

**State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT**

Counsel For The State Bar Mia R. Ellis Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 213-765-1380 Bar # 228235	Case Number(s): 09-O-19273-RAP & 11-O-12961 (investigation) PUBLIC MATTER	For Court use only FILED FEB 17 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Quentin Simms P.O. Box 40106 Pasadena, CA 91114 Co-Counsel: Jerry J. Kaufman Law Offices of Jerry Kaufman 433 N. Camden Drive, Suite 400 Beverly Hills, CA 90210 State Bar Number 139584 Bar # 153454	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Quentin Simms Bar # 153454 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 18, 1991.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (12) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ Costs to be awarded to the State Bar.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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**
 - (a) ☒ State Bar Court case # of prior case 92-O-20795 etc.
 - (b) ☒ Date prior discipline effective July 14, 1995
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rules 3-110(A) (failure to perform - four counts), 3-500 (communication violation - three counts), 3-700(A)(2) (improper withdrawal from employment - one count), 3-700(D)(1) (failure to release file) and 3-700(D)(2) (failure to refund unearned fees - four counts).
 - (d) ☒ Degree of prior discipline two years suspension stayed, three years probation and six months actual suspension
 - (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:

Case No. (S071350) 95-O-11088: Effective October 8, 1998. Violation: Rules of Professional Conduct, rule 3-110(A) (failure to perform - two counts). Discipline: Two (2) years suspension stayed; two (2) years probation with conditions; 30 days actual suspension and costs.

Case No. (S117047) 02-O-13089: Effective October 18, 2003. Violation: Rules of Professional Conduct, rules 3-700(A)(2), (improper withdrawal from employment), 3-700(D)(2) (failure to refund unearned fees) and 4-100(B)(3) (failure to provide an accounting) Discipline: 24 months suspension stayed; 36 months probation with conditions; six (6) months actual suspension; MPRE within one (1) year; comply with rule 955 and costs.

Case No. (S182877) 09-O-10198 etc. Effective August 18, 2010. Violation: Business and Professions Code section 6106 (moral turpitude) and Rules of Professional Conduct, rule 4-100(A) (preserving funds violation). Discipline: Three (3) years suspension stayed; three (3) years probation with conditions, 2 years actual suspension and until rehabilitation; MPRE within suspension period; Rule 9.20 and costs.

- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent has been cooperative with the State Bar in stipulating to facts, conclusions of law and level of discipline.
- (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.
- (8) ☒ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☒ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

At the time of the stipulated acts of misconduct, Respondent suffered extreme difficulties in his personal life. Respondent's mother had medical problems. Respondent is her sole caretaker.

Respondent presented a medical report from Dr. Gregory Mallory. On September 19, 2011, Dr. Mallory evaluated Respondent and diagnosed him with major depression disorder and post traumatic stress disorder. Dr. Mallory recommended that Respondent receive psychotherapy and pharmacotherapy.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.
- (2) ☒ **Restitution:** Respondent must make restitution to Jeannette Smith in the amount of \$ 1,614.00 plus 10 percent interest per year from February 11, 2010. If the Client Security Fund has reimbursed Jeannette Smith for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than 30 days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Quentin B. Simms

CASE NUMBER(S): 09-O-19273 & 11-O-12961 (investigation)

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-19273 (Complainant: Jeannette Smith)

FACTS:

1. On January 31, 2009, Jeannette Smith (Smith) employed Respondent to represent her in a contractual fraud matter. A fee agreement was signed by Respondent and Smith for a fee of \$5,600 unless Smith discharged Respondent prior to the disposition of the case wherein an hourly rate of \$325 would be used to estimate the reasonable fees due to Respondent. The back of the retainer agreement states that \$7500 is charged should the defendant aggressively defend or because of additional costs/expenses arising.
2. On January 31, 2009, Smith paid \$825 to Respondent towards the retainer: \$325 in cash and \$500 by check. On February 2, 2009, Smith paid \$4,175 to Respondent towards the retainer. As of February 2, 2009, Smith had paid Respondent \$5000 as advanced attorney fees.
3. On February 13, 2009, Respondent filed a complaint on behalf of Smith in the Los Angeles Superior Court, case number GC042345, in Jeanette Smith v. Charles Tucker, Jasmine Brown, Escrow Today, et al.
4. On February 21, 2009, Smith gave Respondent check number 6650 for \$566.00 to reimburse Respondent for filing fees and additional costs.
5. On April 26, 2009, Respondent requested a cash advance and Smith gave Respondent \$218.
6. On May 09, 2009, Respondent requested money for incidentals, as well as a serving fee to locate the defendants in the case, Charles Tucker (Tucker) and Charles Sailor (Sailor). At Respondent's request, Smith issued a check payable to Sean Sanders in the amount of \$85 with the notation that the check was for messenger/attorney service. Smith also gave Respondent \$100 in cash. Respondent stated that the advance payments would be deducted from future agreed upon payments.
7. On June 12, 2009, Respondent called and stated he needed more money to search for defendant Sailor. Smith gave Respondent a check for \$50 as costs.

