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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Kimberly Anderson Senior Trial Counsel, SBN 150359 Elizabeth Gonzalez Deputy Trial Counsel, SBN 256839 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1342 Bar #	Case Number(s): 12-C-14563-RAP	For Court use only <div style="text-align: center;"> FILED DEC 19 2012 <i>AC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Arthur Margolis 2000 Riverside Drive Los Angeles, CA 90039 Bar # 57703	PUBLIC MATTER	
In the Matter of: ROBERT A. KARPUK Bar # 73322 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted October 27, 1980.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case 91-O-00850 (see attachment, page 7)
- (b) ☒ Date prior discipline effective June 26, 1994
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: 3-300
- (d) ☒ Degree of prior discipline Public Reprimand
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
- Prior Case #: 09-C-10309 (see attachment, page 8)
Effective Date: January 21, 2011
Violation of Business and Professions Code section 6101
Degree of Discipline: 2 years stayed suspension, 3 years probation, 1 year actual suspension
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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- (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. see attachment, page 8
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (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.

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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.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☐ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) ☐ **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ROBERT A. KARPUK

CASE NUMBER(S): 12-C-14563

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On May 17, 2012, Respondent was convicted of violating Penal Code section 484(a) [Petty Theft], a misdemeanor.

3. On August 31, 2012, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed. The Review Department found Respondent had been convicted of a crime involving moral turpitude and ordered Respondent on interim suspension effective October 1, 2012, pending final disposition of the proceeding, and to comply with California Rules of Court, rule 9.20 (a) and (c).

STIPULATION AS TO 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 has committed acts of misconduct warranting discipline:

4. On November 3, 2011, at approximately 4:30 p.m., Respondent entered Rite Aid, located at 3825 E. Thousand Oaks Blvd., Thousand Oaks, CA.

5. While Respondent was in the store he selected a bottle of vitamins from the shelf, opened the cardboard package and removed a plastic bottle from inside. Respondent then concealed the plastic bottle within his clothing and discarded the cardboard box on the merchandise shelf. With the item concealed in his clothing, he walked towards the exit, past open cash registers without making any attempts to pay for the item, and exited the store.

6. Respondent's acts in the store were observed by a loss prevention employee of the store. The loss prevention officer contacted the Ventura County Sheriff's Department ("VCSD"). VCSP contacted Respondent and left a voicemail message asking to be called back.

7. Respondent's attorney contacted VCSD to set up an appointment for Respondent to accept the citation. On November 11, 2011, Respondent went to the East County Sheriff's Station with his attorney. Respondent was cited for a violation of Penal Code section 484(a) and released.

8. On December 2, 2011, the Ventura County District Attorney filed a Misdemeanor Complaint in case number 2011041037 charging Respondent with one count, a violation of Penal Code section 484(a) [Petty Theft].

9. On May 17, 2012, Respondent pled no contest to one misdemeanor count of violating Penal Code section 484(a) [Petty Theft].

10. On May 17, 2012, the Court stayed imposition of sentence and Respondent was placed on 3 years summary probation, ordered to stay away from Rite-Aid, obey all laws, and to serve 2 days in jail.

CONCLUSIONS OF LAW:

11. Respondent's criminal conviction for violating Penal Code section 484(a) is a misdemeanor crime involving moral turpitude and warrants discipline pursuant to Business and Professions Code sections 6101 and 6102.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline:

Standard 1.2(b)(1) provides that a prior record of discipline shall be considered aggravating. Respondent has been disciplined on two prior occasions: 91-O-00850 and 09-C-10309.

Case No. 91-O-00850 (Prior Discipline #1):

On May 3, 1994, Respondent agreed to a stipulated discipline consisting of one year public reproof in State Bar case no. 91-O-00850 which became effective on June 26, 1994. That discipline resulted from Respondent's violation of the following California Rules of Professional Conduct, rule 3-300, rule 4-100(A), rule 3-100(A), rule 3-700(A)(2), former rule 2-111(A)(2), and former rule 6-101(A)(2) and California Business and Professions Code section 6068(i) arising from the following matters:

1. Case No. 92-O-12249

In November 1989, Geraldine Spira ("Spira") retained Respondent to represent her interest in a civil matter. Approximately, one year after retaining Respondent, Spira borrowed an unsecured loan in the amount of \$15,000 from Respondent. Respondent failed to advise Spira to seek independent counsel and to obtain Spira's informed written consent to the transaction. Two years after the loan, Spira substituted Respondent out of her case. Thereafter, Respondent sued Spira on the loan. Respondent's misconduct was a willful violation of California Rules of Professional Conduct, rule 3-300.

