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**State Bar Court of California  
Hearing Department  
Los Angeles  
DISBARMENT**



<p>Counsel For The State Bar</p> <p>Kim Kasreliovich Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1378</p> <p>Bar # 261766</p>	<p>Case Number(s): 12-N-11602; (12-O-14705); (12-O-14706)</p>	<p>For Court use only</p> <p align="center"><b>PUBLIC MATTER</b></p> <p align="center"><b>FILED</b></p> <p align="center">AUG 07 2012 </p> <p align="center">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Roy Earnest Peterson Law Office of Roy E Peterson PO Box 5706 El Monte, CA 91734 (626) 616-1787</p> <p>Bar # 153455</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p><b>DISBARMENT</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: Roy Earnest Peterson</p> <p>Bar # 153455</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 June 14, 1991.
- (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 (13) 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 99-O-10500
  - (b)  Date prior discipline effective December 24, 2000
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 3-110(A) [Failure to Perform Competently]; Rules of Professional Conduct, rule 4-100(B)(3) [Failure to Provide an Accounting of Client Funds]; and Rules of Professional Conduct, rule 3-700(D)(1) [Failure to Release a Client File]
  - (d)  Degree of prior discipline Public Reproval
  - (e)  If respondent has two or more incidents of prior discipline, use space provided below:

State Bar Court case no. 00-O-15212; effective February 11, 2004.

Respondent stipulated to ten violations of the Rules of Professional Conduct, rule 3-110(A) [Failure to Perform Competently] and two violations of Business and Professions code section 6068(m) [ Failure to Communicate with a Client] in thirteen consolidated cases. Respondent agreed to refund \$10,000 to nine clients. Respondent was suspended for one year, stayed, five years of probation with a 60-day actual suspension.

State Bar Court case no. 08-O-10639; effective May 16, 2010.

Respondent stipulated to one violation of the Rules of Professional Conduct, rule 3-110(A) [Failure to Perform Competently] and forty-seven violations of Business and Professions code section 6068(k) [Failure to Comply with Conditions of Probation]. Respondent was suspended

for two years, stayed, placed on probation for five years, and was actually suspended for 120 days and until he makes restitution to nine clients.

State Bar Court case no. 10-N-07164; effective December 30, 2011.

Respondent stipulated to one violation of Rule 9.20 of the California Rules of Court, one violation of the Rules of Professional conduct 3-700(A)(2) [ Failure to Avoid Reasonably Foreseeable Harm to Client], and two violations of Business and Professions code section 6106 [Moral Turpitude]. Respondent was suspended for two years, stayed, placed on five years of probation with a one-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.
- (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. For a further discussion of Indifference, see the Attachment to the Stipulation, page 11.
- (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. For a further discussion of Multiple/Pattern of Misconduct, see the Attachment to the Stipulation, page 11.
- (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.

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- (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:**

**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**

<b>IN THE MATTER OF:</b>	<b>ROY EARNEST PETERSON</b>
<b>CASE NUMBER(S):</b>	12-N-11602; (12-O-14705); and (12-O-14706)

**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. 12-N-11602

**FACTS:**

1. On August 3, 2011, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition (“Stipulation”) with the State Bar of California in case nos. 10-N-07164, et. al.
2. On August 11, 2011, the Hearing Department of the State Bar Court filed an Order Approving the Stipulation and recommending to the California Supreme Court the discipline set forth in the Stipulation.
3. On August 11, 2011, the Hearing Department’s August 11, 2011 Order Approving the Stipulation was properly served by mail upon the Respondent. Respondent received the order.
4. The California Supreme Court filed an Order in Case No. S196643 (State Bar case nos. 10-N-07164, et. al.) imposing the recommended discipline that Respondent be suspended from the practice of law for two (2) years, that execution of the suspension be stayed, and that Respondent be placed on probation for five (5) years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its August 11, 2011 Order regarding the Stipulation, including the condition that the Respondent be actually suspended for one (1) year (“Disciplinary Order”).
5. Pursuant to the Disciplinary Order, Respondent was ordered to comply with the following terms and conditions of probation, among others:
  - a. to comply with the State Bar Act and the Rules of Professional Conduct during the period of probation;
  - b. to contact the Office of Probation within thirty (30) days from the effective date of discipline and schedule a meeting with the assigned probation deputy to discuss the terms and conditions of probation;