8. On June 12, 2009, Smith sent Respondent a certified letter requesting an accounting of all fees and expenditures she had paid to date. Respondent received the letter but failed to provide the requested accounting.

9. On June 23, 2009, opposing counsel Michael Matlaf (Matlaf), representing Escrow Today and Jasmine Brown, sent Respondent a set of interrogatories. Respondent received the interrogatories but failed to respond to them on behalf of Smith.

10. On July 23, 2009, Respondent failed to appear at a Case Management Conference on behalf of Smith despite the fact that Respondent had received notice of the case management conference. Respondent contends that he arrived late due to a criminal arraignment matter in another court and the case had been heard by the court. The conference was continued and an Order to Show Cause regarding dismissal/sanctions for plaintiff's failure to appear at the Conference was set for September 4, 2009. Respondent did not advise Smith. Respondent contends that he informed Smith of the OSC date.

11. On August 6, 2009, Smith gave Respondent a check for \$75 to search for defendant Sailor.

12. On September 4, 2009, Respondent appeared at the Case Management Conference. The Court ordered mediation to be completed by December 3, 2009. The court ordered a post mediation status conference for January 4, 2010.

13. On September 11, 2009, Matlaf served Respondent a letter enclosing a copy of his previous request for responses to interrogatories. Respondent received the letter but failed to respond to Matlaf's request for responses to interrogatories.

14. On September 24, 2009, Smith sent Respondent an email dismissing him from further representation due to Respondent's failure to provide Smith with an accounting as Smith requested in her June 12, 2009 letter. In the email, Smith requested that Respondent return her file, refund unused retainer, and substitute her in pro per. Respondent received the email.

15. On September 27, 2009, Respondent sent Smith an email. Respondent attached a billing for costs and expenses dated October 11, 2009. Respondent also stated that he would provide Smith with her file and return any unearned portion of the fees.

16. On September 28, 2009, Matlaf served Respondent with Requests to Produce Documents and Interrogatories. Respondent received the discovery and did not inform Smith.

17. On September 30, 2009, Respondent sent Smith an email that he would be happy to provide an accounting, forward the case file, and return any unearned fees. Respondent further stated that he would have a substitution of attorney prepared with Smith in pro per and would note what aspects of the case were then pending and in need of immediate attention.

18. Between September 30, 2009 to October 17, 2009, Smith sent three emails to Respondent regarding the accounting, forwarding the case file, returning any unearned fees, and filing the substitution of attorney. Respondent received the emails.

19. On October 11, 2009, Respondent sent Smith a letter and accounted for \$726 paid by Smith to Respondent for costs and expenses. According to Respondent's accounting, Smith owed Respondent a balance of \$154. Respondent did not provide an accounting of advanced fees.

20. On October 17, 2009, Respondent sent Smith an email that he was working on the final accounting and a case memo of pending issues. Respondent further stated that he would not be given a deadline for completing tasks related to the closure of his representation in this matter. Respondent further stated that he would be expedient and thorough and he was considering what portion of the fee to refund. Respondent further stated that he was the attorney of record in the matter and had first-hand knowledge as to the time, effort and consideration expended towards the case.

21. On October 27, 2009, Smith sent Respondent an email regarding the court-ordered deadline of December 3, 2009 to complete mediation. Smith also inquired as to the status of the substitution of counsel. Respondent received the email.

22. On November 5, 2009, Matlaf sent Respondent an email with an attached letter. The attached letter, dated September 11, 2009, demanded a response to Matlaf's June 23, 2009, request for a response to interrogatories. Respondent received the email and letter.

