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**State Bar Court of California**  
**Hearing Department**  
**Los Angeles**  
**ALTERNATIVE DISCIPLINE PROGRAM**

**PUBLIC MATTER**

<p>Counsel For The State Bar</p> <p>William Todd                  Deputy Trial Counsel                  1149 S Hill Street                  Los Angeles, California 90015                  213-765-1491</p> <p>Bar # 259194</p>	<p>Case Number (s)                  12-C-16728-RAP,                  12-C-16729-RAP,                  12-C-16730-RAP,                  12-C-16731-RAP,                  12-C-16735-RAP,                  12-C-16737-RAP,                  12-C-16738-RAP</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p><b>AUG 05 2013</b> </p> <p>STATE BAR COURT                  CLERK'S OFFICE                  LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Oren Mark Atias                  306 Concord Avenue                  Fullerton, California 92683                  949-612-2670</p>	<p>Submitted to: <b>Program Judge</b></p> <p><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 263534</p> <p>In the Matter Of:                  OREN MARK ATIAS</p> <p>Bar # 263534</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 May 28, 2009.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

*CRB*  
 3/22/13



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**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.
- (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 to Stipulation" at 10.
- (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.
- (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:**



## CONCLUSIONS OF LAW:

5. The facts and circumstances surrounding Respondent's September 13, 2011 offense involved misconduct warranting discipline.

### Case No. 12-C-16729-RAP (Conviction Proceeding)

## PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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

7. On September 13, 2012, Respondent pled guilty and was convicted of felony violations of Health and Safety Code sections 11350(a) [possession of a controlled substance], 11377 [possession of methamphetamine] and 11366.8(a) [possession, control or use of false compartment for drug storage]. Respondent also pled guilty and was convicted of a misdemeanor violation of Health and Safety Code section 11375(b)(2) [possession of prescription medication without a prescription]. Imposition of sentence was suspended as to the misdemeanor count. Respondent received consecutive sentences totaling three years and four months incarceration for the three felony counts, with execution of sentence suspended. Respondent was placed on supervised probation for three years on terms and conditions including serving 180 days in county jail, deemed fully satisfied by credit for time served. Respondent was also ordered to complete six months in the Serenity Sober Living Program, followed by six months in an undesignated outpatient program, and was ordered to pay various costs and fees.

8. On January 14, 2013, 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 in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

## FACTS:

9. On May 8, 2012, the Huntington Beach Police Department conducted a traffic stop of a car driven by Respondent because the car lacked a functioning rear license plate lamp. Respondent admitted to the officer that he was on unsupervised probation at the time that he was stopped. Respondent's vehicle was searched, and codeine was found inside the vehicle. Though codeine is a prescription medication, Respondent held no valid prescription for codeine. Also, a false compartment magnetically attached to the underside of Respondent's car was discovered. Inside the compartment was a bag which contained a crystallized substance that subsequent testing confirmed to be methamphetamine. Respondent was arrested on suspicion of possession of a controlled substance, possession of

methamphetamine and possession, control or use of a false compartment for drug storage in violation of Health and Safety Code sections 11350(a), 11377 and 11366.8(a).

10. Later, after arriving at the Huntington Beach Police Department jail, a single Xanax pill was discovered during a booking search of Respondent's person. Though Xanax is a prescription medication, Respondent held no valid prescription for Xanax, which led to an additional charge of violating Health and Safety Code section 11375(b)(2) for possession of prescription medication without a prescription.

#### CONCLUSIONS OF LAW:

11. The facts and circumstances surrounding Respondent's May 8, 2012 offenses involved misconduct warranting discipline.

#### Case No. 12-C-16730-RAP (Conviction Proceeding)

#### PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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

13. On September 13, 2012, Respondent pled guilty and was convicted of misdemeanor violations of Health and Safety Code section 11550(a) [under the influence of a controlled substance] and Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs]. The imposition of sentence was suspended, and Respondent was placed on five years' unsupervised probation. Respondent was also ordered to attend an alcohol program and was ordered to pay various costs and fees.

