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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION			PUBLIC MATTER
Counsel For The State Bar Lee Ann Kern Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1272 Bar # 156623	Case Number(s): 10-O-07033	For Court use only <div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">SEP 10 2012</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">STATE BAR COURT</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">CLERK'S OFFICE</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">LOS ANGELES</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">kwiktag®</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">152 141 706</div> 	
Counsel For Respondent Timothy V. Milner 501 South Beverly Drive, Suite 200 Beverly Hills, California 90212 (310) 724-5672 Bar # 109648	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter of: Daniel Mark Noveck Bar # 223927 A Member of the State Bar of California (Respondent)	ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED REMANDED BY ORDER OF THE SUPREME COURT, DATED JUNE 21, 2012		

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 30, 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 entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 1 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: (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:

See Attachment, pp. 3-4.

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

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (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.

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(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:

See Attachment, p. 3.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of two 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 three 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 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.

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- (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:
- | | |
|---|---|
| <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:

- (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**

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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: Daniel Mark Noveck

CASE NUMBER(S): 10-O-07033

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. 10-O-07033 (State Bar Investigation)

FACTS:

1. At all relevant times, Respondent represented Jonathan Silver and Ariella Silver (“the Silvers”), two of the defendants in the matter entitled *Robert D’Elia vs. Jonathan Silver, et al.*, Los Angeles County Superior Court Case No. SC106067. The plaintiff filed the lawsuit on December 7, 2009, after his efforts to enforce a judgment against the Silvers and others had been unsuccessful. The lawsuit alleged fraudulent conveyances of real property and violations of the Racketeering Influenced and Corrupt Organizations Act.
2. On February 18, 2010, the plaintiff filed a notice of pending action on the subject real property. On or about February 18, 2010, Respondent discussed the possibility of filing a motion to expunge lis pendens with the Silvers and received information from them in support of the motion. On that same day, Respondent prepared the Motion to Expunge Lis Pendens and the supporting declarations of the Silvers based on the information provided to him by the Silvers.
3. On February 18, 2010, with the Silvers’ consent, Respondent signed their names to their declarations using signatures closely resembling those of the Silvers. For expediency, Respondent signed the Silvers’ names to their declarations. Respondent did not indicate in the motion or in the Silvers’ declarations that Respondent had signed the declarations on the Silvers’ behalf.
4. On February 19, 2010, Respondent filed and served on opposing counsel the Motion to Expunge Lis Pendens and the supporting declarations of the Silvers. When Respondent filed the declarations with the court and served them on opposing counsel, Respondent knew that he had not indicated in the motion or in the declarations that he had signed the declarations on the Silvers’ behalf.
5. California Code of Civil Procedure section 2015.5 requires an unsworn written declaration to be subscribed by the person making it. Respondent’s execution of the Silvers’ declarations violated California Code of Civil Procedure section 2015.5.
6. On February 22, 2010, Jonathan Silver testified at his debtor’s examination that he had not signed his declaration, that he did not know who signed it, and that he believed Respondent signed it because Respondent had his authority to do so. On February 26, 2010, and as a result of Jonathan Silver’s testimony that he had not signed his declaration, plaintiff’s counsel filed opposition to the Motion to Expunge Lis Pendens. Thereafter, Respondent withdrew the Motion to Expunge Lis Pendens, obtained the Silvers’ signatures on their declarations, and re-filed the motion on March 3, 2010.

7. After plaintiff served the Silvers with subpoenas for bank records, Respondent filed a Motion to Quash or Modify the Subpoenas on March 23, 2010. Respondent prepared and filed the Motions to Expunge Lis Pendens and the Motion to Quash or Modify Subpoenas (“the Motions”) without seeking or obtaining independent verification of the information provided to him by his clients.

8. On July 13, 2010, the court heard and ruled on the Motions. On the same day, the court also heard and ruled on the plaintiff’s Motion for the Imposition of Sanctions pursuant to California Code of Civil Procedure section 405.38 (“section 405.38”). Section 405.38 provides that reasonable attorney’s fees and costs be awarded to the prevailing party in a motion to expunge lis pendens.

