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**State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p>Ashod Mooradian Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1004</p> <p>Bar # 194283</p>	<p>Case Number(s): 10-O-07003 [Investigative Matters: 11-O-12745; 11-O-13982</p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b> <i>[Signature]</i></p> <p>DEC 16 2011</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Robert Dennis Rentzer Attorney At Law 5011 Casa Drive Tarzana, CA 91356 (818) 758-1611</p> <p>Bar # 39822</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: KAMRAN Y. MALIK</p> <p>Bar # 247885</p> <p>A Member of the State Bar of California (Respondent)</p>	<p><b>ACTUAL SUSPENSION</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 August 7, 2006.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 17 pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 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.

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- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None.

**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 Stipulation Attachment, page 10, section "C", paragraph 1.
- (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. See Stipulation Attachment, page 11, section "C", paragraph 2.
- (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. See Stipulation Attachment, page 11, section "C", paragraph 3.

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- (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 Stipulation Attachment, page 11, section "C", paragraph 4.
- (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:**

None.

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of two (2) years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.
- (2)  **Probation:**
- Respondent must be placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3)  **Actual Suspension:**
- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of ninety (90) days.
- 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:**

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

**IN THE MATTER OF:**     KAMRAN Y. MALIK

**CASE NUMBER(S):**     10-O-07003  
                              [Investigative Matters: 11-0-12745; 11-O-13982]

**A.     **WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY:****

The parties waive any variance between the Notice of Disciplinary Charges (“NDC”) filed on September 6, 2011, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

**B.     **FACTS AND CONCLUSIONS OF LAW.****

KAMRAN Y. MALIK (“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.

1.     Respondent was admitted to the practice of law in the State of California on August 7, 2006, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

Case No. 10-O-07003 (Complainant: Consuelo Racero)

Facts:

1.     On December 9, 2009, Consuelo Racero (“Racero”), who resided in the State of Nevada, employed Respondent to represent her in obtaining a modification of her home loan for a property located in Nevada. At that time, Racero paid Respondent \$1,000.00 towards a flat fee of \$2,000.00 for Respondent’s legal services.

2.     Nevada Revised Statutes 7.285 provides, in relevant part: “A person shall not practice law in this state if the person: (a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the supreme court; or (b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the supreme court.”

3. Nevada Rules of Professional Conduct, rule 5.5(a) provides: "A lawyer shall not: (1) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or (2) Assist another person in the unauthorized practice of law."

4. At no time has Respondent been licensed to practice law in the State of Nevada. Respondent did not inform Racero that he was not entitled to practice law in Nevada. By agreeing to represent Racero, Respondent in effect held himself out as entitled to practice law in Nevada.

5. On February 2, 2010, Racero mailed a letter to Respondent's law office and requested a refund of the fees paid to Respondent. Respondent received the letter at his law office address. Respondent did not respond to Racero's request for a refund.

6. Respondent did not provide any services to Racero to earn the fees he collected.

7. Respondent did not refund any of the \$1,000.00 fees to Racero.

Case No. 11-O-12745 (Complainants: Daniel & Ernestine De La Rosa)

Facts:

8. On August 16, 2009, Daniel and Ernestine De La Rosa ("the De La Rosas"), who resided in the State of Illinois, employed Respondent to represent them in obtaining a modification of their home loan for a property located in Illinois. In September 2009, the De La Rosas paid Respondent \$2,500.00 as a flat fee for Respondent's legal services.

9. Illinois Rules of Professional Conduct, rule 5.5(b)(2) states, in relevant part, that "A lawyer who is not admitted to practice law in this jurisdiction shall not ... hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction."

10. Respondent is not presently, and never has been, admitted to practice law in the State of Illinois. Respondent did not inform the De La Rosas that he was not entitled to practice law in Illinois. By agreeing to represent the De La Rosas, Respondent in effect held himself out as entitled to practice law in Illinois.

