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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Lara Bairamian Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 (213) 765-1338 Bar # 253056	Case Number(s): 13-C-10417-RAP 13-C-10418	For Court use only FILED DEC 06 2013 <i>AS</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Kenneth Bryan Brock 3600 Harbor Blvd Ste 110 PMB 116 Oxnard, CA 93035 (559) 280-1510 Bar # 158311	PUBLIC MATTER	
In the Matter of: KENNETH BRYAN BROCK Bar # 158311 A Member of the State Bar of California (Respondent)	Submitted to: Assigned 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 9, 1992.
- (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.

AS

(Effective January 1, 2011)



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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: three (3) 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 [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 : 05-C-4114 and 06-C-10207. See attachment at page 10 for additional details regarding the prior discipline.
 - (b) Date prior discipline effective : November 5, 2006.
 - (c) Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code section 6068(a).
 - (d) Degree of prior discipline : Eighteen (18) months stayed suspension and three (3) years probation.
 - (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.
- (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 10.
- (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 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 1.4(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 (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 ninety (90) 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:

- (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.

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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. See other conditions below for deadline for Respondent to attend and provide proof of passage of the Ethics School.
 - 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:
 - 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

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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.** See other conditions below for deadline for Respondent to take and provide proof of passage of the MPRE.

No MPRE recommended. Reason:

- (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:** Additional Probation Condition

Respondent recognizes that a repeat conviction for DUI suggests an alcohol and/or drug problem that needs to be addressed before it affects Respondent's legal practice. Respondent agrees to take the steps necessary to control the use of alcohol and/or drugs such that it will not affect Respondent's law practice in the future. Respondent's agreement to participate in an abstinence-based self-help group (as defined herein), as a condition of discipline, is part of Respondent's efforts to address such concerns.

As a condition of probation, and during the period of probation, Respondent must attend a minimum of six (6) meetings per quarter of any abstinence-based self-help group of Respondent's choosing, including without limitation Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. California (C.D. Calif. 1994) 855 F. Supp. 303 [no First Amendment violation where probationer given choice between AA and secular program].) Respondent is encouraged, but not required, to obtain a "sponsor" during the term of participation in these meetings.

The program called "Moderation Management" is not acceptable because it is not abstinence-based and allows the participant to continue consuming alcohol.

Respondent must contact the Office of Probation and obtain written approval for the program Respondent has selected prior to attending the first self-help group meeting. If Respondent wants to change groups, Respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.

Respondent must provide to the Office of Probation satisfactory proof of attendance of the meetings set forth herein with each Quarterly Report submitted to the Office of Probation. Respondent may not sign as the verifier of his or her own attendance.

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Respondent is encouraged, but is not required, to participate in the Lawyers Assistance Program, to abstain from alcohol and illegal drugs, and to undergo random urinalysis testing to complement abstinence.

Deadline for Ethics School

Within two (2) years of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of Ethics School, and passage of the test given at the end of that session.

Deadline for MPRE

Within two (2) years of the effective date of the discipline herein, Respondent must provide proof of passage of the MPRE to the Office of Probation.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: KENNETH BRYAN BROCK
CASE NUMBERS: 13-C-10417, 13-C-10418

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offenses for which he was convicted involved other misconduct warranting discipline.

Case No. 13-C-10417 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On August 8, 2011, the Ventura County District Attorney filed a criminal complaint in the Ventura County Superior Court, case number 2011024720, charging Respondent with one count each of violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs], a misdemeanor, and Vehicle Code section 23152(b) [driving with 0.08 percent or more blood alcohol], a misdemeanor. Both counts included special allegations, under Vehicle Code section 23578, that Respondent had a blood alcohol concentration of .15 percent and higher.
3. On August 12, 2011, the court entered Respondent's guilty plea to the violation of Vehicle Code section 23152(b), a misdemeanor, and based thereon, the court found Respondent guilty of that count. Pursuant to a plea agreement, the court dismissed the remaining count in the furtherance of justice.
4. On August 12, 2011, the court suspended imposition of sentence and ordered that Respondent be placed on formal probation for thirty-six months. Among other conditions, the court ordered that Respondent report to the Drinking Driver Program for nine months, not drive unless properly licensed and insured, and serve forty-eight hours in the Ventura County jail.
5. On June 27, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

6. On June 10, 2011, at approximately 9:00 p.m., a police officer of the Oxnard Police Department, while on uniformed patrol in a marked police vehicle, observed the vehicle Respondent was driving straddling lanes of traffic while traveling at a high rate of speed. The police officer initiated a

traffic stop. During the stop, Respondent spontaneously admitted that he had been drinking. The police officer arrested Respondent for driving under the influence of alcohol.

