

<p><b>STATE BAR COURT OF CALIFORNIA</b></p> <p><b>HEARING DEPARTMENT</b></p> <p><b>845 S. Figueroa Street, Los Angeles, CA 90017</b></p>	<p>FOR CLERK'S USE ONLY:</p> <p><b>FILED</b></p> <p><b>APR 07 2015 P.B.</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In the Matter of:</p> <p><b>MARK JOSEPH LEONARDO,</b> <b>Member No. 125061</b></p> <p>A Member of the State Bar.</p>	<p>Case No(s): 12-O-15836 (S222341)</p> <p><b>ORDER ON MOTION TO MODIFY PROBATION</b></p>

On March 4, 2015, respondent Mark Joseph Leonardo filed a motion for an order “deeming restitution fully paid,” or alternatively, for additional time to pay the remaining restitution. The State Bar Office of Probation opposes the motion.

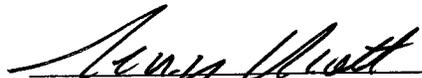
Pursuant to the terms of his stipulated discipline, respondent was ordered to pay restitution of the principal amount owing to his client in specific monthly amounts. The stipulation further provided if the payments were not made as specified, he was to pay interest on the principal amount in addition to the principal amount. Instead of paying the specified monthly payments, respondent recalculated the monthly payments and, as the result of a “mathematical error,” each payment was less than it should have been and he ended up paying three cents less than required, which he subsequently paid. In addition, two of the six monthly payments were late by two and three days each. The Office of Probation notified respondent on February 27, 2015 that he failed to comply with the restitution condition and therefore owed interest of \$2,744.48. Respondent filed the present motion in response. Respondent’s motion does not explain why he recalculated the monthly payments instead of paying the specified amounts.

Although the amount of the shortfall is very small, respondent was ordered to pay the restitution in very specific amounts. Instead of doing so, respondent in effect re-wrote the order to provide for restitution as he saw fit. The issue is not the amount of the underpayment. It's respondent's unexplained disregard of a very specific probation condition in favor of his own interpretation of how the restitution should be paid. Permitting unilateral modifications of probation conditions is not consistent with the protection of the public or respondent's successful rehabilitation. (Rules Proc. of State Bar, rule 5.300(B).) No good cause having been shown, respondent's motion to deem the restitution fully paid is denied.

Respondent's alternative request to pay the interest in monthly installments is granted. Respondent was out of compliance with the restitution probation condition from his very first payment in August 2014 and the full amount of the interest became due then. Yet he was not informed that he therefore owed the interest until February 2015. Requiring respondent to pay the full amount of the interest immediately is unreasonable under these circumstances. However, respondent has not provided any financial information with his present motion showing that he is unable to pay the restitution. Based on the above, good cause is shown to modify the probation to provide a short extension of time to pay the interest. Respondent must pay the full amount of the interest in two equal monthly installments on May 1, 2015 and June 1, 2015. The full amount of the interest due must be calculated as provided in the disciplinary stipulation.

**IT IS SO ORDERED.**

Dated: April 7, 2015

  
\_\_\_\_\_  
GEORGE E. SCOTT  
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 7, 2015, I deposited a true copy of the following document(s):

### ORDER ON MOTION TO MODIFY PROBATION

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:

**MARK J. LEONARDO  
LAW OFFICE OF MARK J LEONARDO  
17604 PAULINE CT APT 103  
SANTA CLARITA, CA 91387**

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

**Terrie Goldade, Probation, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 7, 2015.



---

Paul Barona  
Case Administrator  
State Bar Court