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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Ashod Mooradian Senior Trial Counsel Anand Kumar Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1004 Bar # 194283 261592	Case Number(s): 12-C-16206-LMA	For Court use only <div style="text-align: center; font-size: 1.2em; font-weight: bold;">PUBLIC MATTER</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED </div> <div style="text-align: center; font-weight: bold;">JUN 17 2013</div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Kevin Gerry The Law Offices of Kevin Gerry, APLC 433 N. Camden Drive, 4th Floor Beverly Hills, California 90210 (310) 275-1620 Bar # 129690	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: KEVIN JOHN MIRECKI Bar # 143753 A Member of the State Bar of California (Respondent)		

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 11, 1989.
- (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.

(Effective January 1, 2011)



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- (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 12 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - 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: Costs to be paid in equal amounts prior to February 1 for the following two billing cycles beginning from the 2014 membership year. (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.

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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.
- (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 Stipulation, page 8.
- (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:

See Stipulation, at page 9.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of one (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:
- (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.

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- (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

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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:**

9. For the gross income of KJMI, Respondent owed taxes of \$749.00 for 2000 and owed no taxes on behalf of KJMI for 2001 through 2003. The total criminal tax loss for KJMI from 2000 to 2003 was \$749.00.

10. For the gross income of AICS, Respondent owed taxes of \$3,446.00 for 2001, and owed no taxes on behalf of AICS for 2000, 2002 or 2003. The total criminal tax loss for AICS from 2000 to 2003 was \$3,446.00.

11. Respondent's total estimated criminal tax loss from the years 2000 to 2003 was \$264,022.00, excluding interest and penalties.

12. On July 15, 2008, the United States Attorney's Office filed a criminal complaint charging Respondent with committing three criminal offenses for misdemeanor violations of Title 26 United States Code, section 7203, for failing to file federal income tax returns in 2001.

13. On February 9, 2009, Respondent pled guilty to and was convicted of all three misdemeanor counts of violating Title 26 United States Code, section 7203, by the United States District Court, Central District of California.

14. After making payments to the Internal Revenue Service ("IRS") towards his outstanding criminal tax liability, as of August 27, 2012, Respondent still owed \$206,419.00 to the IRS.

15. On August 27, 2012, Respondent was sentenced for his failures to file tax returns in violation of Title 26 United States Code, section 7203.

16. Respondent's sentence included a prison term of six (6) months, and he was ordered to be placed on supervised release for a term of one (1) year upon release from imprisonment. Respondent was also ordered to pay restitution of \$206,419.00 to the IRS due immediately, a fine of \$20,000.00 to the United States as well as other fines and special assessments.

17. In September 2012, Respondent made the restitution payment of \$206,419.00 to the IRS and also paid the fine of \$20,000.00 to the United States. Additionally, Respondent served his prison sentence and was placed in custody from October 15, 2012 to April 12, 2013.

CONCLUSION OF LAW:

18. The facts and circumstances surrounding Respondent's misdemeanor convictions for violating Title 26 United States Code, section 7203 do not involve moral turpitude, but do constitute other misconduct warranting discipline.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Multiple Acts: Respondent's misconduct evidences multiple acts of wrongdoing. Standard 1.2(b)(ii). Respondent's misconduct herein involved Respondent's failure to timely file his personal and his corporate tax returns, for at least four consecutive years from 2000 to 2003 resulting in three misdemeanor counts of violating Title 26 United States Code, section 7203. (*In the Matter of Elkins* (Review Dept. 2010) 5 Cal. State Bar Ct. Rptr. 160, 168 [multiple acts of misconduct are an aggravating factor].)

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pre-trial stipulation: While the facts here are easily provable, Respondent has cooperated with the State Bar by entering into a stipulated settlement at an early stage and thereby saving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal. 3d 1071, 1079 [where mitigation credit was given for entering into a stipulation as to facts and culpability].)

No prior record of discipline: Respondent's misconduct in this matter began in 2001 (which was twelve years after his admission in 1989) when he failed to file his personal and corporate tax returns for the calendar year of 2000. While the current misconduct is serious as it concerns three convictions for failing to file federal income tax returns, Respondent's twelve-year discipline-free record is entitled to mitigating credit. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [more than 10 years of discipline-free entitled to mitigation]; *In the Matter of Riordan* (Rev. Dept. 2007) 5 Cal. State Bar Ct. Rptr 41, 49.)

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.)

Here, Respondent admits to three separate convictions of failing to file tax returns. Standard 3.4 provides that a final conviction of a member which does not involve moral turpitude, but does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of the Standards. The applicable standard under part B is standard 2.10, which provides that culpability of a member of a violation of any provision of the Business and Professions Code or Rule of Professional Conduct not specified in the 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.

Although there is no client victim in this matter, the gravity of the offense here, the multiple failures to file income tax returns is serious misconduct by a lawyer who is sworn to uphold the law. Discipline for Respondent's misconduct is consistent with the purposes of imposing discipline, namely, protection of the public, maintenance of high professional standards and the preservation of public confidence in the legal profession. "Governments cannot operate effectively unless their revenue laws

are obeyed. Such a violation of the tax laws by an attorney is a matter of serious concern because the attorney necessarily must advise clients with respect to their compliance with such laws. Furthermore, the legal profession is one which is peculiarly charged with the administration of our laws and therefore it is incumbent upon lawyers to set an example for others in observing the law. The intentional failure to file income tax returns evinces an attitude on the part of the attorney of placing himself above the law.” (*In re Rohan* (1978) 21 Cal.3d 195, 203.) In this matter, Respondent has placed himself above the law when he failed to timely file his personal and his corporate tax returns, for at least four consecutive years from 2000 to 2003. Respondent, as an attorney and officer of the court, is peculiarly charged with the administration of law and therefore it is incumbent upon Respondent to set an example for others in observing the law. Thus, Respondent’s criminal misconduct herein is serious.