- c. to submit to the Office of Probation written quarterly reports each January 10, April 10, July 10, and October 10 of each year or part thereof during which the probation is in effect, certifying under penalty of perjury whether he has complied with all provisions of the State Bar Act and the Rules of Professional Conduct and all terms of probation during the preceding calendar quarter or part thereof covered by the report and to file a final report no earlier than twenty (20) days prior to the expiration of the probation period and no later than the last day of said period;
- d. to initiate fee arbitration with Sally Lenaburg by sending a certified letter to Ms. Lenaburg within thirty (30) days of the effective date of the Disciplinary Order and to provide the Office of Probation with proof of that letter within forty (40) days of the effective date of the Disciplinary Order;
- e. to comply with rule 9.20, California Rules of Court, by performing the acts specified in subdivisions (a) and (c) within 30 and 40 days, respectively, after the effective date of the Disciplinary Order.

6. On November 30, 2011, the Clerk of the Supreme Court of the State of California properly served upon Respondent a copy of the Disciplinary Order. Respondent received the Disciplinary Order.

7. The Disciplinary Order became effective on December 30, 2011.

8. Respondent was ordered to comply with subdivision (a) and/or (b) of rule 9.20 of the California Rules of Court no later than January 29, 2012, and was ordered to comply with subdivision (c) of rule 9.20 no later than February 8, 2012.

9. Respondent failed to file with the clerk of the State Bar Court a declaration of compliance with rule 9.20 (a) and (b), California Rules of Court, as required by rule 9.20(c).

#### CONCLUSIONS OF LAW:

10. By not filing a declaration of compliance with rule 9.20 in conformity with the requirements of rule 9.20(c), Respondent willfully violated the provisions of Supreme Court Order No. S196643 requiring compliance with rule 9.20 of the California Rules of Court.

#### Case No. 12-O-14705

#### FACTS:

11. The facts in case no. 12-N-11602 are incorporated herein.

12. Respondent was ordered to contact the Office of Probation no later than January 29, 2012.

13. Respondent was ordered to initiate fee arbitration no later than January 29, 2012 and report his compliance to the Office of Probation no later than February 8, 2012.

14. On January 17, 2012, a Probation Deputy of the Office of Probation ("Probation") of the State Bar of California sent a letter to Respondent. In the letter the Probation Deputy reminded Respondent of the terms and conditions of his probation imposed pursuant to the Disciplinary Order. In the January 17, 2012 letter, the Probation Deputy specifically reminded Respondent regarding his obligations to file quarterly probation reports, with the first due on April 10, 2012. Enclosed with the January 17, 2012 letter were, among other things, copies of the Disciplinary Order, the relevant portion of the Stipulation setting forth the conditions the Respondent's probation, a Quarterly Report Instruction sheet, and a Quarterly Report form specially tailored for Respondent to use in submitting his quarterly reports. Respondent received the January 17, 2012 letter.

15. Respondent failed to contact Probation to schedule a meeting with the assigned Probation Deputy.

16. Respondent failed to initiate fee arbitration with Ms. Lenaburg and failed to provide proof that he initiated fee arbitration to the Office of Probation.

17. Respondent failed to file his initial quarterly report which was due April 10, 2012.

#### CONCLUSIONS OF LAW:

18. By failing to schedule a meeting with the Office of Probation, initiate fee arbitration or provide proof of initiating fee arbitration and failing to file his first quarterly report, Respondent willfully failed to comply with all conditions attached to his probation in violation of Business and Professions code section 6068(k).

#### Case No. 12-O-14706

#### FACTS:

19. On November 23, 2009, Respondent entered into a Stipulation Re Facts, Conclusions of Law and Disposition ("Stipulation") with the State Bar of California in case nos. 08-O-10639, et. al.

20. On December 7, 2009, the Hearing Department of the State Bar Court filed an Order Approving the Stipulation and recommending to the California Supreme Court the discipline set forth in the Stipulation.

21. On December 7, 2009, the Hearing Department's December 7, 2009 Order Approving the Stipulation was properly served by mail upon the Respondent. Respondent received the order.



22. The California Supreme Court filed an Order in Case No. S180008 (State Bar case nos. 08-O-10639, et. al.) imposing the recommended discipline that Respondent be suspended from the practice of law for two (2) years, that execution of the suspension be stayed, and that Respondent be placed on probation for five (5) years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its December 7, 2009 Order regarding the Stipulation, including the condition that the Respondent be actually suspended for one-hundred and twenty (120) days ("Disciplinary Order").

