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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		
<p>Counsel For The State Bar</p> <p>Michael J. Glass Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1254</p> <p>Bar # 102700</p>	<p>Case Number(s): 10-C-00537</p>	<p>For Court use only</p> <p style="text-align: center;"><b>FILED</b> MAR - 2 2011 <i>hc</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p style="text-align: center;"><b>PUBLIC MATTER</b></p>
<p>Counsel For Respondent</p> <p>James I. Ham Pansky Markle Ham 1010 Sycamore Avenue, Suite 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 100849</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: ROOSEVELT F. DORN</p> <p>Bar # 45025</p> <p>A Member of the State Bar of California (Respondent)</p>	<p><b>PUBLIC REPROVAL</b></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 January 15, 1970.
- (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 9 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):
- Costs are added to membership fee for calendar year following effective date of discipline (public reproof).
  - Case ineligible for costs (private reproof).
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: prior to February 1 in three billing cycles following the effective date of discipline. (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.
- (9) The parties understand that:
- (a)  A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
  - (b)  A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
  - (c)  A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

**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:

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- (d)  Degree of prior discipline
- (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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. See Attachment Page 3.
- (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. See Attachment Page 3.
- (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 has no prior record of discipline. See Attachment Page 3.

**D. Discipline:**

- (1)  **Private reproof (check applicable conditions, if any, below)**
  - (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
  - (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2)  **Public reproof (Check applicable conditions, if any, below)**

**E. Conditions Attached to Reproval:**

- (1)  Respondent must comply with the conditions attached to the reproval for a period of one (1) year.
- (2)  During the condition period attached to the reproval, 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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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)  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 within one year of the effective date of the reprobation.

No MPRE recommended. Reason: Respondent has taken steps to insure that his misconduct will not reoccur by resigning his position as Mayor of the City of Inglewood. As part of his plea bargain, Respondent also accepted a lifetime ban from holding public office. As such, taking the MPRE will not further assist Respondent in recognizing his misconduct and preventing future misconduct. See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 175,180).

- (11)  The following conditions are attached hereto and incorporated:
- |                                                     |                                                           |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

**ATTACHMENT TO**

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

<b>IN THE MATTER OF:</b>	<b>ROOSEVELT F. DORN</b>
<b>CASE NUMBER(S):</b>	<b>10-C-00537</b>

**FACTS AND CONCLUSIONS OF LAW.**

Respondent Roosevelt F. Dorn ("Respondent") admits that the following facts are true and that he is culpable of violation of the specified statutes and/or Rules of Professional Conduct.

Case No. 10-C-00537

1. On January 25, 2010, Respondent was convicted of one count of violating Government Code section 1090 (Conflict of Interest By a Public Official), a misdemeanor.
2. In the underlying matter, in 1992, the City of Inglewood adopted a Residential Incentive Policy ("RIP"). Under the RIP, executive employees were provided with low interest loans in order to encourage executive employees to purchase a residence in the City of Inglewood.
3. In April 1997, Respondent was elected Mayor of the City of Inglewood and served as Mayor until January 24, 2010.
4. On June 29, 2004, the Inglewood City Council adopted Resolution No. 04-77, which expanded the RIP to include "Officers of the City as defined in the Inglewood City Charter." Under Resolution No. 04-77, loans could be provided for purchasing a new home or maintaining an existing one. Respondent, as part of the Inglewood City Council, voted to approve Resolution No. 04-77. The Inglewood City Attorney's Office, Interim City Attorney Emmerline Foote, approved Resolution No. 04-77 prior to its approval by the Inglewood City Council.
5. In November 2004, Respondent obtained a \$500,000 loan through the RIP at an interest rate of 2.390% not to exceed 4.39% over the life of the loan. The loan could be called at any time by the Inglewood City Administrator, and if called, had to be paid back within nine months. Respondent's loan was made under the same terms and conditions available to other city executive employees.
6. In August 2006, Cal Saunders ("Saunders") became Acting City Attorney for the City of Inglewood. At some time in 2006, Saunders reviewed Resolution No. 04-77 and determined that Resolution No. 04-77 violated the law.