9. On July 13, 2010, the court ruled as follows:

A. As to the previously withdrawn Motion to Expunge Lis Pendens, the court ruled that the evidence “strongly indicate[d] that [Respondent] intended to mislead the Court into believing that the signatures he forged were indeed his clients’ signatures” and that such conduct violated rule 5-200, Rules of Professional Conduct. Sanctions were imposed against Respondent and the Silvers, jointly and severally, in the amount of \$9,540, and were to be paid to plaintiff’s counsel on or before August 23, 2010;

B. As to the re-filed Motion to Expunge Lis Pendens, the court denied the motion and noted that it was “patently defective” because it lacked appropriate discussion of the applicable law, standards, and facts. The court found that the plaintiff established the requisite probable validity of his claim for fraudulent transfer of real property. Sanctions were imposed against Respondent and the Silvers, jointly and severally, in the amount of \$3,540, and were to be paid to plaintiff’s counsel on or before August 23, 2010;

C. As to the Motion to Quash or Modify Subpoenas, the court “strongly agree[d]” with the plaintiff’s assertions that the motion was frivolous. The court noted that Respondent did not attach the subject subpoenas to his motion and did not meet and confer with plaintiff’s counsel prior to filing the motion. Sanctions were imposed against Respondent and the Silvers, jointly and severally, in the amount of \$4,500, and were to be paid to plaintiff’s counsel on or before July 23, 2010.

10. Respondent was present at the July 13, 2010 hearing and received oral notice of the sanction order. The court also served Respondent with written notice of the sanction order on that day.

11. On July 22, 2010, Respondent provided the State Bar with written notice of the imposition of sanctions.

12. Respondent failed to pay any portion of the \$17,580 in sanctions by the dates set forth in the court’s July 13, 2010 order. Respondent did not appeal or otherwise seek relief from the court’s July 13, 2010 order. On February 11, 2011, the parties entered into a settlement agreement and mutual release in the litigation which included a term in which the plaintiff waived collection of the sanctions.

CONCLUSIONS OF LAW:

13. By signing the Silvers’ names to their declarations, Respondent failed to comply with California Code of Civil Procedure section 2015.5, and therefore failed to support the Constitution and

laws of the United States and of this state, in willful violation of Business and Professions Code section 6068(a).

14. By signing the Silvers' declarations with signatures simulating the Silvers' actual signatures in order to convince the court that the Silvers' declarations were subscribed by them, Respondent presented a matter to a tribunal and employed, for the purpose of maintaining the causes confided to Respondent, means which were inconsistent with truth, in willful violation of Business and Professions Code section 6068(d).

15. By failing to pay the sanctions by the dates set forth in the court's July 13, 2010 order, Respondent willfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in willful violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS:

The disclosure date referred to, on page 2, paragraph A (7), was August 6, 2012.

OTHER MITIGATING CIRCUMSTANCES:

Although the misconduct here is deemed serious and Respondent was in practice for less than 10 years before his misconduct, his practice of seven years and two months prior to the misconduct is entitled to slight weight in mitigation. (See *In the Matter of Rech* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 310, 316, where Rech's eight years in practice did not merit significant weight; *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49, where some mitigation was given despite present misconduct which was serious.)

Respondent admitted culpability to the State Bar during the disciplinary investigation and subsequent proceedings and has stipulated to facts, conclusions of law, and disposition. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, where mitigating weight was accorded when the attorney admitted facts and culpability.)

OTHER AGGRAVATING CIRCUMSTANCES:

In its July 13, 2010 order, the court found that Respondent's clients' Motion to Quash or Modify Subpoenas was frivolous. Although Respondent intended to present his clients' position in seeking to quash the subpoenas, he failed to obtain sufficient verification of the facts asserted by his clients and unnecessarily expended the resources of the court and the opposing party in addressing the motion.

AUTHORITIES SUPPORTING DISCIPLINE:

The Supreme Court has held that great weight is to be given to the Standards for Attorney Sanctions for Professional Misconduct ("Standards"), and they should be followed whenever possible. (*In re Silvertown* (2005) 36 Cal. 4th 81, 91.) Adherence to the Standards serves the valuable purpose of eliminating disparity and assuring consistency in the imposition of attorney discipline. (*In re Brown* (1995) 12 Cal.4th 205, 220.)