23. Pursuant to the Disciplinary Order, Respondent was ordered to comply with the following terms and conditions of probation, among others:

- a. to comply with the State Bar Act and the Rules of Professional Conduct during the period of probation;
- b. to submit to the Office of Probation written quarterly reports each January 10, April 10, July 10, and October 10 of each year or part thereof during which the probation is in effect, certifying under penalty of perjury whether he has complied with all provisions of the State Bar Act and the Rules of Professional Conduct and all terms of probation during the preceding calendar quarter or part thereof covered by the report and to file a final report no earlier than twenty (20) days prior to the expiration of the probation period and no later than the last day of said period;
- c. to attend Ethics School and provide proof of attendance at Ethics School to the Office of Probation within one year of the effective date of the discipline.

24. On April 16, 2010, the Clerk of the Supreme Court of the State of California properly served upon Respondent a copy of the Disciplinary Order. Respondent received the Disciplinary Order.

25. The Disciplinary Order became effective on May 16, 2010.

26. Respondent was ordered to provide proof of attendance at Ethics School to Probation no later than May 16, 2011.

27. On May 5, 2010, a Probation Deputy sent a letter to Respondent. In the letter the Probation Deputy reminded Respondent of the terms and conditions of his probation imposed pursuant to the Disciplinary Order. In the May 5, 2010 letter, the Probation Deputy specifically reminded Respondent regarding his obligations to file quarterly probation reports, with the first due on July 10, 2010. Enclosed with the May 5, 2010 letter were, among other things, copies of the Disciplinary Order, the relevant portion of the Stipulation setting forth the conditions the Respondent's probation, a Quarterly Report Instruction sheet, and a Quarterly Report form specially tailored for Respondent to use in submitting his quarterly reports. Respondent received the May 5, 2010 letter.

28. Respondent did not file his first quarterly report with Probation, covering the period of May 16 to June 30, 2010, by the due date of July 10, 2010 ("first quarterly report"). Respondent filed the first quarterly report with Probation on December 21, 2010.

29. Respondent did not file his second quarterly report with Probation, covering the period of July 1 to September 30, 2010, by the due date of October 10, 2010 ("second quarterly report"). Respondent filed the second quarterly report with Probation on December 21, 2010.

30. Respondent did not file his third quarterly report with Probation, covering the period of October 1 to December 31, 2010, by the due date of January 10, 2011 ("third quarterly report"). Respondent filed the third quarterly report with Probation on June 9, 2011.

31. Respondent did not file his fourth quarterly report with Probation, covering the period of January 1 to March 31, 2011, by the due date of April 10, 2011 ("fourth quarterly report"). Respondent filed the fourth quarterly report with Probation on June 9, 2011.

32. Respondent did not file his fifth quarterly report with Probation, covering the period of April 1 to June 30, 2011, by the due date of July 10, 2011 ("fifth quarterly report"). Respondent filed the fifth quarterly report with Probation on October 17, 2011.

33. Respondent did not file his sixth quarterly report with Probation, covering the period of July 1 to September 30, 2011, by the due date of October 10, 2011 ("sixth quarterly report"). Respondent filed the sixth quarterly report with Probation on October 18, 2011.

34. Respondent did not file his seventh quarterly report with Probation, covering the period of October 1 to December 31, 2011, by the due date of January 10, 2012 ("seventh quarterly report") or anytime thereafter.

35. Respondent did not file his eighth quarterly report with Probation, covering the period of January 1 to March 31, 2012, by the due date of April 10, 2012 ("eighth quarterly report") or anytime thereafter.

36. Respondent did not provide proof of his attendance at Ethics School to Probation prior to the due date of May 16, 2011. Respondent provided proof of attendance at the June 9, 2011 session of Ethics School to Probation on October 17, 2011.

#### CONCLUSIONS OF LAW:

37. By failing to timely file his first through sixth quarterly reports, failing to file his seventh and eighth quarterly reports and failing to timely provide proof of attendance at Ethics School to the Office of Probation, Respondent willfully failed to comply with all conditions attached to his probation in violation of Business and Professions code section 6068(k).

## **ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline:** Respondent has four prior disciplinary actions. See Stipulation, Section B (1), page 2, for a further discussion of Respondent's prior discipline.

**Indifference:** Respondent has not filed, nor attempted to file his rule 9.20 affidavit or missing quarterly reports. In addition, Respondent has not initiated or participated in fee arbitration with Ms. Lenaburg to resolve their fee dispute.

**Multiple/Pattern of Misconduct:** Respondent has been previously disciplined for failing to comply with probation. In State Bar Court case no. 08-O-10639, Respondent stipulated to forty-seven (47) violations of probation. In State Bar Court case no. 10-N-07164, Respondent failed to file his rule 9.20 affidavit. Respondent has continued to disregard probation by, amongst other things, failing to meet with probation, repeatedly failing to timely file quarterly reports and failing to file his rule 9.20 affidavit, which has led to the present case.

