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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Melissa R. Marshall Contract Attorney Office of the Chief Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2515 Telephone: (213) 765-1277 Bar # 192625	Case Number(s): 12-O-15090-DFM 13-O-10463 13-O-11129	For Court use only <div style="text-align: center;"> FILED FEB 12 2014 <i>JKC</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Dick R. Runels, Esq. 2122 North Broadway #100 Santa Ana, CA 92706 Telephone: (714) 547-0726 Bar # 42362	<div style="text-align: center;"> PUBLIC MATTER </div>	
In the Matter of: FRANK FRANCIS BARILLA Bar # 103282 A Member of the State Bar of California (Respondent)	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <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 **June 10, 1982**.
- (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 entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **12** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court Order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline**
- (a) ☒ State Bar Court case # of prior case **10-O-10208 and 11-O-10871.**
 - (b) ☒ Date prior discipline effective **February 2, 2012.**
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **rules 1-311(D) and 3-110(A), Rules of Professional Conduct.**
 - (d) ☒ Degree of prior discipline **private reproof. See Attachment to Stipulation, at page 9.**
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was intentional, 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. **See Attachment to Stipulation, at pages 9-10.**
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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 page 10.**
- (8) ☐ **Restitution:** Respondent failed to make restitution.
- (9) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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. **See Attachment to Stipulation, at page 10.**

- (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:

Pretrial Stipulation - See Attachment to Stipulation, at page 10.

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:
- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **thirty (30) days**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

☒ No MPRE recommended. Reason: **Respondent complied with the MPRE requirement on April 6, 2013 as a condition of his prior discipline. Protection of the public does not require that he re-take the MPRE.**

- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: FRANK FRANCIS BARILLA

CASE NUMBERS: 12-O-15090, 13-O-10463, 13-O-11129

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-15090 (Complainant: Jorge Ramirez)

FACTS:

1. On August 10, 2011, Jorge Ramirez ("Ramirez") retained Respondent and his law firm, Fieldstone Law PC ("Fieldstone"), and entered into a fee agreement with Respondent and Fieldstone for legal services in connection with obtaining a home mortgage loan modification on behalf of Ramirez and his wife.

2. Respondent did not provide Ramirez with a separate written statement as follows as required by Civil Code section 2944.6 prior to entering into a fee agreement with Ramirez for mortgage loan modification services:

It is not necessary to pay a third party to arrange for a loan modification or other form of forbearance from your mortgage lender or servicer. You may call your lender directly to ask for a change in your loan terms. Nonprofit housing counseling agencies also offer these and other forms of borrower assistance free of charge. A list of nonprofit housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD) is available from your local HUD office or by visiting www.hud.gov.

3. On August 11, 2011, Ramirez paid Respondent \$6,000 in advanced attorney's fees related to the loan modification services.

4. At the time Respondent received the \$6,000 from Ramirez, Respondent had not completed all of the home mortgage loan modification services that he agreed to perform on Ramirez' behalf.

5. On January 23, 2014, subsequent to the State Bar filing disciplinary charges against Respondent in this matter, Respondent refunded the \$6,000 fee to Ramirez.

CONCLUSIONS OF LAW:

6. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a client and borrower, namely Ramirez, in advance of any service and thereafter entering into a fee agreement with the client without providing the client, prior to

entering into that agreement, the separate written statement as required by Civil Code section 2944.6, Respondent willfully violated Business and Professions Code section 6106.3.

7. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from Ramirez prior to fully performing each and every service he contracted to perform or represented he would perform, in violation of Civil Code section 2944.7(a)(1), Respondent willfully violated Business and Professions Code section 6106.3.

Case No. 13-O-10463 (Complainant: Linda Laas)

FACTS:

8. On August 1, 2011, Linda Laas ("Laas") retained Respondent and his law firm, Fieldstone, and entered into a fee agreement with Respondent and Fieldstone for legal services in connection with obtaining a home mortgage loan modification on behalf of Laas.

