


(Do not write above this line.)

State Bar Court of California

Hearing Department  
Los Angeles  
DISBARMENT

PUBLIC MATTER

|  |   |  |
|--|---|--|
| <p>Counsel For The State Bar</p> <p>Lara Bairamian<br/>Deputy Trial Counsel<br/>1149 S. Hill Street<br/>Los Angeles, CA 90015<br/>(213) 765-1338</p> <p>Bar # 253056</p> | <p>Case Number(s):<br/>12-O-11537-RAH</p>   | <p>For Court use only</p> <p><b>FILED</b></p> <p>NOV 26 2012</p> <p>STATE BAR COURT<br/>CLERK'S OFFICE<br/>LOS ANGELES</p>  |
| <p>In Pro Per Respondent</p> <p>Charles David Trejo<br/>707 Wilshire Blvd., Ste. 3700<br/>Los Angeles, CA 90017<br/>(213) 628-0808</p> <p>Bar # 187529</p>               | <p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND<br/>DISPOSITION AND ORDER APPROVING; ORDER OF<br/>INVOLUNTARY INACTIVE ENROLLMENT</p> <p><b>DISBARMENT</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> |  |
| <p>In the Matter of:<br/>Charles David Trejo</p> <p>Bar # 187529</p> <p>A Member of the State Bar of California<br/>(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 January 28, 1997.
- (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.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2011)



- (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 12-PM-11285
  - (b)  Date prior discipline effective August 9, 2012
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Provocation revocation.
  - (d)  Degree of prior discipline two years' actual suspension and until Respondent makes restitution, attends ethics school and proves his rehabilitation.
  - (e)  If respondent has two or more incidents of prior discipline, use space provided below:  
  
See Stipulation at page 8.
- (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. See Stipulation at 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. See Stipulation at 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.
- (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.

(Do not write above this line.)

---

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

**Additional mitigating circumstances:**

See Stipulation at pages 8.

**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: Charles David Trejo

CASE NUMBER(S): 12-O-11537

**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-O-11537

**FACTS:**

1. On September 15, 2009, the Hearing Department of the State Bar Court issued an order ("the Hearing Department order") approving a stipulation in case no. 08-0-12444.
2. On September 15, 2009, a State Bar Court case administrator properly served a copy of the Hearing Department order by mail on Respondent. Respondent received the Hearing Department order.
3. On January 12, 2010, the California Supreme Court entered its order in case no. S177762 ("the Supreme Court order") suspending Respondent from the practice of law for two years, execution stayed, two-years probation with conditions, including 45-days actual suspension. The Supreme Court ordered that Respondent comply with the conditions of probation recommended by the Hearing Department in the Hearing Department order.
4. On January 12, 2010, the Clerk of the Supreme Court properly served the Supreme Court order by mail on Respondent. Respondent received the Supreme Court order.
5. On February 11, 2010, the Supreme Court order became effective.
6. Pursuant to the Supreme Court order, Respondent was required to comply with certain terms and conditions attached to his discipline.
7. As a condition of probation, Respondent was required to submit written quarterly reports to the Office of Probation of the State Bar of California ("Probation Office") on each January 10, April

10, July 10 and October 10 of the period of probation, stating under penalty of perjury whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter, whether there are any proceedings pending against him in the State Bar Court and if so, the case number and current status of that proceeding and a final report no later than the last day of the expiration of the condition period or by February 11, 2012.

8. On January 26, 2010, a probation deputy of the Office of Probation of the State Bar of California ("Probation Office") mailed a letter to Respondent at his membership records address reminding him of the conditions attached to his discipline and the deadlines to meet those conditions. Respondent received the letter.

9. Respondent submitted a quarterly report for the quarter ending October 10, 2011 that failed to state that Respondent had complied with the State Bar Act, the Rules of Professional Conduct, and all other conditions of probation during the reporting period. Respondent's October 10, 2011 quarterly report was consequently rejected by the Probation Office.

10. To date, Respondent has not re-submitted the October 10, 2011 quarterly report to the Probation Office.

11. Respondent failed to submit a quarterly report for the quarter ending January 11, 2012.

12. To date, Respondent has not submitted the January 10, 2012 quarterly report to the Probation Office.

13. Respondent failed to submit a final report on or before February 11, 2012.

14. To date, Respondent has not submitted the final report to the Probation Office.

15. On February 22, 2012, a probation deputy of the Probation Office mailed a letter to Respondent at his membership records address reminding him that the Probation Office has not received the October 2011 and January 2012 quarterly reports and the February 11, 2012 final report. Respondent received the letter.