7. On November 26, 2006, the Inglewood City Council, which included Respondent, voted to approve Resolution No. 06-123, which repealed Resolution No. 04-77 and rescinded the extension of the RIP to Officers of the City as defined in the Inglewood City Charter.
8. Upon the Inglewood City Council's vote to approve Resolution 06-123 and rescind the extension of the RIP to Officers of the City as defined in the Inglewood City Charter, Respondent immediately paid back the loan, with interest, that he had received under the RIP.
9. On January 24, 2010, Respondent resigned his position as Mayor of the City of Inglewood.
10. On January 25, 2010, Respondent entered a plea of guilty, imposition of sentencing was suspended and Respondent was placed on two years summary probation with conditions, which included payment of fines and fees totaling \$3,760.00. As part of Respondent's plea, pursuant to Government Code section 1091, Respondent also accepted a lifetime ban from holding public office.

#### Conclusions of Law

11. By being convicted of one count of violating Government Code section 1090 (Conflict of Interest By a Public Official), a misdemeanor, Respondent wilfully violated a law of this state in violation of Business and Professions Code section 6068(a).
12. Respondent's conviction for one count of violating Government Code section 1090 (Conflict of Interest By a Public Official), a misdemeanor, also constitutes conviction of a crime involving other misconduct warranting discipline.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was January 24, 2011.

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

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 24, 2011, the prosecution costs in this matter are \$3,530.00. 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.

#### **PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING.**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On January 25, 2010, respondent was convicted of one count of violating Government Code section 1090 (Conflict of Interest By a Public Official), a misdemeanor.

3. On August 13, 2010, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: For a hearing and decision recommending the discipline to be imposed in the event the Hearing Department finds that the facts and circumstances surrounding the violation of Government Code section 1090 (Conflict of Interest by a Public Official), of which Roosevelt F. Dorn was convicted, involved moral turpitude or other misconduct warranting discipline.

### **AUTHORITIES SUPPORTING DISCIPLINE**

Standard 3.4 provides that, "Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of these standards appropriate to the nature and extent of the misconduct found to have been committed by the member".

In *In re Battin* (1980) 28 Cal. 3d 231, Respondent was a former member of the Orange County Board of Supervisors. After a trial by jury, Respondent was convicted of violating Penal Code section 424(2) (Misuse of Public Funds). Imposition of sentence was suspended and Respondent was given three years informal probation, 6 months in the County Jail (of which 5 months were suspended so Respondent only served 20 days with 10 days off for good behavior), and a \$3,500 fine and assessments. The court imposed discipline consisting of a Public Reproval. In mitigation, Respondent had no prior record of discipline.

### **MITIGATING CIRCUMSTANCES**

Under standard 1.2(e)(v), Respondent displayed spontaneous candor and cooperation to the victims of his misconduct by immediately paying back the loan with interest once the Inglewood City Council voted to repeal the RIP. Respondent has also displayed spontaneous candor and cooperation to the State Bar during the State Bar proceedings by providing the State Bar with documents and answering questions necessary for the State Bar's investigation without the necessity of formal discovery.

Under standard 1.2(e)(vi), Respondent can make an extraordinary demonstration of good character by presenting witnesses from the legal and general communities who are aware of the full extent of Respondent's misconduct. These witnesses include several Judges, Attorneys, and members of the Clergy.

### **ADDITIONAL MITIGATING CIRCUMSTANCES**

Respondent has no prior record of discipline.

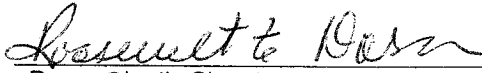
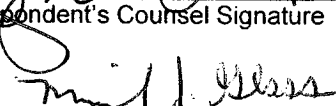


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In the Matter of <b>ROOSEVELT F. DORN</b> Member #45025	Case number(s): <b>10-C-00537</b>
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**SIGNATURE OF THE PARTIES**

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>02-01-2011</u> , 2011		<u>Roosevelt F. Dorn</u>
Date	Respondent's Signature	Print Name
<u>2/2/2011</u> , 2011		<u>James I. Ham</u>
Date	Respondent's Counsel Signature	Print Name
<u>2/2/2011</u> , 2011		<u>Michael J. Glass</u>
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of <b>ROOSEVELT F. DORN</b> Member #45025	Case number(s): <b>10-C-00537</b>
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### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department 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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

**Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

03-02-11 \_\_\_\_\_  
Date Judge of the State Bar Court

RICHARD A. PLATEL

**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 March 2, 2011, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL**

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:

**JAMES IRWIN HAM  
PANSKY MARKLE HAM LLP  
1010 SYCAMORE AVE UNIT 308  
SOUTH PASADENA, CA 91030**

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

**MICHAEL GLASS, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 2, 2011.



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Tammy Cleaver  
Case Administrator  
State Bar Court