11. Illinois Rules of Professional Conduct, rule 5.5(c) provides that: "A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that: (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized; (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;

or (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.”

12. Respondent submitted a loan modification request on behalf of the De La Rosas to their lender. In January 2010, the De La Rosas learned from their lender that their loan modification request had been denied. Respondent provided legal services to the De La Rosas in Illinois by representing the De La Rosas in seeking a modification of the loan on De La Rosa's home in Illinois.

13. On January 2010, the De La Rosas left several messages requesting a status update on their loan modification and/or a refund of the fees they paid to Respondent. Respondent never returned any of the De La Rosas calls and did not provide the De La Rosas with a refund.

14. Respondent did not provide any services of value to the De La Rosas to earn any of the fees he collected.

15. Respondent did not refund any of the \$2,500.00 fees to the De La Rosas.

Case No. 11-O-13982 (Complainant: Tejbir & Indu Singh)

Facts:

16. On August 6, 2009, Tejbir & Indu Singh (“the Singhs”), who resided in the State of Washington, employed Respondent to represent them in obtaining a modification of their home loan for a property located in Washington. In August 2009, the Singhs paid Respondent \$2,500.00, in two installments, as a flat fee for Respondent's legal services.

17. Washington Rules of Professional Conduct, rule 5.5(b)(2) states, in relevant part, that “A lawyer who is not admitted to practice law in this jurisdiction shall not ... hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.”

18. Respondent is not presently, and never has been, admitted to practice law in the State of Washington. Respondent did not inform the Singhs that he was not entitled to practice law in Washington. By agreeing to represent the Singhs, Respondent in effect held himself out as entitled to practice law in Washington.

19. In November 2010, the Singhs hired a new attorney to contact Respondent regarding the Singhs loan modification and among other things to request a refund of the fees they paid to Respondent.

20. On November 29, 2010, the Singhs new attorney sent Respondent a letter regarding Respondent's failure to perform a loan modification for the Singhs and requesting a refund of the fees they paid to Respondent.

21. Respondent did not respond to the new attorney's letter and did not provide the De La Rosas with a refund.

22. Respondent did not provide any services of value to the Singhs to earn any of the fees he collected.

23. Respondent did not refund any of the \$2,500.00 fees to the Singhs.

Case No.'s 10-O-07003; 11-O-12745; 11-O-13982

Conclusions of Law:

24. By agreeing to represent Racero in a loan modification regarding her property in Nevada without informing Racero that he was not entitled to practice in Nevada, by agreeing to represent the De La Rosas in a loan modification regarding their property in Illinois without informing the De La Rosas that he was not entitled to practice in Illinois and by agreeing to represent the Singhs in a loan modification regarding their property in Washington without informing the Singhs that he was not entitled to practice in Washington, Respondent practiced law in Nevada, Illinois and Washington, all of which are jurisdictions where practicing is in violation of the regulations of the profession in those jurisdictions, in willful violation of Rules of Professional Conduct, rule 1-300(B).

25. By collecting \$1,000.00 from Racero to represent her in seeking a loan modification regarding Nevada property when he was not entitled to practice in Nevada, by collecting \$2,500.00 from the De La Rosas to represent them in seeking a loan modification regarding Illinois property when he was not entitled to practice in Illinois and by collecting \$2,500.00 from the Singhs to represent them in seeking a loan modification regarding Washington property when he was not entitled to practice in Washington, Respondent entered into an agreement for, charged, or collected an illegal fee in Nevada, Illinois and Washington, in willful violation of Rules of Professional Conduct, rule 4-200(A).

26. By not refunding the \$1,000.00 in fees collected from Racero which were not earned, by not refunding the \$2,500.00 in fees collected from the De La Rosas which were not earned and by not refunding the \$2,500.00 in fees collected from the Singhs which were not earned, Respondent failed to refund promptly 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).

