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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>Counsel For The State Bar</p> <p>Sue Hong Deputy Trial Counsel Office of the Chief Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1161</p> <p>Bar # 285852</p>	<p>Case Number(s): 13-J-14557</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center; font-size: 1.2em;">DEC 23 2014</p> <p style="text-align: center; font-size: 0.8em;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel For Respondent</p> <p>Kenneth Kocourek, Esq. 5785 Brockton Ave. Riverside, CA 92506 (951) 323-8208</p> <p>Bar # 59609</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: RUFINO MARCELINO CARDOSO</p> <p>Bar # 127502</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 **May 21, 1987**.
- (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."

(Effective January 1, 2014)

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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: (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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See Attachment at Page 10.**
- (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.

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- (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:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

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(13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See Attachment at Page 10: No prior Discipline

See Attachment at Page 10: Pretrial Stipulation

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **three (3) 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 **three (3) 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 **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:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

(2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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

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

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

<input type="checkbox"/> Substance Abuse Conditions	<input type="checkbox"/> Law Office Management Conditions
<input type="checkbox"/> Medical Conditions	<input type="checkbox"/> Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

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- 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:**

8. On May 9, 2011, the court issued an order to show cause why respondent should not be suspended, disbarred, or otherwise sanctioned on the basis of nine additional petitions for review that respondent filed after the court issued its order to show cause in *Santa Cruz*. The order to show cause noted that court records did not reflect that respondent had been admitted to the court or that he had applied to be admitted. In addition, the order to show cause stated that none of the petitions for review filed by respondent appeared to have merit because none stated a basis for the exercise of the court's jurisdiction.

9. The court acknowledged that many of these cases appeared to have no merit because none stated a basis for exercise of the court's jurisdiction. (See *Jimenez v. Holder*, No. 11-71027; *Alvarez Rubio v. Holder*, No. 11-71095; *Chacon v. Holder*, No. 11-71106.) In several others (*Marquez Romero v. Holder*, No. 11-70691, *Garcia-Romero v. Holder*, No. 11-71031; *Ramirez v. Holder*, No. 11-71094; *Alvarado-Reyes v. Holder*, No. 11-71150; *Rodriguez v. Holder*, No. 11-71207), the petition was untimely, sometimes years untimely, with respect to the BIA order identified in the petition for review.

10. The court found that many of the respondent's cases involved petitioners facing imminent removal, but found no good faith basis for petitions for review that were apparently filed solely to obtain the benefit of the automatic temporary stay that issues whenever a petition for review is filed in the court and a stay is requested.

11. The court found that these petitions were an abuse of court process, and that the abuse of process was aggravated by respondent's failure to pay the filing fee in most of these frivolous petitions.

12. On August 12, 2011, the court offered respondent a final opportunity to address the court's concerns. In his August 22, 2011 response to the court, respondent maintained that the petitions he had filed were not frivolous because he "was going by what the clients had told [him] regarding their cases." Respondent also apologized for any inconvenience caused by his ignorance of "basic concepts of Ninth Circuit filings." Based on these representations, the court discharged the order to show cause on October 18, 2011.

13. Respondent continued to file frivolous petitions for review. On December 16, 2011, respondent filed a petition for review in *Diaz-Minarez v. Holder*, No. 11-73856, seeking review of a final order of removal that was purportedly reinstated on December 16, 2011. The court found that petitioner's final order of removal, dated May 5, 2008, had not been executed, and therefore could not have been reinstated. Further, the court lacked jurisdiction over any petition for review of the 2008 removal order because the petition was filed on December 16, 2011, more than 30 days after the Board of Immigration Appeals decision.

14. On February 1, 2012, respondent, through his staff, sought permission to fax file a petition for review, a request that the court will grant in emergency situations, such as if the petitioner is facing imminent removal, and where there appears to be a basis for the court to exercise jurisdiction. Respondent's staff represented to a staff attorney that a reinstated order of removal was issued that day and that petitioner *Barragan* was in custody facing imminent removal. Immigration officials confirmed, however, that no such reinstated order of removal existed. Nevertheless, respondent's staff urged the staff attorney to accept the fax filing. The request to fax file the petition for review was denied.

