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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel For The State Bar  Cindy McCaughey Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 213/765-1491  Bar # 222126	Case Number(s): 09-O-16936 09-O16272 Inv. #11-O-10128	For Court use only  <div style="text-align: center;"> <b>PUBLIC MATTER</b>   <b>FILED</b>  <b>JUL 11 2011</b>          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES       </div>
Counsel For Respondent  David Cameron Carr 530 B Street, Ste 1410 San Diego, CA 92101 619/696-0526  Bar # 124510	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Victor Mireles  Bar # 249298  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 June 1, 2007.
- (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 14 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."

(Effective January 1, 2011)



- (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, 2014. (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. Respondent's misconduct caused significant financial harm.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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. Several client matters were involved.
- (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. Respondent promptly repaid a significant portion of the settlement proceeds.
- (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. Respondent had a good faith belief he was not retained as counsel of record in the Mejia matter.
- (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. Respondent was in the process of a divorce.
- (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:**

Respondent was suffering from undiagnosed BiPolar I condition and a gambling addiction during the time of the misconduct for which he continues to seek treatment.

Respondent's good character is attested to by references in the legal community who are aware of his misconduct.

**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 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 fifteen 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:

- (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:**

- (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:**

(Do not write above this line.)

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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
Ronald Parry	1,000.00	August 7, 2009
Vincent Goldman	1,500.00	September 15, 2008
Fredy Mejia	1,300.00	July 3, 2010

- ☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than one year after the effective date of discipline.

### 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 reprobation), 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:
- 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.

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### Medical Conditions

- a. ☒ Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. ☒ Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of two times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for \_\_\_\_\_ days or twenty four months or two years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. ☒ Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

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

IN THE MATTER OF:                      Victor Mireles  
  
CASE NUMBER(S):                      09-O-16936 et al

**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. 06-O-16272 (Complainant: Vincent Goldman)

**FACTS:**

1. In September 2008, Vincent Goldman ("Goldman") employed Respondent to represent him in a marital dissolution case in the San Diego County Superior Court, case no. D511406 ("Goldman case"). Goldman paid Respondent \$1,500 in advance fees for his representation.
2. The Goldman case had been initiated by Goldman's wife on or about August 27, 2008. Goldman's wife also filed a petition for order to show cause to be heard on or about October 21, 2008.
3. At all times relevant to this matter, Goldman was serving in the U.S. Navy. On September 24, 2008, Goldman attended Family court Services mediation. Beginning October 1, 2008, Goldman was stationed in North Carolina.
4. Respondent did not file an Answer on behalf of Goldman in the Goldman case.
5. On October 21, 2008, Respondent did not appear on behalf of Goldman at the previously noticed hearing. On October 24, 2008, the court filed its findings and orders after hearing which provided for Goldman to make monthly child and spousal support payments. The order specified that the order be sent to Goldman by mail.
6. On April 21, 2009, Goldman sent an email to Respondent asking that Respondent contact him. Respondent responded by email informing Goldman that he would contact opposing counsel to work out a solution. Thereafter, Respondent did not file a response on behalf of Goldman to the petition in the Goldman case or obtain a stipulated resolution in the Goldman case.
7. On July 6, 2009, the attorney for Goldman's wife filed a request to enter Goldman's default. Thereafter, Goldman became aware of the hearing and communicated with Respondent about the matter. Respondent informed Goldman that Respondent would handle the matter and that Goldman did not need to attend.
8. On July 29, 2009, the court held a default prove-up hearing. At that time, Respondent attempted to appear in the Goldman case, but the court did not allow his appearance. At no time did

Respondent file a motion to set aside the entry of Goldman's default. On July 30, 2009, the court entered a judgment in the Goldman case.

9. Following the hearing, Respondent informed Goldman that there had been a hearing and that the court had dissolved the marriage and ordered that he continue to pay child support at the current rate.

10. By not filing a responsive pleading or a motion to set aside the resulting default or otherwise concluding the Goldman case by stipulation, Respondent intentionally, recklessly and repeatedly failed to perform legal services with competence.

11. Respondent did not provide any services of value to Goldman. Respondent did not earn any part of the \$1,500 attorney fee.

12. Respondent did not refund any of the \$1,500 in advanced fees received from Goldman.

#### CONCLUSIONS OF LAW:

13. By not filing a responsive pleading or a motion to set aside the resulting default or otherwise concluding the Goldman case by stipulation, Respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

14. By not refunding any part of the \$1,500 advanced fees received from Goldman, Respondent failed to promptly refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2)

#### Case No. 09-O-16936 (Complainant: Ronald Parry)

#### FACTS:

1. On January 13, 2009, Ronald Parry ("Parry") retained Respondent to represent him in a contract dispute with Paraprincess, Inc., d/b/a/ Arthur Murray Studio. The retention agreement between Parry and Respondent was based on a pre paid legal service referral that called for a \$1,000 advance fee with an hourly rate of \$100 per hour for time billed. On that date, Parry paid Respondent \$1,000 in advanced fees.

2. On July 1, 2009, Respondent obtained a settlement on behalf of Parry by which Parry would receive the sum of \$18,000. The settlement was to be paid in four monthly installments of \$4,500 beginning August 2009 and ending in November 2009.

3. Thereafter, Respondent received a check in the sum of \$4,500 for the first payment of Parry's settlement. On August 7, 2009, Respondent deposited \$4,428 of the funds received on behalf of Parry in Respondent's business checking account, taking the remaining \$72 of the funds as cash. Thereafter, Respondent informed Parry that he would receive his portion of the funds no later than August 20, 2009.