## **AUTHORITIES SUPPORTING DISCIPLINE.**

In determining the appropriate level of discipline, the Standards are entitled to great weight. (*In re Silvertown* (2005) 36 Cal. 4<sup>th</sup> 81, 89-94 and *In re Brown* (1995) 12 Cal. 4<sup>th</sup> 205, 220.) But the Standards are not applied in a talismanic fashion, and the Court tempers its analysis of the proper level of discipline by considerations peculiar to the offense and the offender. (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal State Bar Ct. Rptr. 980, 994.) In the instant case the discipline is within the applicable range based upon the Standards and case law and deviation is not appropriate.

Rule 9.20(d) provides that a suspended member's willful failure to comply with the provisions of rule 9.20 of the California Rules of Court is cause for disbarment or suspension and for revocation of any pending probation.

Standard 2.6 under the Standards for Attorney Sanctions for Professional Misconduct, states that a member's culpability of violating Business and Professions Code section 6068 shall result in disbarment or suspension depending on the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

Standard 1.7(b) provides 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 1.2(f), the degree of discipline in the current proceeding shall be disbarment unless the most compelling circumstances clearly mitigate.

In *Dahlman v. State Bar*, (1990) 50 Cal. 3d 1088, the Petitioner entered into a stipulation as to misconduct and the requirement that he comply with rule 9.20 (previously rule 955). Petitioner failed to comply with rule 9.20 or present the court with any evidence to excuse his failure to comply. The State Bar prosecutor and the State Bar Court had made numerous efforts to remind Petitioner of his obligation but Petitioner never filed the 9.20 affidavit. The court stated that when "...an attorney has evidenced an

indifference to the disciplinary system that is designed to protect the public, the courts, and the legal profession, we have not hesitated to impose disbarment." The court found that Petitioners failure to comply with rule 9.20 and cooperate in the disciplinary proceedings warranted disbarment.

In the present case, Respondent failed to comply with rule 9.20. However, unlike *Dahlman*, Respondent has participated in these disciplinary proceedings. The court in *Dalhman* determined that it was in part, Petitioner's failure to participate that evidenced an indifference to the disciplinary system. In the case of Respondent, his repeated failure to comply with probation conditions over the course of several years indicates his unwillingness to comply with any requirements set forth in previous stipulations. Also in the present case, Respondent has four prior disciplinary actions. Under the Standards this many priors alone warrants disbarment. Respondent's repeated failure to comply with conditions of probation, failure to comply with rule 9.20 and aggravating prior history of misconduct make disbarment the appropriate level of discipline.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was July 17, 2012.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 17, 2012, the costs in this matter are \$2,382. 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: <b>ROY EARNEST PETERSON</b> <b>Member # 153455</b>	Case number(s): 12-N-11602; (12-O-14705); and (12-O-14706)
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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.

July 21, 2012  
Date

  
Respondent's Signature


Roy E. Peterson  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel Signature

\_\_\_\_\_  
Print Name

July 26, 2012  
Date

  
Deputy Trial Counsel's Signature

Kim Kasreliovich  
Print Name

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In the Matter of: ROY EARNEST PETERSON	Case Number(s): 12-N-11602, 12-O-14705, 12-O-14706
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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.

On page 6 of the Stipulation, at numbered paragraph 5, line 2, "terms" is deleted, and in its place is inserted "requirement".

On page 7 of the Stipulation, at numbered paragraph 8, line 1, "and/or (b)" is deleted.

On page 7 of the Stipulation, at numbered paragraph 10, line 3, "in violation of section 6103 of the Business and Professions Code and California Rules of Court, rule 9.20" is inserted after "Court".

On page 11 of the Stipulation, the heading "Authorities Supporting Discipline" is deleted, and in its place is inserted "Discussion."

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.)**

(Do not write above this line.)

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Respondent ROY EARNEST PETERSON 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.

Date

7/30/12

  
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 August 7, 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:

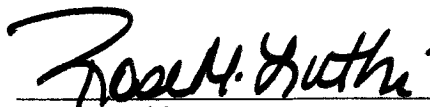
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ROY E. PETERSON  
LAW OFFICE OF ROY E PETERSON  
PO BOX 5706  
EL MONTE, CA 91734

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

KIM KASRELIOVICH, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 7, 2012.



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Rose Luthi  
Case Administrator  
State Bar Court