15. On February 16, 2012, the court issued another disciplinary order to show cause, regarding the *Diaz-Minjarez* petition and the attempted fax filing in *Baragan's* case. The order reminded respondent of his obligations to the court and legal system under ABA Model Rule 3.1, which requires an attorney to refrain from prosecuting a matter in court unless there is a basis in law and fact for doing so that is not frivolous. The order to show cause stated that none of the petitions respondent filed in the court exhibited the required "good faith," and that his efforts to invoke the court's jurisdiction, particularly in regard to the fax- filed petitions, bordered on active misrepresentation.

16. In his March 13, 2012 response to the court's February 16, 2012 order to show cause, respondent stated that *Diaz-Minjarez* was in detention and that respondent was informed by an ICE officer that there was a reinstated final order of removal. However, once respondent learned that there was no such order, he moved to withdraw the petition.

17. With respect to the attempted fax filing of the petition for review for *Barragan*, respondent stated that his secretary was not authorized to file anything in the Ninth Circuit. Respondent stated that his secretary had not followed office protocol, and attached a declaration from her confirming that she had acted on her own initiative when no one else was in the office.

18. On May 1, 2012, during the hearing with the Appellate Commissioner, respondent was asked to comment on several specific filings he had made in the Ninth Circuit. Respondent did not remember any of the filings. Respondent agreed, however, that the quality of the work was not up to the standards of the court, and not worthy of his background and education.

19. During the same hearing on May 1, 2012, when asked why respondent filed the frivolous petitions, respondent testified that his goal in filing the petitions was to buy his clients a more time. The court found that his "concerted effort to abuse legal process by filing frivolous petitions evidences improper motive."

20. The court in its order adopting the Appellate Commissioner's report and recommendation from the May 1, 2012 hearing, found that respondent's understanding of immigration law is "woefully inadequate."

CONCLUSIONS OF LAW:

21. As a matter of law, respondent's culpability of professional misconduct determined in the proceeding in the Ninth Circuit United States Court of Appeals warrants the imposition of discipline under the laws and rules binding upon respondent in the State of California at the time respondent committed the misconduct in the other jurisdiction, pursuant to Business and Professions Code section 6049.1, subdivision (a).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts (Std. 1.5(b)): Although the court states in its order adopting the Appellate Commissioner's report and recommendation, that every petition filed by respondent since 2006 had been dismissed with no explanation from the respondent as to why he continued to file the same types of frivolous petitions, it is unclear as to how many cases were filed by respondent and of those, which cases were dismissed as a result of respondent's misconduct. Although the court mentions 14 cases in its

order, only 11 cases with case information were actually identified, all of which appear to have been filed in 2011. Therefore, respondent's misconduct involves multiple acts of wrongdoing as he filed frivolous petitions in more than 11 cases before the Ninth Circuit, engaged in the unauthorized practice of law, failed to supervise, and failed to perform with competence. (*In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555 [Sometimes multiple acts of misconduct are considered serious aggravation]).

Significant Harm to Client, the Public, or the Administration of Justice (Std. 1.5(f)): By consistently filing frivolous petitions which were ultimately denied, the administration of justice was harmed due to the unwarranted use of court time and resources.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent was admitted to practice on May 21, 1987. Respondent practiced without discipline until 2011, when he began filing frivolous petitions. Despite not having prior discipline in 24 years of practice, the current misconduct is deemed serious. (*Friedman v. State Bar* (1990) 50 Cal.3d 235, 242 [20 years in the practice of law without discipline is afforded highly significant weight in mitigation].)

