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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Mia R. Ellis Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 213-765-1380 Bar # 228235	Case Number(s): 12-O-14680 12-N-18123	For Court use only <div style="text-align: center;"> FILED APR 18 2013 <i>Yrc</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Nazareth Vahan Jansezian P.O. Box 961 Sierra Madre, CA 91024 626-316-3201 Bar # 193159	<div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	
In the Matter of: Nazareth Vahan Jansezian Bar # 193159 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING, ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted February 9, 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 (11) 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 07-O-12070, 07-O-13081 and 07-O-14362
 - (b) ☒ Date prior discipline effective November 25, 2010
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: 3-110(A), 6068(m), 6103, 3-700(D)(1)
 - (d) ☒ Degree of prior discipline 30 days actual suspension, one year stayed suspension, one year probation
 - (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:

Case Nos. 11-O-19323, et al. (\$203840). Effective October 12, 2012. Violations: Rules of Professional Conduct, rules 3-110(A), 3-310(C)(1), 3-700(D)(1); Business and Professions Code Sections 6068(i), 6068(k), 6068(m). Discipline: 120 days actual suspension, two years stayed suspension, three years probation.

See Stipulation attachment pages 8-9 for additional facts regarding prior record of discipline.

- (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.

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- (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. See Stipulation attachment page 9.
- (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 attachment page 9.
- (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.

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- (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:

See Stipulation attachment page 9.

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: Nazareth Vahan Jansezian
CASE NUMBER(S): 12-O-14680 and 12-N-18123

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-14680 (Complainant: Simon Jebian)

FACTS:

1. On October 26, 2010, the California Supreme Court filed Order No. S185561 ("the order") for State Bar Case numbers 07-O-12070 et al. Among other things, Respondent was ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the order and provide satisfactory proof of such passage to the State Bar Office of Probation in Los Angeles within the same period. The order further stated that failure to do so would result in an automatic suspension. The Order became effective November 25, 2010. Respondent received the order.
2. Respondent did not take and pass the MPRE within one year after the effective date of the order and provide satisfactory proof of such passage to the State Bar Office of Probation in Los Angeles within the same period.
3. On December 21, 2011, the State Bar of California Review Department ordered Respondent suspended from the practice of law, effective January 9, 2012, pending proof of passage of the MPRE. Respondent received the order.
4. On January 9, 2012, Respondent was suspended from the practice law and, to date, he has been continuously suspended.
5. Respondent knew that he was suspended from the practice of law effective January 9, 2012.
6. On April 3, 2012, Simon Jebian ("Jebian") employed Respondent to file a bankruptcy on his behalf. Respondent charged Jebian \$1,500 for the bankruptcy services.
7. On April 3, 2010 Jebian paid Respondent \$1,000 in cash for the bankruptcy. On April 10, 2012, Jebian paid Respondent \$500 in cash for the bankruptcy.
8. Respondent did not file a bankruptcy petition on Jebian's behalf.
9. On June 4, 2012, Jebian sent Respondent an email asking for his money back if Respondent was not going to file the bankruptcy petition on his case. Respondent received the email.

10. From June 5, 2012 to February 15, 2013, Respondent did not refund unearned fees to Jebian. On February 18, 2013, only after the commencement of disciplinary proceedings, Respondent refunded the \$1,500 to Jebian in cash.

11. On June 6, 2012, the State Bar opened an investigation based on a complaint by Jebian.

12. On July 9, 2012, a State Bar investigator sent Respondent a letter to his membership records address at the time, 790 E. Colorado Blvd., 9th Floor, Pasadena, CA 91101 ("membership records address"), regarding Jebian's complaint. The letter requested a written response to the allegations being investigated in the Jebian matter by July 23, 2012. Respondent received the letter but did not respond by July 23, 2012.

13. On July 24, 2012, a State Bar investigator sent Respondent another letter to his membership records address. The letter asked for a written response by August 7, 2012. Respondent received the letter but did not respond by August 7, 2012, or at any time, and failed to otherwise cooperate or participate in any way in the State Bar's investigation of the Jebian complaint.

CONCLUSIONS OF LAW:

14. By agreeing to represent Jebian and accepting an advanced fee for legal services when he was not an active member of the State Bar of California, Respondent held himself out as entitled to practice law in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failed to comply with the laws of the State of California, in willful violation of Business and Professions Code section 6068(a).

15. By charging and collecting a \$1,500 advanced attorney's fee from Jebian when Respondent was not an active member of the State Bar, Respondent collected an illegal fee in violation of Rules of Professional Conduct, rule 4-200(A).

16. By misrepresenting to Jebian that he was entitled to practice law when he knew that he was not an active member of the State Bar, Respondent committed an act involving moral turpitude, dishonesty or corruption, in willful violation of Business and Professions Code section 6106.

17. By failing to respond to the State Bar's July 9, 2012 and July 24, 2012 letters, or otherwise cooperate in the State Bar's investigation of the Jebian matter, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code section 6068(i).

FACTS:

18. On September 6, 2012, the California Supreme Court filed Order No. S203840 (hereinafter "9.20 Order"). The 9.20 Order included a requirement that Respondent 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 9.20 Order.

19. On September 6, 2012, the Clerk of the Supreme Court of the State of California properly served upon Respondent a copy of the 9.20 Order. Respondent received the 9.20 Order.