7. At the police station, Respondent provided two breath samples. The first sample indicated that Respondent's blood alcohol content was .20 percent. The second sample indicated that Respondent's blood alcohol content was .21 percent.

CONCLUSIONS OF LAW:

8. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 13-C-10418 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

9. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

10. On October 27, 2011, the Tulare County District Attorney filed a criminal complaint in the Tulare County Superior Court, case number 11-018467, charging Respondent with one count of violation of Vehicle Code section 14601.2(a) [driving when privilege suspended with prior conviction(s)].

11. On November 6, 2012, the court entered Respondent's plea of nolo contendere to the violation of Vehicle Code 14601.2(a), a misdemeanor, and based thereon, the court found Respondent guilty of that count.

12. On November 6, 2012, the court suspended imposition of sentence and ordered that Respondent be placed on summary probation for three years. Among other conditions, the court ordered that Respondent not drive without Interlock, not drive unless properly licensed and insured, and serve thirty days in custody.

13. On May 3, 2013, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

14. Due to his August 12, 2011 conviction for driving with 0.08 percent or more blood alcohol, Respondent's driver's license had been suspended.

15. At all relevant times, Respondent knew that his driver's license had been suspended.

16. On October 4, 2011, at approximately 2:20 p.m., Respondent was driving with a suspended license when he was pulled over and cited by the California Highway Patrol. At the scene, Respondent admitted that he was driving with a suspended license.

CONCLUSIONS OF LAW:

17. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Respondent has one prior record of discipline. In case numbers 05-C-4114 and 06-C-10207 (Supreme Court order S145628), effective November 5, 2006, Respondent was suspended from the practice of law for eighteen months, stayed, with a three-year period of probation with conditions.

Case number 05-C-4114: On June 9, 2005, Respondent was arrested for driving under the influence. Respondent's blood alcohol level was determined to be .19%. On July 28, 2005, Respondent was charged with misdemeanor violations of Vehicle Code section 23152(a) with one prior conviction and Vehicle Code section 23152(b), with one prior conviction. The prior conviction, a violation of section Vehicle Code 23152(b), occurred on February 28, 1999. On August 19, 2005, Respondent pled guilty to a misdemeanor violation of Vehicle Code section 23152(b) and admitted the prior conviction. The same day, Respondent was placed on formal probation for five years with conditions. Among other conditions, Respondent was ordered to serve forty-five days in custody, pay a fine of \$2,800, not to drive unless properly licensed and insured, and not to drive without Interlock. The facts and circumstances surrounding Respondent's conviction did not involve moral turpitude but did involve misconduct warranting discipline.

Case number 06-C-10207: On December 16, 2005, Respondent was arrested for driving under the influence of alcohol. Respondent's blood alcohol level was determined to be .19%. On January 3, 2006, Respondent was charged with misdemeanor violations of Vehicle Code section 23152(a) with two prior convictions, and Vehicle Code section 23152(b) with two prior convictions. On April 6, 2006, Respondent pled guilty to a misdemeanor violation of Vehicle Code section 23152(b) and admitted the prior convictions. The same day, Respondent was placed on thirty-six months summary probation. Among other conditions, Respondent was ordered to serve 180 days in custody, attend and successfully complete the SB38 program, not to drive unless properly licensed and insured, and not to drive without Interlock. The facts and circumstances surrounding Respondent's conviction did not involve moral turpitude but did involve misconduct warranting discipline.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent engaged in multiple acts of misconduct by driving under the influence of alcohol and driving on a suspended license.

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 avoiding the necessity of a trial and saving the State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal. 3d 1071, 1079 [where mitigation credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

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

Standard 3.4 is the applicable standard in cases such as this, where an attorney has been convicted of a crime that does not on its face or in the surrounding facts and circumstances involve moral turpitude. The standard states that such misconduct “shall result in a sanction as prescribed under part B of these standards appropriate to the nature and extent of the misconduct found to have been committed by the [attorney].”

In reference to part B, the most applicable standard is standard 2.10, which states that culpability of an attorney of a violation of any provision of the Business and Professions Code or Rules of Professional Conduct not specified elsewhere in the standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline.

Standard 1.7(a) also applies as Respondent has a prior record of discipline. Pursuant to standard 1.7 (a), 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.