Pretrial Stipulation: Respondent is entitled to mitigation by entering into a stipulation of facts and conclusions of law prior to trial, thereby preserving State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "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 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.) 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 this matter, Respondent was found culpable of professional misconduct in the other jurisdiction, and to determine the appropriate sanction in this proceeding, it is necessary to consider the

equivalent rule or statutory violation under California law. Specifically, Respondent's misconduct in the other jurisdiction demonstrates a violation of Rules of Professional Conduct Rule 1-300(B)[Unauthorized Practice of Law]; Rules of Professional Conduct Rule 3-110(A)[Failure to Perform with Competence]; Rules of Professional Conduct Rule 3-110(A)[Failure to Supervise]; and Business and Professions Code section 6068(c)[Failure to Maintain Legal or Just Actions].

Pursuant to Standard 1.7(a), "[i]f a member commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed. The most severe sanction is prescribed by Standard 2.8(a). Standard 2.8 (a) states that "[d]isbarment or actual suspension is appropriate for disobedience or violation of a court order related to the member's practice of law, the attorney's oath, or the duties required of an attorney under Business and Professions Code section 6068(a)-(h)."

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).) Here, respondent's repeated and multiple acts of misconduct of filing frivolous petitions resulted in the significant harm to the administration of justice. However, in mitigation, respondent has practiced for 24 years without any discipline, which is given significant weight. Further, respondent is entitled to mitigation for entering into a pretrial stipulation.

Case law is also instructive. In *Rosenthal v. State Bar* (1987) 43 Cal.3d 612, the Supreme Court disbarred Rosenthal after finding that he had engaged in transactions involving undisclosed conflicts of interest, taking positions adverse to former clients, overstating expenses and double-billing for legal fees, failing to return client files or provide access to records, failing to give adequate legal advice or provide clients with opportunity to obtain independent counsel, filing fraudulent claims and giving false testimony, and engaging in conduct designed to harass former clients, delay court proceedings, obstruct justice and abuse the legal process.

Here, Respondent's misconduct is less egregious because it involved the filing of frivolous petitions without the intent to harass any party, unlike *Rosenthal*, who was involved in undisclosed conflicts of interests and taking positions adverse to former clients with the intent to harass them. Although respondent's misconduct involved 11 cases that spanned over a year, as the court noted in its order adopting the report and recommendation made by the Appellate Commissioner, respondent's understanding of immigration law was inadequate. Therefore, considering the misconduct, all of the aggravating and mitigating circumstances, disbarment is not necessary and a two-year actual suspension, with a three-year stayed suspension and three-year probation, including the 1.2(c)(1) rehabilitation requirement, is an appropriate level of discipline to effectuate the primary purposes of attorney discipline under standard 1.3, namely "the protection of the public, the courts and the legal profession; the maintenance of high legal professional standards by attorneys and the preservation of public confidence in the legal profession."

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of 10/23/14, the prosecution costs in this matter are \$2,392. 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

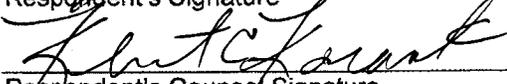
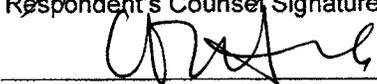
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School, and/or any other educational course(s) to be ordered as a condition of suspension. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: RUFINO MARCELINO CARDOSO	Case number(s): 13-J-14557
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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>11/10/14</u> Date	<u></u> Respondent's Signature	<u>RUFINO MARCELINO CARDOSO</u> Print Name
<u>11-24-2014</u> Date	<u></u> Respondent's Counsel Signature	<u>KENNETH KOCOUREK</u> Print Name
<u>12/1/14</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>SUE HONG</u> Print Name

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In the Matter of: RUFINO MARCELINO CARDOSO	Case Number(s): 13-J-14557
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ACTUAL SUSPENSION ORDER

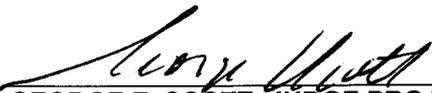
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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

12-22-14



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 San Francisco, on December 23, 2014, 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 San Francisco, California, addressed as follows:

KENNETH CHARLES KOCOUREK
5785 BROCKTON AVE
RIVERSIDE, CA 92506

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

SUE K. HONG, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 23, 2014.



Mazie Yip
Case Administrator
State Bar Court