20. The 9.20 Order became effective on October 12, 2012, thirty days after it was filed. Thus Respondent was ordered to comply with subdivision (a) and/or (b) of rule 9.20 of the California Rules of Court no later than November 11, 2012, and was ordered to comply with subdivision (c) of rule 9.20 no later than November 21, 2012.

21. Respondent has 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:

22. By not filing a declaration of compliance with rule 9.20 in conformity with the requirements of rule 9.20(c), Respondent failed to timely comply with the provisions of Supreme Court Order No. S203840 requiring compliance with rule 9.20, California Rules of Court. By the foregoing conduct, Respondent willfully violated rule 9.20, California Rules of Court.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline: Standard 1.2(b)(i) applies because Respondent has two prior instances of discipline.

First Prior Record of Discipline: Effective November 25, 2010, Respondent was suspended from the practice of law for one year, imposition of the suspension was stayed, and Respondent was placed on one year of probation with conditions including 30 days actual suspension. Respondent was also ordered to pay restitution. In State Bar Court Case Nos. 07-O-12070, 07-O-13081 and 07-O-14362 (S185561), Respondent stipulated to violating Rules of Professional Conduct, rules 3110(A) [failure to perform] and 3-700(D)(1) [failure to return a file], and Business and Professions Code sections 6068(m) [failure to communicate] and 6103 [failure to pay court-ordered sanctions]. This misconduct occurred between July 2006 and November 2007 and involved three separate client matters. Respondent had one year to take, pass and provide proof of passage of the MPRE. He has not provided proof of passage of the MPRE and has not been eligible to practice law since January 2012.

Second Prior Record of Discipline: Effective October 12, 2012, Respondent was suspended from the practice of law for two years, imposition of the suspension was stayed, and Respondent was placed on three years of probation with conditions including actual suspension of 120 days and until he pays restitution. In State Bar Court Case Nos. 11-O-19323, et al. (S203840), Respondent stipulated to violating Business and Professions Code sections 6068(k) [violating conditions of probation], 6068(m)

[failure to communicate] and 6068(i) [failure to cooperate and participate with State Bar disciplinary investigation], and Rules of Professional Conduct, rules 3-110(A) [failure to perform], 3-700(D)(1) [failure to release the file], and 3-310(C)(1) [accepting representation of more than one client where interests potentially conflict]. This misconduct occurred between June 2010 and November 2011 and involved two client matters and a State Bar matter.

Harm: The current misconduct caused significant harm to his client, Jebian, as Respondent did not promptly refund the advanced fees paid by Jebian. (Standard 1.2(b)(iv))

Multiple Acts Misconduct: Respondent's conduct involved multiple acts of wrongdoing, as there are four counts of misconduct in one client matter, and Respondent failed to comply with California Rules of Court, rule 9.20. (Standard 1.2(b)(ii))

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances:

Pre-Trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel prior to the trial, thereby saving State Bar Court time and resources. (*In re Downey* (2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Rev. Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.) However, the facts in the matters could have been easily proven. Also, the mitigation is tempered by Respondent's failure to cooperate and participate in the State Bar investigation. Thus, Respondent's cooperation is entitled to some, but not great, weight in mitigation.

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

Standard 1.7(b) 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 the degree of discipline in the current proceeding shall be disbarment unless the most

compelling mitigating circumstances clearly predominate. Respondent has two prior records of discipline and there are no compelling mitigating circumstances that clearly predominate. Accordingly, disbarment is appropriate pursuant to Standard 1.7(b).

The case of *In re Esau* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 131 is also instructive in this matter. In that case, the Review Department recommended disbarment where the respondent had several prior instances of discipline, and, as in the instant case, had failed to comply with the Supreme Court's rule 9.20 order. Moreover, as in the instant case, the Review Department found the respondent's willingness to enter into a stipulation to be the only mitigating factor and found that the respondent's prior discipline was an aggravating factor. The Review Department found disbarment to be the appropriate sanction in light of the respondent's repeated acts of wrongdoing, multiple instances of prior discipline, rule 9.20 violation, and lack of significant mitigation. The instant case includes additional aggravating factors of multiple acts of misconduct and harm to client Jebian. Therefore, balancing the facts, aggravating factors, Standards, and case law, the parties submit that disbarment will best serve to protect the public, the courts, and the legal profession, and preserve public confidence in the legal profession.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was March 15, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 15, 2013, the prosecution costs in this matter are \$5,247. 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:
Nazareth Vahan Jansezian

Case number(s):
12-N-18123 and 12-O-14680

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.

03/27/2013 *Nazareth V. Jansezian* Nazareth V. Jansezian
Date Respondent's Signature Print Name

4/4/13 *Mia Ellis* Mia R. Ellis
Date Respondent's Counsel Signature Print Name
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of: Nazareth Vahan Jansezian	Case Number(s): 12-N-18123 and 12-O-14680
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DISBARMENT ORDER

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

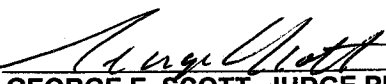
- ☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent Nazareth Vahan Jansezian 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

4-18-13



GEORGE E. SCOTT, JUDGE PRO TEM
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 April 18, 2013, I deposited a true copy of the following document(s):

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

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:

**NAZARETH V. JANSEZIAN
PO BOX 961
SIERRA MADRE, CA 91024**

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

MIA ELLIS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 18, 2013.



Tammy Cleaver
Case Administrator
State Bar Court