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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b>		kwiktag® 018 040 310 
Counsel For The State Bar <b>Deputy Trial Counsel Jean Cha</b> <b>State Bar of California</b> 1149 S. Hill St Los Angeles, CA 90015 (213) 765-1000  Bar # 228137  In Pro Per Respondent  <b>Steve Sehaeng Kwon</b> P.O. Box 5223 Diamond Bar, CA 91765  Bar # 222338  In the Matter of: <b>Steve Sehaeng Kwon</b>  Bar # 222338  A Member of the State Bar of California (Respondent)	Case Number (s) <b>10-N-07135</b>	(for Court's use)  <div style="text-align: center;"> <b>FILED</b>  <b>DEC - 7 2010</b> <i>HC</i>  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div> <div style="text-align: center; margin-top: 20px;"> <b>PUBLIC MATTER</b> </div>
Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT  <b>DISBARMENT</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

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 **December 3, 2002**.
- (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 **(10)** 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 waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- ☐ Costs 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 220(c).

**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 **08-O-12542 (S169572)**
- (b) ☒ Date prior discipline effective **April 3, 2009**
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rule 3-110(A) and Business and Professions Code section 6106.**
- (d) ☒ Degree of prior discipline **Two years stayed suspension, two years probation, and 30 days actual suspension.**
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
- State Bar Court case no. 09-PM-18782 (S169572), effective May 12, 2010, Business and Professions Code section 6093(b), Two years stayed suspension, two years probation, and one year actual suspension.**
- (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 candid and cooperative. (Std. 1.2(e)(v).; Silva-Vidor v. State Bar (1989) 49 Cal.3d 1071, 1079; Pineda v. State Bar (1989) 49 Cal.3d 753, 760.)**
- (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, upon learning of his tardiness from the Office of Probation, immediately resolved the issues with the Office of Probation prior to the referral and commencement of disciplinary proceedings.**
- (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:**

**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 \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_. If the Client Security Fund has reimbursed \_\_\_\_\_ 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 \_\_\_\_\_ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Client Security Fund Reimbursement:** Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds and such payment obligation is enforceable as provided under Business and Professions Code section 6140.5.
- (4) ☐ **Other:**

Attachment language begins here (if any)

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

**IN THE MATTER OF:**     **Steve Sehaeng Kwon, 222338**  
**CASE NUMBER:**       **10-N-07135**

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

**FACTS**

1.     On April 12, 2010, the California Supreme Court filed Order No. S169572 (hereinafter "9.20 Order"). The 9.20 Order included a requirement that Respondent comply with Rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the 9.20 Order. (A true and correct certified copy of the 9.20 Order is attached hereto as Exhibit 1 and is incorporated by reference.)
2.     On April 12, 2010, the Clerk of the Supreme Court of the State of California properly served upon Respondent a copy of the 9.20 Order. Respondent received the 9.20 Order.
3.     The Supreme Court Order became effective on May 12, 2010, thirty days after the 9.20 Order was filed. Thus Respondent was ordered to comply with subdivision (a) and/or (b) of rule 9.20 of the California Rules of Court no later than on June 11, 2010, and was ordered to comply with subdivision (c) of Rule 9.20 no later than on June 21, 2010.
4.     Respondent failed to file with the clerk of the State Bar Court a declaration of compliance with Rule 9.20 (a) and (b), California Rules of Court, as required by Rule 9.20(c).
5.     Respondent did not file a declaration of compliance of Rule 9.20 until July 28, 2010.
6.     Pursuant to the 9.20 Order, Respondent was ordered to contact the Office of Probation by June 11, 2010 and schedule a meeting with Respondent's assigned probation deputy to discuss the terms and conditions of probation. At all times pertinent, Respondent had notice and was aware of the 9.20 Order and probation terms, including deadlines.

7. Respondent failed to timely schedule a meeting with the Office of Probation by June 11, 2010, thirty (30) days from the effective date of discipline.

8. A meeting with the Office of Probation was held on July 28, 2010.

### **CONCLUSIONS OF LAW**

9. By not timely filing a declaration of compliance with Rule 9.20 in conformity with the requirements of Rule 9.20(c), Respondent failed to timely comply with the provisions of Supreme Court Order No. S169572 requiring compliance with Rule 9.20, California Rules of Court in wilful violation of violated rule 9.20, California Rules of Court.

10. By failing to timely comply with all conditions attached to any disciplinary probation imposed pursuant to court disciplinary order, Respondent violated Business and Professions Code, sections 6068(k).

11. By disobeying the 9.20 Order requiring him to comply with all conditions attached to any disciplinary probation imposed by the Supreme Court, Respondent violated Business and Professions Code, sections 6103.

### **SUPPORTING AUTHORITY.**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.3.)

Standard 1.6(a) provides for the most severe discipline out of the applicable standards. (All further references to the "standard(s)" are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, unless expressly noted.)

Standard 1.7(b) provides for disbarment where an attorney has a record of two prior impositions of discipline unless the most compelling mitigating circumstances clearly predominate.

Standard 2.6 provides for suspension or disbarment for a violation of sections 6068 and 6103 depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

Disbarment is supported by the foregoing facts and conclusions of law. (*In the Matter of Babero* (Review Dept. 1993) 2 Cal.State Bar Ct. Rptr. 322)

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was October 18, 2010.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

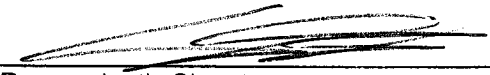

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 18, 2010, the estimated prosecution costs in this matter are approximately \$1,641.00. Respondent acknowledges that this figure is an estimate only and that it might not include State Bar Court costs that will be included in any final cost assessment (see Bus. & Prof. Code section 6068.10(c)) or taxable costs (see C.C.P. section 1033.5(a)), which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or relief from the stipulation be granted, the costs in this matter may increase due further proceedings. If Respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision(c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

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In the Matter of <b>Steve Sehaeng Kwon</b>	Case number(s): <b>10-N-07135</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 Fact, Conclusions of Law and Disposition.

<u>11/8/2010</u> Date	 Respondent's Signature	<u>Steve Kwon</u> Print Name
<u>11/16/2010</u> Date	 Deputy Trial Counsel's Signature	<u>Jean Cha</u> Print Name



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In the Matter of  
**Steve Sehaeng Kwon**

Case Number(s):  
**10-N-07135**

### 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 reference to Exhibit 1 on page 5 is deleted. No such exhibit was attached to the stipulation.*

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.)**

Respondent **Steve Sehaeng Kwon** 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 490(b) 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

12/4/10

Donald F. [Signature]  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 December 7, 2010, 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; DISBARMENT**

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:

**STEVE S. KWON  
PO BOX 5223  
DIAMOND BAR, CA 91765**

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

**JEAN CHA, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 7, 2010.



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Tammy Cleaver  
Case Administrator  
State Bar Court