**C. FACTS SUPPORTING MITIGATION.**

1. Respondent has exhibited candor and significant cooperation with the State Bar of California.<sup>1</sup> During the pendency of this matter, Respondent cooperated with the State Bar, informally providing information that assisted the State Bar in its understanding of Respondent's misconduct herein including an extensive and revealing declaration under penalty of perjury regarding his misconduct in these matters. Finally, Respondent also cooperated in that he has stipulated to facts, conclusions of law and level of discipline, including in several additional investigative matters.

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<sup>1</sup> Standard 1.2(e)(v).

2. Respondent has expressed remorse to the State Bar for his misconduct and acknowledged his wrongdoing.<sup>2</sup> As noted above, Respondent provided the State Bar with an extensive and revealing declaration under penalty of perjury regarding his misconduct in these matters. Respondent, in his declaration, explained how he was inexcusably lax in his duties towards each and every client. Respondent, in his declaration, also stated that he will try to make amends by repaying all of the fees paid by these clients. Finally, Respondent, in his declaration stated that he will never again practice in an area of the law where he lacks experience or that requires him to depend on others. The State Bar is satisfied that Respondent's remorse is genuine and demonstrates that Respondent has taken a significant and meaningful step towards ensuring that ethical misconduct will not recur in the future.

3. At the time of his misconduct, Respondent suffered extreme personal difficulties in his personal life related to his family. Starting in April 2008, Respondent's mother was diagnosed with a rare and aggressive form of breast cancer. In the several months that followed, Respondent's mother had multiple strokes, became diabetic, underwent two open heart surgeries and now suffers from dementia. Then, starting in 2009, Respondent's father became ill and required open heart surgery. Further, Respondent's ability to generate income from his practice became critical because his parents' health insurance did not fully cover their medical expenses.

4. Respondent's good character has been attested to by attorneys and non-attorney members of the general community who are aware of the full extent of Respondent's misconduct.<sup>3</sup> In addition, Respondent has provided pro bono legal services and volunteered his time to several charitable organizations in his community, including the Islamic Center of North County and the Foster Care Auxiliary of Orange County.

#### **D. AUTHORITIES SUPPORTING DISCIPLINE.**

##### Applicable Standards:

Standard 1.3 provides that the primary purposes of attorney discipline are, "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

Standard 1.6(a) provides that if two or more acts of misconduct are found in the same proceeding, the sanction imposed shall be the more or most severe of the different applicable sanctions. Standard 1.6(b) provides that a greater or lesser degree of discipline than the appropriate sanction prescribed by these standards shall be imposed or recommended, depending on the net effect of the aggravating and mitigating circumstances, if any.

Standard 2.7 provides that culpability of a member of a violation "...of that portion of rule 4-200, Rules of Professional Conduct [regarding] entering into an agreement for, charging

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<sup>2</sup> Standard 1.2(e)(vii).

<sup>3</sup> Standard 1.2(e)(vi).

or collecting an unconscionable fee for legal services shall result in at least a six-month actual suspension from the practice of law, irrespective of mitigating circumstances.<sup>4</sup>

Standard 2.10 provides that the culpability of a member for violation of any provision of the Business and Professions Code or any Rule of Professional Conduct not specified in the Standards shall result in reproof or suspension, according to the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

Caselaw:

In *Matter of Nelson*,<sup>5</sup> Nelson stipulated to facts showing he had formed a partnership with a non-lawyer, divided fees with a non-lawyer, and used the non-lawyer as a runner and capper. Nelson also stipulated that his misconduct involved moral turpitude, because of evidence of misappropriation and other dishonest conduct. The Court recommended six months actual suspension.

