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

<p>Counsel For The State Bar</p> <p>Timothy G. Byer, DTC 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number(s): 10-O-11100 11-O-10100 11-O-13706</p> <p><b>PUBLIC MATTER</b></p>	<p>For Court use only</p> <p><b>FILED</b> JAN - 5 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Arthur L. Margolis 2000 Riverside Drive Los Angeles, CA 90039-375 (323) 953-8996</p> <p>Bar # 55703</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Keyvan Samini</p> <p>Bar # 166239</p> <p>A Member of the State Bar of California (Respondent)</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 December 2, 1993.
- (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 11 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."



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- (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.
  - 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 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. See Attachment, page 9, "Aggravating Circumstances"
- (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. See Attachment, page 9, "Mitigating Circumstances"
- (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 9, "Mitigating Circumstances"
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

1. Respondent made full refunds to the clients whose matters are resolved by this stipulation, as well as to William Cholopray, to Gary Dickens, and to Sean and Mary Skellett:

a. In Cholopray's matter, Respondent refunded a fee paid by Mr. Cholopray to Respondent's former partner, although Respondent received none of Mr. Cholopray's fee;

b. In Dickens's matter, Respondent refunded Dickens's fee although Dickens had not employed Respondent but rather a non-lawyer company to whom Respondent had sub-leased office space, and who had used Respondent's name and letterhead without his knowledge or authorization;

c. In the Skelletts' matter, Respondent refunded the Skelletts' fee despite having fully performed.

#### D. Discipline:

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of 1 year.

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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is placed on probation for a period of 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.)

#### E. Additional Conditions of Probation:

(1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2)  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.

(3)  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.

(4)  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.

(5)  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.

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- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  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.
- (9)  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 within one year. **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)  **Other Conditions:**

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

IN THE MATTER OF:      Keyvan Samini

Case Nos.      **10-O-11100, 11-O-10100, 11-O-13706**

**FACTS AND CONCLUSIONS OF LAW:**

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

Case No.      **10-O-11100**

**FACTS:**

1.      On September 22, 2009, Oregon resident Scott Jacobson employed Respondent to negotiate and obtain a home mortgage loan modification on his behalf, and paid Respondent an advanced fee of \$3,500.
2.      Oregon Rules of Professional Conduct, rule 5.5, prohibits the practice of law in Oregon by persons not admitted to practice in that jurisdiction, with exceptions not applicable to Respondent's representation of Jacobson.
3.      Respondent is not now, nor ever has been, admitted to practice law in Oregon.

**CONCLUSIONS OF LAW:**

4.      By accepting employment with Jacobson in order to perform legal services in connection with his home mortgage loan modification, Respondent practiced law in the state of Oregon, and thereby wilfully violated the regulations of the profession in the state of Oregon, in willful violation of Rules of Professional Conduct, rule 1-300(B).
5.      By entering into an agreement for, charging, and collecting fees from Jacobson, when he was not licensed to practice law in Oregon, Respondent entered into an agreement for, charged, and collected an illegal fee from Jacobson, in willful violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 11-O-10100

6. On March 25, 2010, Connecticut resident Nicholas DeVito employed Respondent to perform a "forensic audit" of his home mortgage loan documentation, including analysis of Connecticut mortgage lending law, and paid Respondent an advanced fee of \$3,000.

7. Connecticut Practice Book, rule 2-44A, prohibits the practice of law in Connecticut by persons not admitted to practice in that jurisdiction, with exceptions not applicable to Respondent's representation of DeVito.

8. Respondent is not now, nor ever has been, admitted to practice law in Connecticut.

**CONCLUSIONS OF LAW:**

9. By accepting employment with DeVito in order to perform legal services in connection with a "forensic audit" of his home mortgage loan documentation, including analysis of Connecticut mortgage lending law, Respondent practiced law in the state of Connecticut, and thereby wilfully violated the regulations of the profession in the state of Connecticut, in willful violation of Rules of Professional Conduct, rule 1-300(B).

10. By entering into an agreement for, charging, and collecting fees from DeVito, when he was not licensed to practice law in Connecticut, Respondent entered into an agreement for, charged, and collected an illegal fee from DeVito, in willful violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 11-O-13706

11. On May 8, 2010, Virginia resident Sheila Cordoba employed Respondent to negotiate and obtain a home mortgage loan "restructuring" on her behalf, and to perform an audit of her home mortgage loan documents.

