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State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION

<p>Counsel For The State Bar</p> <p><b>Ashod Mooradian</b> Senior Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1004</p> <p>Bar # 194283</p>	<p>Case Number(s): 12-O-15317; 13-O-12854</p>	<p>For Court use only</p> <p><b>FILED</b></p> <p>MAY -2 2014 <i>ke</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p><b>PUBLIC MATTER</b></p>
<p>Counsel For Respondent</p> <p><b>Edward O. Lear, Esq.</b> CENTURY LAW GROUP, LLP 5200 West Century Blvd., Suite 345 Los Angeles, CA 90045 (310) 642-6900</p> <p>Bar # 132699</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>DREW ALLAN CICCONI</b></p> <p>Bar # 83202</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 **November 29, 1978**.
- (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 **13** 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-08838, et al. (See Attachment at page 9.)**
  - (b)  Date prior discipline effective **June 22, 2012**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rules Prof. Conduct, rule 4-100(A) [Commingling]; Rules Prof. Conduct, rule 4-100(A)(2) [Failure to Withdraw Attorney Funds Timely]; Business and Professions Code section 6068(i) [Failure to Cooperate in State Bar Investigation] (Two counts.)**
  - (d)  Degree of prior discipline **One year suspension, stayed; Two years' probation with conditions including a 30-day actual suspension.**
  - (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.

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- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment at page 9.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None.

**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.

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- (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.
- (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 Attachment at page 10.**

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.
- 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 **sixty (60) 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.

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- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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: **Respondent attended Ethics School on March 21, 2013 and passed the test given at the end of the session. (See Rules Proc. of State Bar, rule 5.135(A) [requirement that attorney attend Ethics School is discretionary where the attorney completed Ethics School within the prior two years]).**
- (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:
  - Substance Abuse Conditions
  - Medical Conditions
  - Law Office Management Conditions
  - 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 received a passing score on the MPRE administered on April 6, 2013. The protection of the public and the interests of the Respondent do not require passage of the MPRE in this case. See In the Matter of Respondent G (Review Dept.1992), 2 Cal. State Bar Ct. Rptr. 181.**

- (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:**



9. On July 11, 2012, Respondent filed a document entitled, "Notice of Motion and Motion for Discovery Order" ("Discovery Motion") in the Robbins Matter.

10. On July 22, 2012, Respondent called probation deputy Terese Laubscher of the Office of Probation of the State Bar Court and told her that he received her letter dated June 28, 2012 on July 12, 2012. Respondent also informed Ms. Laubscher that he has hired counsel to assist him in self-reporting his practice of law while suspended in the Robbins Matter to the Office of Probation and would do so in the next quarterly report due in October 2012.

11. In October 2012, Respondent submitted his a quarterly report to the Office of Probation in which he self-reported his practice of law while suspended in the Robbins Matter. Specifically, in the quarterly report Respondent stated that he did not know that he was suspended from the practice of law when he appeared in the Robbins Matter on July 11, 2012 because he did not receive Ms. Laubscher's June 28, 2012 letter until July 12, 2012.

#### CONCLUSIONS OF LAW:

12. By appearing in court and filing a Discovery Motion on behalf of a client in the Robbins Matter, at a time when he was suspended from the practice of law, Respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar of California in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

#### Case No. 13-O-12854 (State Bar Investigation)

#### FACTS:

13. Prior to January 2013, Respondent had been listed by the State Department of Child Support Services as being in arrears in payment of court-ordered support obligations on several occasions and in each instance Respondent either resolved the matter prior to actually being suspended or sometime after his suspension was effective.

14. On January 29, 2013, the State Bar Member Services Center mailed Respondent a "Notice of Intent" ("Notice") advising him that: 1) the local child support agency has reported that he was listed as a person who is out of compliance with his child or family support obligations; 2) that pursuant to Family Code section 17520 he may be suspended from the practice of law not more than 30 days from the date of the Notice and 3) unless Respondent receives a release from the local child support agency by 5:00 pm on February 26, 2013, he will be suspended from the practice of law in California on February 27, 2013.