23. On November 10, 2009, Respondent sent Matlaf an email informing Matlaf that Respondent no longer represented Smith, Smith's file would be returned to her in the next two days and that he would be substituting her in pro per. Respondent sent Smith a copy of the email but did not respond.

24. On November 10, 2009, Respondent emailed Smith that he would mail her file the following day at the latest. However, he failed to do so.

25. On December 2, 2009, Respondent returned Smith's client file. Respondent did not return the substitution of attorney. Respondent did not participate in mediation on behalf of Smith by December 3, 2010 as ordered by the Court.

26. On December 22, 2009, Matlaf served Respondent a Notice of Motions and Motions to Compel Answers to Interrogatories and Requests to Produce. Respondent received them but did not inform Smith.

27. On January 4, 2010, Respondent failed to appear at the post mediation status conference. The court set an order to show cause regarding Respondent's failure to appear at the hearing.

28. On February 1, 2010, Smith filed a signed Substitution of Attorney form she received from Respondent.

29. On February 10, 2010, Respondent provided Smith an accounting of attorneys fees dated November 20, 2009. The accounting reflected that Respondent worked 14.25 hours on Smith's case at a rate of \$325 per hour equaling \$4,481. This left a balance owed to Smith of \$518 not including the accounting for the costs and expenses.

30. On February 11, 2010, Smith appeared at the Order to Show Cause hearing and learned about the defendant's Motions to Compel discovery. The motions to compel were granted and Smith was ordered to pay sanctions of \$1,000. Smith paid the sanctions.

31. On February 25, 2010, Smith filed a dismissal of the case with prejudice because of the Respondent's delays in the case and because she had been ordered to pay sanctions.

32. Respondent has not refunded to Smith as unearned fees any portion of the \$5,000 in fees she paid to him. Smith's demand was for the return of \$3,000. Respondent admits \$400 of fees paid were unearned and should have been returned.

33. In total, Smith gave Respondent \$1,094 for costs related to her action. Respondent only accounted for \$880 in costs. Respondent should have refunded \$214 in unused costs. Smith disputes Respondent's accounting and use of the \$880 for costs. To date, Respondent has not refunded to Smith any portion of the \$214 of unused costs that she advanced.

CONCLUSIONS OF LAW:

By not responding to discovery on behalf of Smith, not responding to Matlaf's requests for responses to requests to produce documents and interrogatories, not giving Smith notice of the court's September 4, 2009 order, not participating in or appearing at the court ordered mediation, and not appearing at the January 4, 2010 post mediation status conference, Respondent intentionally, recklessly or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).

By not advising Smith that she was required to respond to opposing counsel's request for response to interrogatories, delaying the filing of the substitution of attorney form, and not advising Smith of Matlaf's motions to compel, Respondent failed to take reasonable steps to avoid reasonably foreseeable prejudice to Smith, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

By not refunding to Smith at least \$400 in advanced fees, which he had not earned, Respondent willfully failed to refund unearned fees, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

By not informing Smith of Matlaf's discovery requests, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code section 6068(m).

By not refunding to Smith at least \$214 in advanced costs that he had not used, Respondent willfully failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

Case No. 11-O-12961 (State Bar Investigation)

FACTS:

34. On June 3, 2010, Respondent was ordered by the Honorable Maren E. Nelson, Department CE 60, Superior Court of California, County of Los Angeles, to show cause why he should not be sanctioned \$1,000 for failure to appear on that date in the matter known as *Rodriguez v. Carpeno*, Case No. BF038325. The OSC was set for August 24, 2010.

35. Respondent appeared at the August 24, 2010 OSC and explained that he was retained to represent Rodriguez but only on a limited scope basis, he was not counsel of record, and that he was at that time suspended from practice by the State Bar.

36. At the August 24, 2010 OSC, with Respondent present in person, Judge Nelson ordered Respondent to file a Limited Scope of Representation with the court on or before September 3, 2010.

37. Respondent did not file the Limited Scope of Representation with the court on or before September 3, 2010, or at any other time, and he did not otherwise inform the court of why he could not or did not comply or request an extension of time to comply with the court order.