9. Respondent did not provide Laas with a separate written statement as follows as required by Civil Code section 2944.6 prior to entering into a fee agreement with Laas for mortgage loan modification services:

It is not necessary to pay a third party to arrange for a loan modification or other form of forbearance from your mortgage lender or servicer. You may call your lender directly to ask for a change in your loan terms. Nonprofit housing counseling agencies also offer these and other forms of borrower assistance free of charge. A list of nonprofit housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD) is available from your local HUD office or by visiting www.hud.gov.

10. On August 2, 2011, Laas paid Respondent \$2,250 in advanced attorney's fees related to the loan modification services.

11. At the time Respondent received the \$2,250 from Laas, Respondent had not completed all of the home mortgage loan modification services that he agreed to perform on Laas' behalf.

12. On January 23, 2014, subsequent to the State Bar filing disciplinary charges against Respondent in this matter, Respondent refunded the \$2,250 fee to Laas.

CONCLUSIONS OF LAW:

13. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a client and borrower, namely Laas, in advance of any service and thereafter entering into a fee agreement with the client without providing the client, prior to entering into that agreement, the separate written statement as required by Civil Code section 2944.6, Respondent willfully violated Business and Professions Code section 6106.3.

14. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from Laas prior to fully performing each and every service he contracted to perform or represented he would perform, in violation of Civil Code section 2944.7(a)(1), Respondent willfully violated Business and Professions Code section 6106.3.

Case No. 13-O-11129 (Complainant: Eugenia Baker)

FACTS:

15. On October 28, 2011, Eugenia Baker ("Baker") retained Respondent and entered into a fee agreement with Respondent for legal services in connection with obtaining a home mortgage loan modification on behalf of Baker and Karan Carville ("Carville").

16. By December 28, 2011, Baker paid Respondent \$4,500 in advanced attorney's fees related to the loan modification services.

17. At the time Respondent received the \$4,500 from Baker, Respondent had not completed all of the home mortgage loan modification services that he agreed to perform on behalf of Baker and Carville.

18. On January 23, 2014, subsequent to the State Bar filing disciplinary charges against Respondent in this matter, Respondent refunded the \$4,500 fee to Baker.

CONCLUSIONS OF LAW:

19. By negotiating, arranging or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from Ramirez prior to fully performing each and every service he contracted to perform or represented he would perform, in violation of Civil Code section 2944.7(a)(1), Respondent willfully violated Business and Professions Code section 6106.3.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent received a private reproof on February 2, 2012, pursuant to a stipulation in which Respondent acknowledged that he failed to notify the State Bar of employment of a disbarred attorney in violation of rule 1-311(D) of the Rules of Professional Conduct and failed to properly supervise that employee in violation of rule 3-110(A) of the Rules of Professional Conduct. The prior misconduct occurred between September 2008 and October 2010 in two client matters. The prior misconduct was mitigated by Respondent's lack of prior discipline, Respondent's candor and cooperation, and Respondent's acceptance of responsibility for his actions and for doing so at an early stage of the proceedings. The prior misconduct did not involve any aggravating circumstances. Respondent's prior record of discipline constitutes an aggravating circumstance pursuant to standard 1.5(a).

Harm (Std. 1.5(f)): In these matters, Respondent collected illegal fees from clients who were financially distressed, due to mortgage payments they were either struggling to pay or were unable to pay. Respondent collected fees from each client and refused to refund the fees until January 23, 2014. Accordingly, the clients were without their funds for periods of more than two years. Respondent

caused significant harm to his clients, which constitutes an aggravating circumstance pursuant to standard 1.5(f).

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's current misconduct involves five counts of misconduct in three client matters. These multiple acts of wrongdoing constitute an aggravating circumstance under standard 1.5(b).

MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Respondent has provided nine character letters from people attesting to his integrity, honesty, and professionalism. The character references include three attorneys, an optometrist, and five former clients, including an in-home supportive service provider, a manicurist, a laborer, a service dispatcher in specialty refrigeration, and an employee of a drug and alcohol treatment center. Each character reference acknowledged being aware of Respondent's misconduct, and each was able to point to specific reasons for his or her high opinion of Respondent's moral character in spite of the misconduct.

Pretrial Stipulation: Respondent has now acknowledged his misconduct and stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, thereby avoiding the necessity of a trial and saving State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct (the "standards") were adopted by the Board of Trustees "to set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1 (all further references to standards are to this source).) The standards help fulfill the primary purposes of discipline. (Std. 1.1.) 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. 1.1.)

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.)

Respondent has committed several violations of Business and Professions Code section 6106.3 by accepting advanced fees for loan modification services and by failing to provide the written disclosures required by Civil Code section 2944.6. The appropriate standard to assess Respondent's misconduct is standard 2.14, which applies to any violation of a provision of Article 6 of the Business and Professions

Code not otherwise specified in the standards. Standard 2.14 calls for a range of discipline from actual suspension to disbarment.

Aggravating factors include that Respondent's misconduct evidences multiple acts of misconduct and caused harm to his clients, as well as Respondent's prior record of discipline. However, Respondent's prior discipline did not become effective until after the current misconduct, Respondent has now refunded the illegal fees to the clients, and Respondent is entitled to mitigation for his evidence of good character and for acknowledging wrongdoing by entering into a pretrial stipulation. Accordingly, based on standard 2.14 and the totality of circumstances, the imposition of a 30-day actual suspension will be sufficient to protect the public, the courts, and the legal profession under standard 1.1, and falls squarely within the standard for discipline in these matters.

The requested level of discipline is also consistent with case law. In *In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 221, Taylor was found culpable of collecting illegal advance fees from eight clients in loan modification matters in violation of Business and Professions Code section 6106.3. Taylor received a six-month actual suspension following trial and an appeal. Taylor was found to have engaged in multiple acts of misconduct, caused significant harm, and displayed indifference toward rectification or atonement for his misconduct. Taylor was given modest mitigating credit for good character. The facts and circumstances surrounding the misconduct in *Taylor* warranted a longer period of actual suspension than is warranted in the present matter, due to the fact that Taylor engaged in more acts of misconduct, had not paid restitution to the majority of his clients, and continued to express indifference and a lack of remorse throughout disciplinary proceedings.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 24, 2014, the prosecution costs in this matter are approximately \$9,000. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT


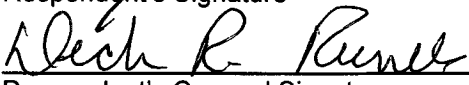
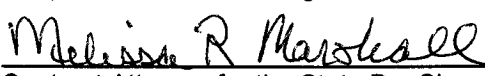
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: FRANK FRANCIS BARILLA	Case number(s): 12-O-15090, 13-O-10463, 13-O-11129
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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 Fact, Conclusions of Law and Disposition.

<u>1-28-2014</u> Date	 Respondent's Signature	<u>Frank Francis Barilla</u> Print Name
<u>1-28-2014</u> Date	 Respondent's Counsel Signature	<u>Dick R. Runels</u> Print Name
<u>1/28/14</u> Date	 Contract Attorney for the State Bar Signature	<u>Melissa R. Marshall</u> Print Name

(Do not write above this line.)

In the Matter of:
FRANK FRANCIS BARILA

Case Number(s):
12-O-15090, 13-O-10463, 13-O-11129

ACTUAL SUSPENSION ORDER

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

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

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.)**

FEBRUARY 12, 2014
Date

George E. Scott
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 February 12, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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:

**DICK RAYMOND RUNELS
2122 N BROADWAY
SANTA ANA, CA 92706**

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

MELISSA MARSHALL, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 12, 2014.



Tammy Cleaver
Case Administrator
State Bar Court