14. On November 19, 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 in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

#### FACTS:

15. On September 9, 2011, the Costa Mesa Police Department conducted a traffic stop of a car driven by Respondent because the car was straddling lanes at low speed. Respondent was observed to be under the influence of alcohol and/or drugs at the time he was stopped, and was arrested on suspicion of driving while under the influence of a controlled substance in violation of Health and Safety Code section 11550(a) and Vehicle Code section 23152(a). Subsequent blood testing confirmed the presence of cocaine in Respondent's blood.

## CONCLUSIONS OF LAW:

16. The facts and circumstances surrounding Respondent's September 9, 2011 offenses involved misconduct warranting discipline.

### Case No. 12-C-16731-RAP (Conviction Proceeding)

## PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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

18. On September 13, 2012, Respondent pled guilty and was convicted of a felony violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs with prior incidents of driving under the influence of alcohol and/or drugs]. Respondent received a sentence of 1/3rd the mid-term of eight months incarceration, with execution of sentence suspended. Respondent was placed on unsupervised probation for five years on terms and conditions including serving 180 days in county jail, deemed fully satisfied by credit for time served (the order of unsupervised probation was changed to supervised probation *nunc pro tunc* on September 20, 2012). Respondent was also ordered to attend an 18-month, multiple offender alcohol program, his driver's license was suspended for three years, and he was ordered to pay various costs and fees.

19. On January 14, 2013, 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 in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

## FACTS:

20. On December 7, 2011, the Huntington Beach Police Department conducted a traffic stop of a car driven by Respondent because it was swerving in and out of highway lanes. Respondent was observed to be under the influence of alcohol or other drugs and admitted to using pain medication daily. Respondent was arrested on suspicion of driving under the influence of alcohol or other drugs in violation of California Vehicle Code section 23152(a). Subsequent blood testing confirmed the presence of amphetamine, methamphetamine and oxymorphone in Respondent's blood at the time of his arrest.

## CONCLUSIONS OF LAW:

21. The facts and circumstances surrounding Respondent's December 7, 2011 offense involved misconduct warranting discipline.

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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

23. On September 13, 2012, Respondent pled guilty and was convicted of misdemeanor violations of Vehicle Code section 20002(A) [hit and run] and Penal Code section 148.5 [knowingly filing a false police report]. The imposition of sentence was suspended, and Respondent was placed on five years' unsupervised probation. Respondent was also ordered to pay various costs and fees, and was ordered to pay restitution of an undetermined amount.

24. On December 7, 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 for the offense(s) for which Respondent was convicted, one of which the Review Department determined involved moral turpitude as a matter of law.

FACTS:

25. On February 1, 2012 at 8:58 p.m., Respondent was driving a car rented less than three hours earlier when he collided with a parked car and pushed the parked car into a second parked car. Respondent then fled the scene on foot without locating the owner/person in charge of either of the parked cars. Respondent also failed to leave a note for either owner of the damaged cars providing his contact information. Respondent also failed to report the collision to the local police department or the California Highway Patrol.

26. On February 2, 2012 at just after 12:00 a.m., Respondent filed a report with the Costa Mesa Police Department claiming that the car he rented a little over six hours earlier was stolen sometime after its 6:00 p.m. rental the previous day but before the 8:58 p.m. collision.

27. At the time Respondent's report was filed, the Costa Mesa Police Department had already determined that the car Respondent reported stolen was the vehicle involved in the previous night's hit and run collision previously described. Investigation subsequent to Respondent's report found no evidence supporting Respondent's claim of car theft, and a witness identified Respondent as the driver of the vehicle which caused the hit and run collision the previous evening. Ultimately, the Costa Mesa Police Department confirmed that Respondent was driving the allegedly stolen car when it struck the parked cars; that the car was abandoned by the Respondent near the scene of the collision with the parked cars; and that Respondent knew his stolen car report was false at the time he filed it.

