fee Dispute with the filing fee [5% of the disputed amount] to the applicable Mandatory Fee Arbitration ("FA") Program. The FA Program will notify Randy Hundwardsen of Respondent's initiation of a fee arbitration and the client will have thirty (30) days to communicate his agreement to arbitrate to the FA Program.
- (iii) Abide by any final arbitration award.
- (iv) Respondent shall provide proof of compliance with this condition to the State Bar's Office of Probation.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was September 12, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of September 1, 2011, the prosecution costs in this matter are **\$9,933.00**. 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.

(Do not write above this line.)

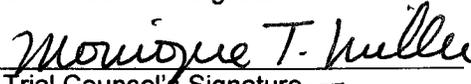
In the Matter of:
KELLY DAVID CHRISTENSEN

Case number(s):
09-O-16744; 09-O-18113;
10-O-01911; 10-O-02309; 10-O-02453
10-O-04712; 10-O-05792; 10-O-06947

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.

9-15-11  Kelly D. Christensen
Date Respondent's Signature Print Name

Sept. 15, 2011  Monique T. Miller
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: KELLY DAVID CHRISTENSEN	Case Number(s): 09-O-16744; 09-O-18113; 10-O-01911; 10-O-02309; 10-O-02453; 10-O-04712; 10-O-05792; 10-O-06947
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ACTUAL 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:

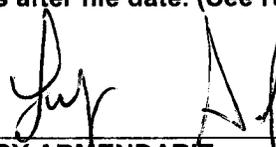
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. At p. 2, item A.(8): installment costs are payable in 2013 and 2014;
2. At p. 4, item D.(3)(a): change three months to 90 days; and
3. At p. 6, item F.(3): delete the conditional compliance with rule 9.20 of the California Rules of Court and, instead, place an "x" in the box at p. 6, item F.(2) recommending compliance with said rule.

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.)**

Sept 28, 2011

Date


LUCY ARMENDARIZ
Judge of the State Bar Court

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 September 28, 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:

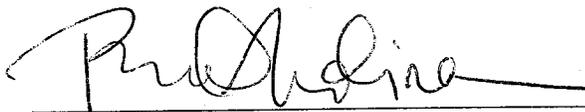
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

KELLY D. CHRISTENSEN
7757 DANCY RD
SAN DIEGO, CA 92126

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

MONIQUE T. MILLER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 28, 2011.



Bernadette C.O. Molina
Case Administrator
State Bar Court