CONCLUSIONS OF LAW

By not filing a Limited Scope of Representation with the court on or before September 3, 2010, as ordered, or at any other time, Respondent willfully disobeyed or violated an order of the court requiring him to do so, in willful violation of Business and Profession Code section 6103.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was January 19, 2012.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 provides "the primary purposes of disciplinary proceedings . . . 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."

Standard 1.7(b) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 2.2(b) provides culpability of a member of commingling of entrusted funds or property with personal property or the commission of another violation of rule 4-100, Rules of Professional Conduct, none of which offenses result in the wilful misappropriation of entrusted funds or property shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances.

Standard 2.4(b) provides that "culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a matter of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."

According to Standard 2.6, culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with the due regard to the purposes of imposing discipline set forth in standard 1.3: sections 6068(m) and 6103.

Under, Standard 2.10, culpability of a member of a violation of any provision of the Business and Professions Code not specified in the standards or of a wilful violation of any Rule of Professional Conduct not specified in the standards shall result in reproof or suspension according to the gravity of the offense.

The standards provide guidance and deserve "great weight." (*In re Morse, supra*, 11 Cal.4th at p. 205; *In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.)

"[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct." (*In re Naney, supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has "grave doubts" about the recommendation's propriety. (*In re Morse, supra*, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.)

The Standards call for disbarment as the appropriate sanction in this matter. Most significantly, standard 1.7(b) provides that if an attorney is found culpable of professional misconduct in any proceeding in which discipline may be imposed and he or she has a record of two prior imposition of discipline, the degree of discipline in the current proceeding shall be disbarment "unless the most compelling mitigating circumstances clearly predominate." Respondent has four prior impositions of discipline and no compelling mitigation exists. Thus, the parties agree that disbarment is proper.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 19, 2012, the prosecution costs in this matter are \$3,702.50. Respondent further acknowledges that this is an estimate and 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.


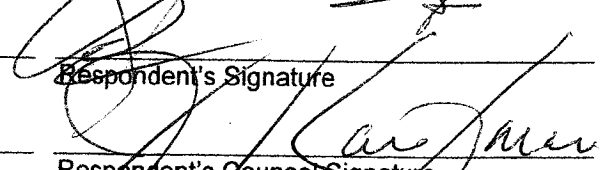
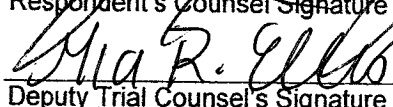
(Do not write above this line.)

In the Matter of:
Quentin B. Simms

Case number(s):
09-O-19273 and 11-O-12961 (investigation)

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>1-25-12</u> Date	 Respondent's Signature	<u>Quentin Simms</u> Print Name
<u>1-25-12</u> Date	 Respondent's Counsel Signature	<u>Jacob A. Hume</u> Print Name
<u>1/25/12</u> Date	 Deputy Trial Counsel's Signature	<u>Mia Ellis</u> Print Name

In the Matter of: Quentin B. Simms	Case Number(s): 09-O-19273 & 11-O-12961 (investigation)
---------------------------------------	--

DISBARMENT ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 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.)**

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

2-15-12

Judge of the State Bar Court

RICHARD A. ECKEN

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 February 17, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

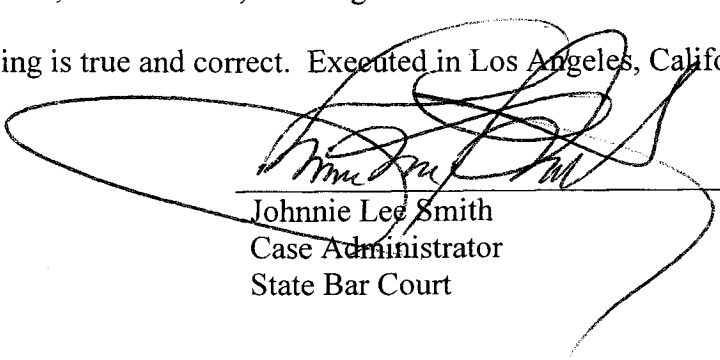
QUENTIN B. SIMMS
PO BOX 40106
PASADENA, CA 91114

JERRY J. KAUFMAN
LAW OFFICE OF JERRY J. KAUFMAN
433 N CAMDEN DR STE 400
BEVERLY HILLS, CA 90210

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

MIA ELLIS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 17, 2012.



Johnnie Lee Smith
Case Administrator
State Bar Court