15. In addition, the Notice enclosed, *inter alia*, a copy of Supreme Court of California order number S195128 ("Order S195128"), filed January 29, 2013, which ordered, pursuant to rule 9.22 of the California Rules of Court, that Respondent would be suspended from the practice of law, effective February 27, 2013. Order S195128 also stated that Respondent's suspension would be terminated upon receipt by the State Bar of a release issued by the local child support agency and certification by the State Bar of the fact of receipt of such release to the Clerk of the Supreme Court of California.

16. On February 27, 2013, Order S195128 became effective.



17. On February 27, 2013, the State Bar Member Services Center mailed Respondent a letter informing Respondent that Order S195128 became effective and that he was now "...suspended from the practice of law in California, and from the rights and privileges of an attorney."

18. On March 6, 2013, Respondent appeared on behalf of and representing Debbie J. Sutz for a hearing with an arbitrator in a matter entitled *Debbie J. Sutz v. Peter J. Cheski, M.D., FRCS, et al.* ("Sutz matter").

19. In April 2013, Respondent submitted his a quarterly report to the Office of Probation in which he self-reported his practice of law while suspended in the Sutz Matter. Specifically, in the quarterly report Respondent stated that he did not know that he was suspended from the practice of law when he appeared in the Sutz Matter on March 6, 2013 because he did not receive the State Bar Member Services Center's February 27, 2013 letter until March 7, 2013.

20. On May 2, 2013, Respondent provided to the State Bar Member Services Center a "State License Release" from the local child support agency.

21. On May 9, 2013, the Supreme Court of California issued order terminating Respondent's suspension from the practice of law in California.

#### CONCLUSIONS OF LAW:

22. By appearing for an arbitration hearing on behalf of a client in the Sutz Matter at a time when he was suspended from the practice of law and by providing legal advice and counsel to Ms. Sutz at a time when he was suspended from the practice of law, Respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar of California in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Effective June 22, 2012, Respondent was suspended for one year, execution stayed, and placed on disciplinary probation for a period of two years, subject to certain conditions, including thirty days actual suspension. Respondent stipulated to one count of commingling personal funds in a client trust account in violation of Rules Prof. Conduct, rule 4-100(A), one count of failing to timely withdraw personal funds from client trust account in violation of Rules Prof. Conduct, rule 4-100(A) and two counts of failure to cooperate or participate in a disciplinary investigation in two matters in violation of Business and Professions Code section 6068(i).

**Multiple Acts of Misconduct (Std. 1.5(b)):** In this matter, Respondent held himself out as entitled to practice law and actually practiced law when he was not an active member of the State Bar of California in two separate circumstances, for two different clients and during two different time periods.

## MITIGATING CIRCUMSTANCES.

### **Additional Mitigating Circumstances:**

**Pretrial Stipulation:** Respondent has agreed to enter into this pre-filing stipulation to fully resolve this matter without the necessity of a trial, thereby saving the 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].)

**Pro Bono Activities:** Respondent has provided pro bono activities for clients and the Santa Monica community. First, Respondent was involved with El Central de Legal de Santa Monica. Respondent helped establish this legal aid center which provides free legal advice to the poor. Second, Respondent also established liability for public defenders when they are negligent in their representation of the indigent in the Supreme Court case *Barner v. Leeds* (2000) 24 Cal. 4th 676. He was never compensated for this work which involved Respondent battling 58 cities and 2 towns in California, each of which filed briefs. Third, Respondent also rewrote the zoning law for small markets in Santa Monica to allow small business to exist without having to meet zoning laws that would have put them out of business. Respondent represented several of these businesses free of charge during the hearing. (*In the Matter of DeMassa* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 737, 751-752.)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “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, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertan* (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.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

As discussed above, in case number 12-O-15317, Respondent appeared in court with this client while not entitled to practice pursuant to a disciplinary suspension. Similarly, in case number 13-O-12854,

Respondent appeared before an arbitrator on behalf of a client and provided that client legal advice and counsel while not entitled to practice pursuant to an administrative suspension. Thus, Standard 2.6(a) is the most applicable standard to apply for Respondent's multiple acts of unauthorized practice of law.

Standard 2.6(a) states "[d]isbarment or actual suspension is appropriate when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on actual suspension for disciplinary reasons or involuntary inactive enrollment under Business and Professions Code section 6007(b)-(e). The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law."