2. Case No. 91-O-15692

Respondent was retained by Niloofar Shaterian ("Shaterian") to represent him in a personal injury matter. On June 18, 1990, Shaterian's insurance company issued a \$5,000 medical payment draft to "Niloofar Shaterian and Law Offices of Robert A. Karpuk." Respondent deposited the draft into his savings account. On March 1, 1991, Respondent issued a \$5,000 check to Shatarian from his general

checking account. Respondent's misconduct was a willful violation of California Rules of Professional Conduct, rule 4-100(A).

3. Case No. 92-O-15692

Respondent was retained by Simon Feldman ("Feldman") to represent him in a personal injury matter. On July 29, 1986, Respondent filed a lawsuit on behalf of Feldman but failed to pursue the court action. In March 1990, Respondent moved locations without advising Feldman and Feldman never heard from Respondent again. On April 2, 1990, the Court served Respondent with notice that Feldman's case would be dismissed for lack of prosecution. Respondent did not file an opposition and did not appear at the hearing. On May 4, 1990, the Court dismissed Feldman's case. Respondent's misconduct was a willful violation of California Rules of Professional Conduct, rule 3-110(A), rule 3-700(A)(2), rule 2-111(A)(2), rule 6-101(A)(2), and California Business and Professions Code section 6068(i).

Case No. 09-C-10309 (Prior Discipline #2):

1. On November 20, 2008, Respondent entered Fry's Electronics and selected seven (7) CDs, which he placed in his shorts and exited the store without making any attempts to pay for the items.

2. On August 28, 2009, Respondent pled no contest to one misdemeanor count of violating Penal Code section 484(a) [Petty Theft]. Respondent was sentenced to one year Conditional Revocable Release, payment of restitution to Fry's Electronics, and a fine of \$100 payable to the State Restitution Fund.

3. On February 22, 2010, the Review Department placed Respondent on interim suspension pending final disposition of the criminal convictions proceedings in State Bar Court.

4. On August 5, 2010, Respondent agreed to a stipulated discipline consisting of two years stayed suspension, three years probation, with one year actual suspension, and compliance with the provisions of the State Bar Act and Rules of Professional Conduct in State Bar case no. 09-C-10309, which became effective on January 20, 2011. That discipline resulted from Respondent's criminal conviction on August 28, 2009 for violating Penal Code section 484(A), a misdemeanor. Respondent stipulated his conduct involved moral turpitude and was a willful violation of California Business and Professions Code section 6106.

Indifference:

Standard 1.2(b)(v) provides that when a member demonstrates indifference towards rectification of or atonement for the consequences of his misconduct such circumstances shall be considered aggravating.

Respondent is currently on disciplinary probation in case 09-C-10309 and was on it at the time he committed the new petty theft. By committing the current petty theft, Respondent violated his disciplinary probation because the conviction was for a crime that involved moral turpitude in violation of Business and Professions Code section 6101 and 6101, a violation of the State Bar Act.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a “process of fixing discipline” pursuant to a set of written principles to “better discharge the purposes of attorney discipline as announced by the Supreme Court.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Standard 1.7(b) states that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline as defined by Standard 12(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

Standard 3.2 states that a final conviction of a member of a crime which involves moral turpitude, either inherently or in the facts and circumstances surrounding the crime's commission shall result in disbarment. Only if the most compelling mitigating circumstances clearly predominate, shall disbarment not be imposed.

Respondent's prior record of discipline includes two prior disciplines. In the 2011 matter, Respondent is still on disciplinary probation. Additionally, both the 2011 prior and current offenses are convictions for crimes involving moral turpitude. Under the two applicable Standards, disbarment is the appropriate level of discipline. No compelling mitigating circumstances clearly predominate.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 16, 2012.

COST OF DISCIPLINARY CHARGES.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 16, 2012, the costs in this matter are approximately \$2,343. 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 costs of further proceedings.

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In the Matter of:
ROBERT A. KARPUK
SBN 73322

Case number(s):
12-C-14563-RAP

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.

30 November 2012 Robert A. Karpuk

Date

Respondent's Signature

Robert A. Karpuk
Print Name

12/12/12

Date

Arthur L. Margolis

Respondent's Counsel Signature

Arthur Margolis
Print Name

12/13/12

Date

Kimberly Anderson

Deputy Trial Counsel's Signature

Kimberly Anderson
Print Name

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In the Matter of: ROBERT A. KARPUK SBN 73322	Case Number(s): 12-C-14563-RAP
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DISBARMENT 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.)**

Respondent Robert A. Karpuk is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

12-18-2012
Date



RICHARD A. PLATEL
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 December 19, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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 MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DRIVE
LOS ANGELES, CA 90039

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

KIMBERLY ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2012.



Angela Carpenter
Case Administrator
State Bar Court