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State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

<p>Counsel For The State Bar</p> <p>Timothy G. Byer Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015 (213) 765-1325</p> <p>Bar # 172472</p>	<p>Case Number(s): 12-O-16168</p>	<p>For Court use only</p> <p>FILED</p> <p>DEC 20 2013 <i>Jro</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p>PUBLIC MATTER</p>
<p>Counsel For Respondent</p> <p>Susan L. Margolis Margolis & Margolis LLP 2000 Riverside Drive Los Angeles, CA 90039</p> <p>Bar # 104629</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: JOHN EDWARD HAYES</p> <p>Bar # 144189</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 December 11, 1989.
- (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 11 pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (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 discipline. (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 [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** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case 11-O-10844. See Attachment, page 9, "Aggravating Circumstances."
 - (b) Date prior discipline effective January 11, 2012
 - (c) Rules of Professional Conduct/ State Bar Act violations: Rule 3-110(A) (failure to perform with competence).
 - (d) Degree of prior discipline Private reproof
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See Attachment, page 9, "Aggravating Circumstances."
- (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.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

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- (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:

Pre-trial stipulation. See Attachment, page 8, "Mitigating Circumstances."
Family problems. See Attachment, page 8, "Mitigating Circumstances."
Good character. See Attachment, page 8, "Mitigating Circumstances."

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of one 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 1.4(c)(ii) 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 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 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 1.4(c)(ii), 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:

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- (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 1.4(c)(ii), 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.
- (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 has provided satisfactory proof of attendance at a session of Ethics School on June 13, 2013, and passage of the test given at the end of the session. (See Rule 5.135(A), Rules Proc. of State Bar [Ethics School required unless the attorney has completed the course 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 Law Office Management Conditions

Medical 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 has provided proof of passage of the MPRE on August 17, 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, 183.)

(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: JOHN HAYES

CASE NUMBER: 12-O-16168

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute and Rule of Professional Conduct.

Case No. 12-O-16168 (Complainant: Andrew Merzon)

FACTS:

1. In February 2009, Andrew Merzon employed Respondent to represent him to litigate a business dispute. In June 2009, Respondent filed a civil complaint on Merzon's behalf (the "Merzon Matter"). On November 30, 2010, following the defendant's failure to respond to Respondent's discovery requests, Respondent obtained an order striking the defendant's answer to the complaint.

2. During the hearing on November 30, 2010, at which the court in the Merzon Matter ordered the answer stricken, the judge informed Respondent that he could then file a motion seeking entry of default.

3. Respondent failed to file a motion seeking entry of default. Respondent believed, erroneously, that the court had entered the default, and was awaiting Respondent's motion for a default prove-up hearing.

4. In approximately October 2010, Respondent moved from his prior office and provided a change of address to the post office, but failed to provide separate notice of that change to the court in the Merzon Matter.

5. On March 4, 2011, Respondent sent Merzon an email in which he stated that "the default is entered" and "I've just been laying low during the 180 day period in which [the defendant] can move to set the default aside. That date is approaching." Respondent asked Merzon to start assembling any evidence Merzon had to prove his monetary damages in the case, and told Merzon that he and Merzon would meet to review the evidence and then move for a "prove up" hearing to present the evidence.

6. By the end of August 2011, approximately 180 days after the judge had ruled that a motion for entry of default could be filed, Respondent had taken no action on Merzon's behalf.

7. In September 2011, the court in the Merzon Matter served Respondent with an order that he appear at a hearing on October 5, 2011, and to show cause why the Merzon Matter should not be dismissed due to Respondent's inactivity, but the court served Respondent at his former address. Because the forwarding address at the post office had expired, Respondent did not receive the order.

On October 5, 2011, the Order to Show Cause hearing was conducted, Respondent failed to appear, and the Merzon Matter was dismissed without prejudice.

8. On January 2, 2012, Merzon mailed a letter to Respondent at his correct, then-current address, asking Respondent to contact him. After receiving the letter, Respondent called Merzon and set up a meeting with him in the first week of February 2012. Prior to that meeting, Merzon went to the court in order to copy the file and discovered that his matter had been dismissed on October 5, 2011.

9. In February 2012, Respondent and Merzon met to discuss his case. At that meeting, Merzon informed Respondent that the Merzon Matter had been dismissed in October 2011. Respondent told Merzon that he would investigate.

10. On February 8, 2013, Respondent filed a motion to vacate the dismissal of the Merzon Matter. On March 21, 2013, the court granted the relief requested by Respondent and vacated the dismissal of the Merzon Matter.

CONCLUSIONS OF LAW:

11. By not providing his new address to the court where the Merzon Matter was pending, and by taking no further action from the time the defendant's answer was stricken on November 30, 2010, until he moved to vacate the dismissal on February 8, 2013, Respondent intentionally, repeatedly, or recklessly failed to perform with competence on Merzon's behalf, in willful violation of Rules of Professional Conduct, rule 3-110(A).

MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.)