4. Thereafter, Respondent received a check in the sum of \$4,500 for the second payment of Parry's settlement. On August 25, 2009, Respondent deposited \$4,000 of the second installment check in Respondent's business checking account, taking the remaining \$500 of the funds as cash.

5. At no time did Respondent deposit the settlement proceeds received on behalf of Parry in a trust account.

6. Parry employed new counsel, and further settlement payments were sent to Parry or his new counsel and not to Respondent.

#### CONCLUSIONS OF LAW:

7. By depositing the settlement proceeds received on behalf of Parry in a business checking account rather than a trust account and by taking the remaining portions as cash, Respondent failed to deposit client funds in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willfully violation of Rules of Professional Conduct, rule 4-100(A).

(Inv.) Case No. 11-O-10128 (Complainant: Fredy Mejia) [unfiled matter]

#### FACTS:

8. On July 1, 2009, Fredy Mejia ("Mejia") retained the Opportunities Group to represent him in a Chapter 13 bankruptcy filing. Respondent met with Mejia at the Opportunities Group to discuss the case. Mejia paid the Opportunities Group \$1,300 in legal fees but the initial petition was ever filed.

9. After Mejia paid for legal services, Respondent discontinued his working relationship with the Opportunities Group but did not notify Mejia or arrange for any other attorney to handle Mejia's case to preserve his legal rights.

#### CONCLUSIONS OF LAW:

15. By failing to file the initial petition, Respondent intentionally, recklessly and repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

#### PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was May 27, 2011.

#### AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 states that the "primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's

professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.”

Pursuant to Standard 1.6, if two or more acts of professional misconduct are acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

Standard 2.2 mandates that culpability of a member of willful misappropriation of entrusted funds or property shall result in disbarment. Only if the amount of funds or property misappropriated is insignificantly small or if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed. In those latter cases, the discipline shall not be less than a one-year actual suspension, irrespective of mitigating circumstances.

In *McKnight v. State Bar* (1991) 53 Cal.3d 1025, one year actual suspension was imposed with McKnight misappropriated client funds but was able to demonstrate in mitigation that at the time of the misconduct he, like Respondent, was suffering from an undiagnosed bipolar condition. The parties here submit that while the amount of the actual misappropriation was greater in the *McKnight* case, Respondent’s factors in mitigation are slightly less and therefore, a longer period of actual suspension is warranted. Thus, by affording Respondent a 15 month period of actual suspension with, *inter alia*, the conditions enunciated in Standard 1.4(c)(ii), the purposes of Standard 1.3 will be met.

#### **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
09-O-16936	Two	Business & Professions Code section 6106
09-O-16272	Four	Business & Professions Code section 6068

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

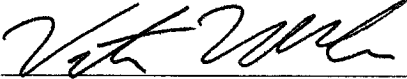

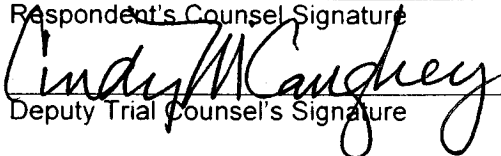
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 27, 2011, the prosecution costs in this matter are \$4,161.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Victor Mireles	Case number(s): 09-O-16936 09-O16272 Inv. # 11-O-10128
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### SIGNATURE OF THE PARTIES

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

<u>6/22/11</u> Date	<u></u> Respondent's Signature	<u>Victor Mireles</u> Print Name
<u>6/22/11</u> Date	<u></u> Respondent's Counsel Signature	<u>David Cameron Carr</u> Print Name
<u>6/24/11</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>Cindy McCaughey</u> Print Name

(Do not write above this line.)

In the Matter Of  
**VICTOR MIRELES**

Case Number(s):  
**09-O-16936; 09-O-16272; INV NO. 11-O-10128**

### 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. On page 3 of the Stipulation, under the heading, "C. Mitigating Circumstances," **DELETE** the "x" in the box next to the word "Restitution" in paragraph (C)(5). The restitution paid by respondent and referenced in paragraph (C)(5) is part of the "objective steps" which respondent took to atone for the consequences of his misconduct and is, therefore, already included in paragraph (C)(4).
2. On page 4 of the Stipulation, **DELETE** the words in paragraph (3)(a)(ii). In their place **INSERT** the words, "and until Respondent pays restitution as follows:

Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payees listed below, and furnish proof thereof to the State Bar's Office of Probation in Los Angeles. If the Client Security Fund(CSF) has reimbursed one or more of the payees for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to the CSF in the amount(s) paid, plus applicable interest and costs, in accordance with Business and Professions Code section 6140.5.


Payee	Principal Amount	Interest Accrues From
Ronald Parry	\$1,000	August 7, 2009
Vincent Goldman	\$1,500	September 15, 2008
Fredy Mejia	\$1,300	July 3, 2010

3. On page 7 of the Stipulation, **DELETE** paragraph "a. Restitution," in its entirety, as it is inconsistent with the page 4 disciplinary requirement that respondent remains suspended until he pays restitution.

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

7/8/11

  
Richard A. Honn  
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 Los Angeles, on July 11, 2011, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:

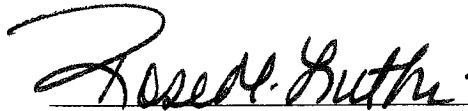
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID C. CARR, ESQ.  
LAW OFFICE OF DAVID CAMERON CARR  
530 B ST STE 1410  
SAN DIEGO, CA 92101

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

KRISTIN RITSEMA, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 11, 2011.



Rose Luthi  
Case Administrator  
State Bar Court