In addition to Respondent’s convictions for failing to file tax returns for 2001, the surrounding facts and circumstances evidence Respondent’s failure to file returns and/or pay taxes in three additional years as Respondent admitted in his criminal plea agreement to also failing to file his personal and corporate tax returns for 2000 through 2003. His failure to file the corporate tax returns for KJMI during that period clearly relates to his practice of law as KJMI is his law practice. Due to the significant amounts of funds involved—\$264,022.00—and lengthy time period over which Respondent’s misconduct occurred, together with the time which elapsed before Respondent finally made restitution of the monies owed to the IRS, the gravity of his misconduct is significant. Accordingly, considering all of the surrounding facts and circumstances involved here, a one-year stayed suspension and a two-year probation with conditions including a 90-day actual suspension, is an appropriate level of discipline to effectuate the primary purposes of attorney discipline under standard 1.3.

Case law also supports the discipline recommended here. While neither *In re Brown* (1995) 12 Cal.4th 205 nor *In re Grimes* (1990) 51 Cal.3d 199 concerned violations of Title 26 United States Code, section 7203, they offer some additional perspective with regard to level of discipline in the instant matter. In *Brown*, an attorney was convicted of misdemeanor violations of failing to remit employee withholdings totaling approximately \$36,000.00 to the state. In mitigation, the Court considered the fact that Brown had 20 years of discipline free practice and had demonstrated good character. Nonetheless, the Supreme Court imposed a 60-day actual suspension. In *Grimes*, the Supreme Court imposed a 60-day actual suspension on an attorney who was convicted of failing to file three tax returns. In this matter, Respondent’s misconduct is more extensive and more aggravated than described in the above-mentioned cases. Respondent’s misconduct resulting in a \$264,022.00 criminal tax loss for the United States, an amount significantly greater than in the cases cited above. Therefore, pursuant to Standard 2.10 and 3.4, a higher level of discipline in the instant matter is warranted.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was May 17, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 17, 2013, the prosecution costs in this matter are approximately \$5,026.00. 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.

EXCLUSION FROM MCLE CREDIT

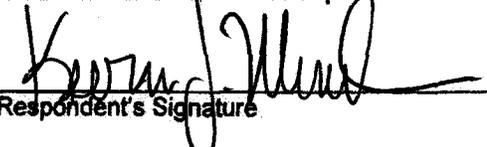
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, ordered as a condition of suspension here. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: KEVIN JOHN MIRECKI	Case number(s): 12-C-16206-LMA
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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.

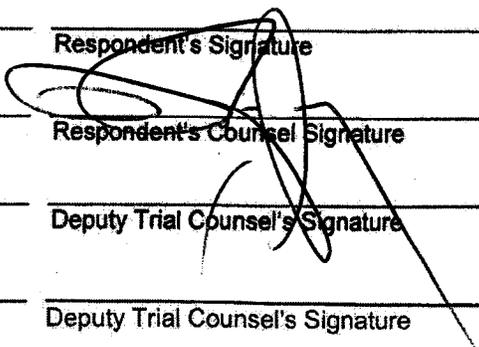
<u>5/23/13</u> Date	 Respondent's Signature	<u>Kevin John Mirecki</u> Print Name
 Date	 Respondent's Counsel Signature	<u>Kevin Gerry</u> Print Name
 Date	 Deputy Trial Counsel's Signature	<u>Ashod Mooradian</u> Print Name
 Date	 Deputy Trial Counsel's Signature	<u>Anand Kumar</u> Print Name

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In the Matter of: KEVIN JOHN MIRECKI	Case number(s): 12-C-16206-LMA
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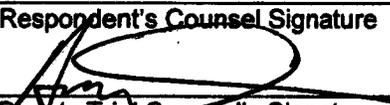
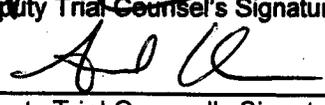
_____	_____	<u>Kevin John Mirecki</u>
Date	Respondent's Signature	Print Name
<u>5-31-13</u>		<u>Kevin Gerry</u>
Date	Respondent's Counsel Signature	Print Name
_____	_____	<u>Ashod Mooradian</u>
Date	Deputy Trial Counsel's Signature	Print Name
_____	_____	<u>Anand Kumar</u>
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of: KEVIN JOHN MIRECKI	Case number(s): 12-C-16206-LMA
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_____	_____	Kevin John Mirecki
Date	Respondent's Signature	Print Name
_____	_____	Kevin Gerry
Date	Respondent's Counsel Signature	Print Name
JUNE 5, 2013		Ashod Mooradian
Date	Deputy Trial Counsel's Signature	Print Name
MAY 21, 2013		Anand Kumar
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of: KEVIN JOHN MIRECKI	Case Number(s): 12-C-16206-LMA
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ACTUAL SUSPENSION ORDER

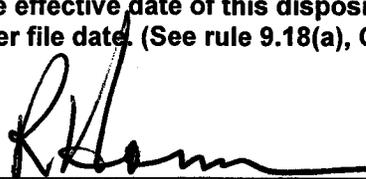
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

On page one of the stipulation, in the bottom-left box, "KEVIN JOHN MIRECKI" is deleted and in its place is inserted "KEVIN JOHN MIRECKI".

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.)**

6-14-13
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 San Francisco, on June 17, 2013, 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:

KEVIN P. GERRY
711 N SOLEDAD ST
SANTA BARBARA, CA 93103

- 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 June 17, 2013.



Bernadette C.O. Molina
Case Administrator
State Bar Court