## CONCLUSIONS OF LAW:

16. By failing to comply with the conditions of probation imposed by the disciplinary order, Respondent willfully violated Business and Professions Code, section 6068(k).

### ADDITIONAL FACTS RE PRIOR RECORD OF DISCIPLINE.

In State Bar case no. 08-O-12444, effective February 11, 2010, Respondent was disciplined after stipulating to four counts of misconduct in a single client matter in violation of Rules of Professional Conduct rule 3-110(A) and Business and Professions Code sections 6068(m), 6103, and 6106. Respondent was suspended for two years, stayed, placed on probation for two years with a 45 day actual suspension.

In State Bar case no. 11-O-11527, effective January 11, 2012, Respondent was disciplined for failing to comply with probation conditions in violation of Business and Professions Code sections 6068(k). Respondent was suspended for two years, stayed, and was placed on probation for two years with a 60-day actual suspension.

In State Bar case no. 12-PM-11285, effective August 9, 2012, Respondent's probation was revoked. Respondent received two years' actual suspension continuing until he makes restitution, attends ethics school and proves his rehabilitation.

### ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

**Indifference:** Respondent violated the terms of his State Bar disciplinary probation in Supreme Court case number S177762 despite receiving reminders of his noncompliance from the Office of Probation.

**Multiple Acts:** Respondent's present misconduct involves the failure to submit three reports to the Probation Office. In addition, Respondent's multiple failures to comply with his probation conditions in the present case and case numbers 11-O-11527 and 12-PM-11285 demonstrate a pattern of misconduct. (Std. 1.2(b)(ii).)

### ADDITIONAL MITIGATING CIRCUMSTANCES.

**Cooperation:** Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial in case no. 12-O-11537, thereby saving the State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-94.)



## **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.4<sup>th</sup> 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.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 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.)

The most severe sanction applicable to Respondent’s misconduct is found in standard 1.7(b).

*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(0), the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

In evaluating Respondent’s misconduct and assessing the level of discipline, the standards require disbarment unless the most compelling mitigating circumstances clearly predominate. Respondent has a record of three prior impositions of discipline. The misconduct herein is the third time the State Bar has brought charges against Respondent for probation violations. Although mitigating circumstances exist, they do not clearly predominate in this case. Thus, there is no compelling reason to justify a deviation from the standards. Taking Respondent’s history into consideration, the appropriate level of discipline for Respondent in this matter is disbarment.

## **PENDING PROCEEDINGS.**


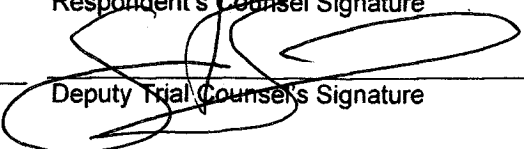
The disclosure date referred to, on page 2, paragraph A(7), was October 29, 2012.

(Do not write above this line.)

|  |                               |
|--|-------------------------------|
| In the Matter of:<br>Charles David Trejo | Case number(s):<br>12-O-11537 |
|--|-------------------------------|

### 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>November</u><br><del>October</del> 1, 2012 |  | Charles David Trejo |
| Date  | Respondent's Signature  | Print Name          |
| <u>November</u><br><del>October</del> 6, 2012 |  | Lara Bairamian      |
| Date  | Deputy Trial Counsel's Signature  | Print Name          |

(Do not write above this line.)

|  |                               |
|--|-------------------------------|
| In the Matter of:<br>Charles David Trejo | Case Number(s):<br>12-O-11537 |
|--|-------------------------------|

### 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 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

11/19/12

  
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 November 26, 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:

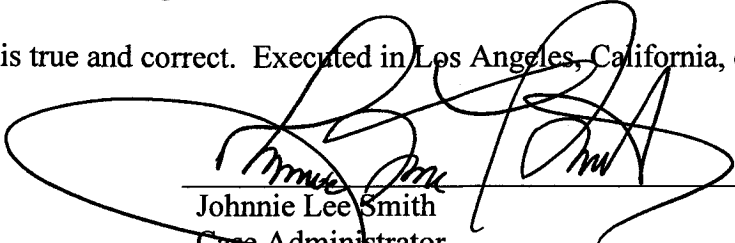
CHARLES DAVID TREJO  
3767 WORSHAM AVENUE  
LONG BEACH, CA 90808

CHARLES D. TREJO  
LEAL & TREJO LLP  
707 WILSHIRE BLVD STE 3700  
LOS ANGELES, CA 90017

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

Lara Bairamian, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 26, 2012.



Johnnie Lee Smith  
Case Administrator  
State Bar Court