12. On June 14, 2010, Cordoba paid Respondent an advanced fee of \$1,750.

13. Rule 5.5 of the Rules of Professional Conduct for the Commonwealth of Virginia prohibits the practice of law in Virginia by persons not admitted to practice in that jurisdiction, with exceptions not applicable to Respondent's representation of Cordoba.

14. Respondent is not now, nor ever has been, admitted to practice law in Virginia.



### **CONCLUSIONS OF LAW:**

15. By accepting employment with Cordoba in order to perform legal services in connection with her home mortgage loan restructuring and audit, Respondent practiced law in the Commonwealth of Virginia, and thereby wilfully violated the regulations of the profession in the Commonwealth of Virginia, in willful violation of Rules of Professional Conduct, rule 1-300(B).

16. By entering into an agreement for, charging, and collecting fees from Cordoba, when he was not licensed to practice law in Virginia, Respondent entered into an agreement for, charged, and collected an illegal fee from Cordoba, in willful violation of Rules of Professional Conduct, rule 4-200(A).

### **AGGRAVATING CIRCUMSTANCES:**

Multiple Acts of Wrongdoing/Pattern of Misconduct: Respondent's repeated violations of rules 1-300(B) and 4-200(A) constitute multiple acts of wrongdoing and a pattern of misconduct.

### **MITIGATING CIRCUMSTANCES:**

No Prior State Bar Discipline (Standard 1.2(e)(i)): Respondent was admitted to the State Bar on December 2, 1993, and has no prior record of State Bar discipline. Standard 1.2(e)(i) has been applied to give an attorney some mitigating credit for no prior discipline even where the underlying misconduct is found to be serious or significant. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, ft. 13).

Candor/Cooperation: Respondent agreed to settle this matter at an early stage in the disciplinary proceedings. (Standards for Attorney Sanctions for Professional Misconduct, Standard 1.2(e)(v).)

### **AUTHORITIES SUPPORTING DISCIPLINE:**

Standard 2.10 provides that "Culpability of a member of any violation of the Business and Professions Code not specified in these standards or of a willful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to 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."

### **PENDING PROCEEDINGS:**

The disclosure date referred to, on page 2, paragraph A(7), was November 1, 2011.

**COSTS OF DISCIPLINARY PROCEEDINGS:**

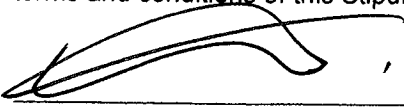

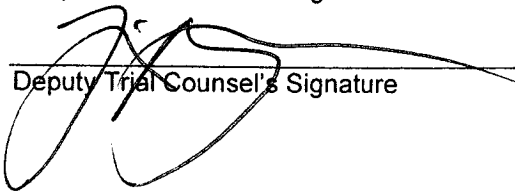
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 1, 2011, the prosecution costs in this case total \$4,281.

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In the Matter of: Keyvan Samini	Case number(s): 10-O-11100, 11-O-10100, 11-O-13706
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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>12/1/2011</u> Date	 Respondent's Signature	<u>Keyvan Samini</u> Print Name
<u>12/2/2011</u> Date	 Respondent's Counsel Signature	<u>Arthur L. Margolis</u> Print Name
<u>12.6.11</u> Date	 Deputy Trial Counsel's Signature	<u>Timothy G. Byer</u> Print Name

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In the Matter of:  
Keyvan Samini

Case Number(s):  
10-O-11100, 11-O-10100, 11-O-13706

### STAYED SUSPENSION ORDER

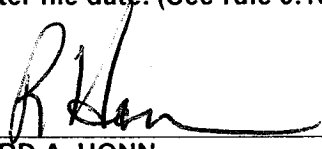
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.)**

1-4-12

Date



RICHARD A. HONN  
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 Los Angeles, on January 5, 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:

ARTHUR LEWIS MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

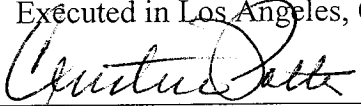
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Timothy G. Byer, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 5, 2012.

  
\_\_\_\_\_  
Cristina Potter  
Case Administrator  
State Bar Court