Family Problems: During the representation of Merzon, Respondent was defending an effort by his ex-wife to regain custody of their minor children, litigation which Respondent handled in pro per. This was an acrimonious and contentious two-year struggle that taxed Respondent emotionally. Respondent is entitled to some mitigation for dealing with his own family litigation during the period of his misconduct. (See *Sugarman v. State Bar* (1990) 51 Cal.3d 609, 619 (attorney given mitigation for handling own divorce litigation during period of misconduct).) In this same period, Respondent's mother lost her partner of many years, a man Respondent considered to be his surrogate father. His mother's health declined precipitously as a result, which added to the emotional stress Respondent experienced.

Good Character: Respondent's good character is attested to by a professional mediator, two former clients, a current client, and an attorney who currently employs Respondent. These five references in the legal and general communities all attest to Respondent's good character, but because they have varying levels of awareness of the extent of Respondent's misconduct, their testimony is entitled to limited weight. (*In the Matter of Kreitenberg* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469, 477; *In re Ford* (1988) 44 Cal.3d 810, 818.)

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): In January 2012, Respondent was privately reprimanded for his intentional, reckless, or repeated failure to perform with competence, in February 2009, for a client in her dissolution matter.

Harm (Std. 1.2(b)(iv)): In approximately October 2012, the defendant in the Merzon Matter sold a parcel of commercial property in Fresno to which Merzon could have attached a judgment lien if Respondent had obtained a default judgment on Merzon's behalf. Respondent's misconduct significantly harmed Merzon when Respondent's delay in obtaining a default judgment in the Merzon Matter prevented Merzon from collecting his judgment by a lien against the defendant's sale of commercial property prior to its sale.

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 Silverton* (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.)

The sanction applicable to Respondent's misconduct is found in Standard 2.4(b), which provides that an attorney's willful failure to perform services in an individual matter shall result in reprimand or suspension depending upon the extent of the misconduct and the degree of harm to the client. Here, Respondent has failed to perform with competence in such an individual matter, and has thereby caused significant harm to his client. Sixty days of actual suspension is a level within the range described by Standard 2.4(b).

Also, Standard 1.7(a) provides that, if an attorney is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the attorney has a record of one prior imposition of discipline, the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust. Respondent has previously been disciplined for failing to perform services in an individual matter. Therefore, the discipline imposed for the current misconduct must be greater than the private reprimand imposed in that prior discipline.

In the current matter, Respondent failed to timely file a motion seeking entry of default, and failed to advise the court in which the Merzon Matter was pending of his change of address, which left him unaware of the order to show cause hearing in the matter, and of the matter's subsequent dismissal. Moreover, Respondent waited a full year after becoming aware of the dismissal before he filed a motion seeking relief. In that period, Merzon lost the opportunity to file a judgment lien against the defendant's sale of commercial property prior to its sale. In light of Respondent's prior record of discipline (which, as here, also includes a failure to perform with competence), and the harm his misconduct caused to Merzon, the imposition of discipline including 60 days of actual suspension is warranted.

Case law supports the imposition of 60 days' actual suspension. In *Layton v. State Bar* (1990) 50 Cal.3d 889, the attorney, in practice for over 30 years without prior discipline, served as both attorney and executor of an estate, as well as its trustee. Over a five-year period, the attorney neglected his responsibilities as executor and attorney to conserve assets of the estate and to fulfill important duties as executor, including failing to file an accounting of the estate for almost five years. The Supreme Court concluded that the attorney's failure to perform services competently and diligently warranted a 30-day actual suspension. The facts in the instant matter are more aggravated than in *Layton* due to Respondent's prior record of discipline, and therefore support a higher level of discipline than was imposed in that matter.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 18, 2013, the prosecution costs in this matter are approximately \$2,865.00. 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.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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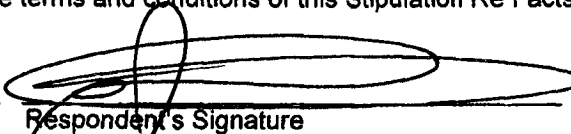
In the Matter of:
JOHN EDWARD HAYES

Case number(s):
12-O-16168

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.

11-26-13
Date


Respondent's Signature

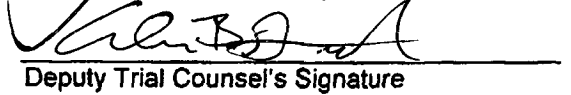
John E. Hayes
Print Name

11-27-13
Date


Respondent's Counsel Signature

Susan L. Margolis
Print Name

12/6/13
Date


Deputy Trial Counsel's Signature

Alan B. Gordon for
Timothy G. Byer
Print Name

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In the Matter of: JOHN EDWARD HAYES	Case Number(s): 12-O-16168
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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.)**

Date

12/20/13


DONALD F. MILES
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 December 20, 2013, 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:

**SUSAN LYNN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 20, 2013.



Tammy Cleaver
Case Administrator
State Bar Court