CONCLUSIONS OF LAW:

28. The facts and circumstances surrounding Respondent's February 1, 2012 violation of Vehicle Code section 20002(a) [hit and run] involved misconduct warranting discipline.

29. The facts and circumstances surrounding Respondent's February 2, 2012 violation of Penal Code section 148.5 [filing a false police report] involved moral turpitude.

Case No. 12-C-16737-RAP (Conviction Proceeding)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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

31. On September 13, 2012, Respondent pled guilty and was convicted of misdemeanor violations of Health and Safety Code section 11364(a) [possession of drug paraphernalia] and Business and Professions Code section 4060 [possession of controlled substance without prescription]. The imposition of sentence was suspended, and Respondent was placed on three years' unsupervised probation. Respondent was also ordered to pay various costs and fees.

32. On January 14, 2013, 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 in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

33. On May 7, 2012, the Huntington Beach Police Department conducted a traffic stop of Respondent's car because the car lacked a functioning rear license plate lamp. A search of the car by the officer discovered Xanax, a prescription medication for which Respondent held no valid prescription. The officer also discovered a small clear glass tube he recognized as the type used for injecting or smoking a controlled substance. Respondent admitted the glass tube was his. Respondent was arrested on suspicion of possession of drug paraphernalia and possession of controlled substance without prescription in violation of Health and Safety Code section 11364(a) and Business and Professions Code section 4060.

CONCLUSIONS OF LAW:

34. The facts and circumstances surrounding Respondent's May 7, 2012 offenses involved misconduct warranting discipline.

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

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

36. On September 13, 2012, Respondent pled guilty and was convicted of a misdemeanor violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs]. The imposition of sentence was suspended, and Respondent was placed on five years' unsupervised probation. Respondent was also ordered to attend an alcohol program, and was ordered to pay various costs and fees.

37. On November 19, 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 in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

38. On July 17, 2011, the Costa Mesa Police Department conducted a traffic stop of a car driven by Respondent because it was obstructing traffic. Respondent was observed to be under the influence of alcohol or other drugs at the time he was stopped, and was arrested on suspicion of driving while under the influence of alcohol or other drugs in violation of California Vehicle Code section 23152(a). The officer transported Respondent to a local hospital for evaluation, and a blood sample was drawn. The blood test confirmed that Respondent was under the influence of an unspecified drug at the time of his arrest.

CONCLUSIONS OF LAW:

39. The facts and circumstances surrounding Respondent's July 17, 2011 offense involved misconduct warranting discipline.

**ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.**

**Multiple Acts of Misconduct (Std. 1.2(b)(ii)):** Respondent committed multiple acts of misconduct. The presence of multiple acts of misconduct is considered an aggravating circumstance. (*In the Matter of Conner* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 105.)

**PENDING PROCEEDINGS.**

The disclosure date referred to on page 2, paragraph A(7), was March 22, 2013.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of March 20, 2013, the prosecution costs in this matter are \$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 the cost of further proceedings.



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In the Matter of: OREN MARK ATIAS	Case Number(s): 12-C-16728-RAP, 12-C-16729, 12-C-16730, 12-C-16731, 12-C-16735, 12-C-16737, 12-C-16738
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**ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

08-05-2013  
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 August 19, 2013, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW**

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

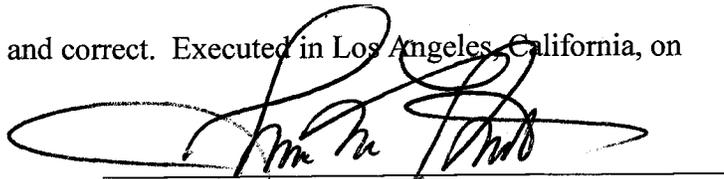
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

OREN M. ATIAS  
9219 SPECTRUM  
IRVINE, CA 92618

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

WILLIAM TODD, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 19, 2013.



Johnnie Lee Smith  
Case Administrator  
State Bar Court