Where two or more acts of professional misconduct are acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by the standards, the sanction imposed shall be the most severe of the difference applicable sanctions. (Standard 1.6 (a).) The two Standards applicable here provide for the same range of sanction -- suspension or disbarment. (Standards 2.3 and 2.6.) Standard 2.3 specifically addresses the misconduct in the instant matter and affords a better analysis to reach the appropriate discipline.

Pursuant to Standard 2.3, culpability of a member of an act of intentional dishonesty toward a court shall result in suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law.

Respondent's misconduct in filing and serving the subject declarations occurred within the practice of law and warrants greater discipline. Respondent's actions caused the court and opposing counsel to expend resources, but did not otherwise cause significant harm. Although Respondent was dishonest in simulating his clients' signatures on the declarations, the fact that he prepared the declarations with facts provided to him by his clients and had obtained their authority to execute the declarations for them lessens the magnitude of the misconduct.

The misconduct is slightly mitigated by the absence of a prior record and Respondent's cooperation with the State Bar in stipulating to facts, conclusions of law, and disposition, but it is aggravated by Respondent's filing of a frivolous Motion to Quash and Modify Subpoena.

Application of the Standards to the facts of this case demonstrates that 90-days actual suspension, two years stayed suspension, and a three-year probation is the appropriate sanction for Respondent's misconduct.

The stipulated disposition is consistent with case law, which calls for actual suspension. (See *Drociak vs. State Bar* (1991) 52 Cal.3d 1085.) In *Drociak*, the attorney answered interrogatories and attached a pre-signed verification without first consulting with the client to assure that the assertions of fact were true. He later learned that his client was dead. The Supreme Court ordered that the attorney, who had no prior record in 25 years of practice, receive 30-days actual suspension, one year stayed suspension, and two years probation. A greater sanction than that imposed in *Drociak* is warranted in the instant matter. Respondent's ethical violations are more extensive than in *Drociak* and he did not have 25 years of discipline-free practice, as was present in *Drociak*.

WAIVER:

The parties do not intend to alter or change the substance of the facts, but to supplement with additional facts and waive any variance between the stipulation previously filed and remanded by the Supreme Court on June 21, 2012, and the facts and/or conclusions of law contained in this stipulation.

COSTS OF DISCIPLINARY PROCEEDINGS:

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 21, 2011, the original date the stipulation was filed, the prosecution costs in this matter are \$2,797. 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 Daniel Mark Noveck	Case number(s): 10-O-07033
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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>8/6/12</u> Date	<u>Daniel Noveck</u> Respondent's Signature	<u>Daniel Mark Noveck</u> Print Name
<u>8/6/12</u> Date	<u>[Signature]</u> Respondent's Counsel Signature	<u>Timothy V. Milner</u> Print Name
<u>8/13/12</u> Date	<u>[Signature]</u> Deputy Trial Counsel's Signature	<u>Lee Ann Kern</u> Print Name

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In the Matter of: Daniel Mark Noveck	Case Number(s): 10-O-07033
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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.

PAGE 10 - COST OF DISCIPLINARY CHARGES -
DELETE - "NOVEMBER 21, 2011"
INSERT - "DECEMBER 14, 2011"

PAGE 4-B - ADDITIONAL MITIGATION CIRCUMSTANCES
DELETE - "ATTACHMENT"
INSERT - "ATTACHMENT"

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.)**

09-07-2012

Date


RICHARD A. PLATEL
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 September 10, 2012, I deposited a true copy of the following document(s):

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

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

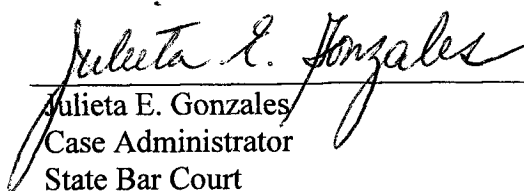
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

TIMOTHY VANCE MILNER ESQ
501 S BEVERLY DR STE 200
BEVERLY HILLS, CA 90212

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

Lee A. Kern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 10, 2012.



Julieta E. Gonzales
Case Administrator
State Bar Court