In this matter, Respondent did not form a partnership with a non-attorney, but rather practiced in an area of law where he lacked knowledge or experience and was thus dependent upon others. Respondent delegated too many core attorney functions to his non-attorney staff and thereafter failed to supervise. However, Respondent's misconduct did not involve moral turpitude or misappropriation of client funds. In addition, Respondent has significant mitigation, including candor and cooperation, remorse, family problems and good character references. Further, Respondent has agreed to financial conditions in all of the matters herein. For these reasons, Respondent's discipline should be less than that recommended by the Review Department in *Matter of Nelson*.

**E. PENDING PROCEEDINGS.**

The disclosure date referred to on page two, paragraph A. (7) was November 29, 2011.

**F. CLIENT SECURITY FUND WAIVER.**

Respondent waives any objection to payment by the State Bar Client Security Fund upon the claim for the principal amount of restitution set forth herein.

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<sup>4</sup> In its opinions, the Review Department has stated that Standard 2.7, which recommends a six-month minimum actual suspension for charging unconscionable fee, applies only to cases involving unconscionable fees, not illegal fees. However, the Review Department has nevertheless used Standard 2.7 as a guide, finding it difficult to justify less than the minimum six-month suspension recommended, where a respondent charged and collected illegal fees due to an abdication of a respondent's duties to his or her clients and the court. See *In the Matter of Harney* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 266. [20]

<sup>5</sup> (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 178

**G. COSTS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed him that as of November 29, 2011, the estimated prosecution costs in this matter are approximately \$5,053.00. Respondent acknowledges that this figure is an estimate only. 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.

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In the Matter of: KAMRAN Y. MALIK	Case Number(s): 10-O-07003 [Investigative Matters: 11-0-12745; 11-O-13982]
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### Law Office Management Conditions

- a.  Within        days/        months/        years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b.  Within        days/        months/one (1) years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than six (6) hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c.  Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for two (2) year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

Other:

(Do not write above this line.)

In the Matter of: <b>KAMRAN Y. MALIK</b>	Case Number(s): 10-O-07003 [Investigative Matters: 11-0-12745; 11-O-13982]
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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
Consuelo Racero	\$1,000.00	December 9, 2009
Daniel & Ernestine De La Rosa	\$2,500.00	August 16, 2009
Tejbir & Indu Singh	\$2,500.00	August 6, 2009

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than 30 days prior to the expiration of the period of probation.

**b. Installment Restitution Payments**

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

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

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

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

- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
    1. the name of such client;
    2. the date, amount and source of all funds received on behalf of such client;
    3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    1. the name of such account;
    2. the date, amount and client affected by each debit and credit; and,
    3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

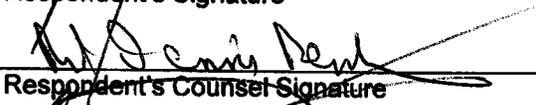
- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

(Do not write above this line.)

In the Matter of: KAMRAN Y. MALIK	Case number(s): 10-O-07003 [Investigative Matters: 11-0-12745; 11-O-13982]
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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>12/2/11</u> Date	 Respondent's Signature	<u>Kamran Y. Malik</u> Print Name
<u>12/2/11</u> Date	 Respondent's Counsel Signature	<u>Robert Dennis Rentzer</u> Print Name
<u>12/2/11</u> Date	 Deputy Trial Counsel's Signature	<u>Ashod Mooradian</u> Print Name

(Do not write above this line.)

In the Matter of: KAMRAN Y. MALIK	Case Number(s): 10-O-07003 [Investigative Matters: 11-0-12745; 11-O-13982]
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### ACTUAL SUSPENSION ORDER

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

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

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.)**

Date

Dec. 15, 2011

  
PAT E. McELROY  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, On December 16, 2011, I deposited a true copy of the following document(s):

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

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

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

ROBERT DENNIS RENTZER  
ROBERT DENNIS RENTZER,  
ATTORNEY AT LAW  
5011 CASA DR  
TARZANA, CA 91356

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

ASHOD MOORADIAN , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 16, 2011.



Laurretta Cramer  
Case Administrator  
State Bar Court