In evaluating Respondent’s misconduct and assessing the level of discipline, the standards require progressive discipline. One of the current criminal convictions is Respondent’s fourth alcohol-related conviction following three prior convictions for driving under the influence of alcohol. Respondent’s misconduct is serious because it demonstrates a disregard for the law and safety of others. Respondent’s citation for driving with a suspended license occurred during the probation period following his conviction for driving with 0.08 percent or more blood alcohol. In addition, Respondent demonstrated an unwillingness or inability to comply with conditions of a newly effective probation when he committed the second criminal act. Therefore, actual suspension is warranted. Based on the above-described standards, the imposition of a two (2) year stayed suspension accompanied by a two (2) year probationary period with conditions including a ninety (90) day actual suspension serves the purpose of

State Bar discipline to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession. (Std. 1.3.)

The stipulated level of discipline is in line with case law involving similar misconduct. In *In re Carr* (1988) 46 Cal.3d 1089, the State Bar Court disciplined attorney Carr after he committed two driving under the influence offenses. Carr was on criminal probation from the first when he committed the second and was under the influence of phencyclidine (PCP) at the time of both arrests. Additionally, Carr had three previous substance abuse offenses, including being convicted in federal court of transporting a controlled substance used in the manufacture of PCP, at the time of his first arrest for being under the influence of PCP. Carr also had a prior record of State Bar discipline including a sixty day actual suspension. Although there was no injury and no finding of moral turpitude, Carr was suspended from the practice of law for two years stayed, with five years' probation and a six-month actual suspension.

There are similarities between the facts in *Carr* and the instant case. Specifically, both cases involve convictions resulting from driving under the influence after previous convictions for the same offense. However, the conduct in the instant case is not quite as egregious as that in *Carr*, nor is the aggravation in the instant case as strong as the aggravation in *Carr*. Although both Respondent and Carr have a prior record of discipline, Carr had a more serious prior criminal record as well as greater prior discipline. Thus, although actual suspension is warranted, six-months actual suspension is not.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of November 7, 2013, the prosecution costs in this matter are \$5,195. 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

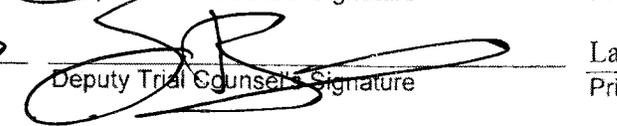
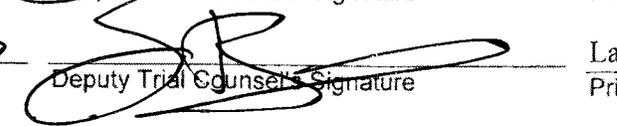
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: KENNETH BRYAN BROCK	Case number(s): 13-C-10417 13-C-10418
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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>11-12-13</u> Date	 Respondent's Signature	<u>Kenneth Bryan Brock</u> Print Name
<u>11/13/13</u> Date	 Respondent's Counsel Signature	<u>Lara Bairamian</u> Print Name
<u>11/13/13</u> Date	 Deputy Trial Counsel's Signature	<u>Lara Bairamian</u> Print Name

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In the Matter of: KENNETH BRYAN BROCK	Case Number(s): 13-C-10417 13-C-10418
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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.

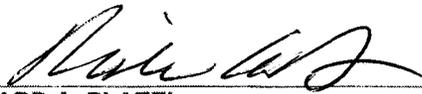
PAGE 5 - PARAGRAPH E (8) - DELETE - "WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE HEREIN"

PAGE 6 - PARAGRAPH F (1) - DELETE LAST SENTENCE STARTING WITH "SEE OTHER CONDITIONS..."

PAGE 7 - "DEADLINE FOR MPRE" - DELETE HEADING AND ALL LANGUAGE FOLLOWING THIS HEADING.

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 12-05-2013


 RICHARD A. PLATEL
 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 6, 2013, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:

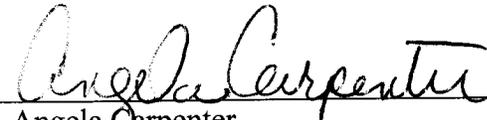
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

KENNETH B. BROCK
KEN BROCK, ATTORNEY AT LAW
3600 HARBOR BLVD
STE 110 PMB 116
OXNARD, CA 93035

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

LARA BAIRAMIAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 6, 2013.



Angela Carpenter
Case Administrator
State Bar Court