In addition, there are aggravating and mitigating circumstances in this matter. Respondent's prior record of discipline and the existence of multiple acts of misconduct are aggravating circumstances. Respondent's cooperation by entering into a pretrial stipulation of facts, conclusions of law and disposition and pro bono activities for clients and for the Santa Monica community are mitigating circumstances.

Further, pursuant to Standard 1.8(a), if a member "...has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Respondent's prior record of discipline became effective on June 22, 2012 and the misconduct in the present matter first occurred on July 11, 2012. As stated above, Respondent's prior record of discipline was a 30-day actual suspension. Therefore Respondent's prior record of discipline is not remote and was serious and the imposition of greater discipline in the present case would not be manifestly unjust.

In consideration of the foregoing, an one year suspension, stayed and two years' probation, subject to conditions herein, including a sixty day actual suspension is appropriate under the standards. This level of discipline also provides for progressive discipline pursuant to Standard 1.8(a) and will serve to fulfill the primary purposes of discipline as set forth in Standard 1.1.

A sixty day actual suspension in this matter is also supported by case law. Practicing law while suspended has resulted in a range of discipline from suspension to disbarment, depending on the circumstances of the misconduct.

In *Chasteen v. State Bar* (1985) 40 Cal.3d 586, an attorney with one prior record of discipline committed misconduct including a failure to perform services, commingling, misappropriation and the unauthorized practice of law while under suspension by the Bar. (*Chasteen v. State Bar*, supra, 40 Cal.3d 586 at p. 592.) In mitigation, the attorney presented evidence that he had marital problems, was an alcoholic, and that he was seeking help including participation in alcohol rehabilitation programs. (*Chasteen v. State Bar*, supra, 40 Cal.3d 586 at p. 591.) The Supreme Court ordered the attorney suspended for five years, stayed and placed on a five year probation including a two month actual suspension from the practice of law. The court held that the two-month suspension adequately took into account the seriousness of his misconduct and the evidence presented in mitigation.

In this matter, like the attorney in *Chasteen*, Respondent has committed multiple acts of the unauthorized practice of law while under suspension by the Bar. Also, Respondent's misconduct, like the attorney in *Chasteen*, was aggravated by a prior record of discipline and multiple acts of

misconduct. However, Respondent's evidence of mitigation is not entitled to the same weight as that presented in *Chasteen* which weighed heavily in the Supreme Court's disciplinary analysis.

Therefore, it would be consistent with and not disproportional with similar prior caselaw to recommend Respondent's actual suspension for a period of sixty days.

**DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
12-O-15317	Two	B&P 6106
13-O-12854	Four	B&P 6106

**COSTS OF DISCIPLINARY PROCEEDINGS.**

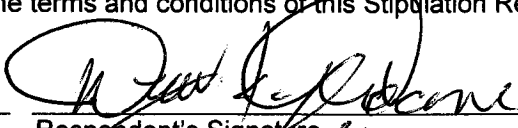
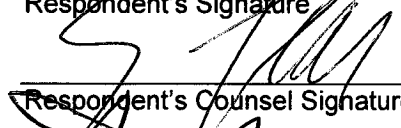
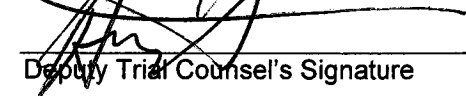
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of April 8, 2014, the prosecution costs in this matter are \$6,351.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: DREW ALLAN CICCONI	Case number(s): 12-O-15317; 13-O-12854
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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.

<u>4-9-2014</u> Date	 Respondent's Signature	<u>Drew Allan Cicconi</u> Print Name
<u>4/9/14</u> Date	 Respondent's Counsel Signature	<u>Edward O. Lear</u> Print Name
<u>4/9/14</u> Date	 Deputy Trial Counsel's Signature	<u>Ashod Mooradian</u> Print Name

(Do not write above this line.)

In the Matter of: DREW ALLAN CICCONI	Case Number(s): 12-O-15317; 13-O-12854
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### 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.)**

*MAY 2, 2014*

Date

  
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 May 2, 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:

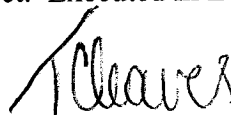
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**PAUL JEAN VIRGO  
9909 TOPANGA BLVD # 282  
CHATSWORTH, CA 91311**

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

**ASHOD MOORADIAN, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 2, 2014.



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Tammy Cleaver  
Case Administrator  
State Bar Court