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State Bar Court of California  
Hearing Department  
Los Angeles  
DISBARMENT

<p>Counsel For The State Bar</p> <p><b>Sherell N. McFarlane</b> Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1288</p> <p>Bar # 217357</p>	<p>Case Number(s): <b>13-O-13627-DFM</b></p>	<p>For Court use only</p> <p><b>FILED</b></p> <p>SEP 19 2014 <i>Jic</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> <p><b>PUBLIC MATTER</b></p>
<p>Counsel For Respondent</p> <p><b>James I. Ham</b> Pansky Markle Ham LLP 1010 Sycamore Avenue, Suite 308 South Pasadena, CA 91030 (213) 626-7300</p> <p>Bar # 100849</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p><b>DISBARMENT</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>JOHN MICHEL GANTUS</b></p> <p>Bar # 55038</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 **January 9, 1973**.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (12) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs to be awarded to the State Bar.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:  
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

**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 **96-O-03829**
  - (b)  Date prior discipline effective **May 30, 1998.**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **One count of violation of Rules of Professional Conduct, rule 4-100(A), and one count of violation of Business and Professions Code section 6068(m). For more information regarding Respondent's prior discipline, see Stipulation Attachement at page 9.**
  - (d)  Degree of prior discipline **Pubic reprovral with conditions attached to the reprovral for a period of one year including successful completion of Ethics School and the MPRE.**
  - (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 Stipulation Attachement at page 9.**

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- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Stipulation 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.

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- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Pretrial Stipulation: See Stipulation Attachement at page 9.**

**D. Discipline: Disbarment.**

**E. Additional Requirements:**

- (1) **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.
  
- (2)  **Restitution:** Respondent must make restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_. If the Client Security Fund has reimbursed \_\_\_\_\_ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than \_\_\_\_\_ days from the effective date of the Supreme Court order in this case.
  
- (3)  **Other:**



7. In a letter dated April 5, 2006, Respondent responded to Ms. Gantus' March 17, 2006 letter. His response, however, did not provide her with an accounting, and Respondent did not distribute Ms. Gantus' share of the estate to her.

8. In 2010, Ms. Gantus hired an attorney to represent her interests as a beneficiary under decedent's will. In a letter dated July 26, 2010, Ms. Gantus' attorney wrote to Respondent requesting, among other things, an accounting, closure of the estate and final distribution of assets. Respondent wrote a letter in August 2010, offering to close the estate and make distributions. However, he did not provide the requested accounting, make final distributions to Ms. Gantus, or close the estate at that time.

9. Thereafter, on August 20, 2010, Ms. Gantus' attorney filed a petition on her behalf with the probate court in case number EP005751, entitled: "Petition for Orders Determining Entitlement And To Provide Benefits For Petitioner Pursuant To The Provisions Of The Will, (Including But Not Limited To Preliminary Distribution, Payment Of Accrued Income), To Require The Filing Of The Inventory And Appraisal, An Accounting, As Well As For Such Other Relief As The Court May Deem Appropriate, Including Suspension And/Or Replacement Of The Fiduciary" ("Petition").

10. Ms. Gantus' attorney subsequently retained an expert to perform a financial forensic analysis of Respondent's handling of the assets in decedent's estate. In a declaration filed with the probate court in case number EP005751, the expert stated her opinion that Respondent received \$365,059.84 in rental income, funds and profits from decedent's estate. The expert also stated her opinion that Respondent distributed \$415,737 to himself and \$59,147 to Ms. Gantus from the decedent's estate.

11. Respondent did not file an accounting regarding the assets, expenses or liabilities of decedent's estate with probate court until January 14, 2011, after the probate court ordered him to do so.

12. Respondent did not close decedent's estate in a timely fashion and admitted this in his "Supplement to First Account Current and Report of Executor . . ." filed with the court on March 16, 2011, wherein he apologized for the delay in the closing of the estate, and stated, "Executor concedes that the administration of the estate has not been timely..."

13. In the probate matter Respondent: (a) used estate funds for his own purposes; (b) did not deposit any rental income from the real property into an estate account, but rather, deposited the rental income into an account from which he paid his own obligations; and (c) considered the rental income from the real property to be his own.

14. On July 22, 2011, the probate court granted Ms. Gantus' petition that sought, among other relief, the removal of Respondent as the personal representative, and appointment of a special administrator. The court removed Respondent as executor, appointed Diane Harkison as special administrator and ordered Respondent to provide further accounting to supply missing information. The court also denied Respondent's request to reinstate Respondent as executor.

15. Respondent was required to file federal and California estate tax and income tax returns pursuant to Probate Code section 9650(b). Respondent did not file federal and California estate tax and income tax returns prior to his removal as executor.

16. In April 2012, Ms. Harkison, through her attorney, sought an ex-parte order from the probate court compelling Respondent to preliminarily disgorge at least \$200,000 of the money that he withdrew from decedent's estate without court approval. Respondent stipulated to a disgorgement order providing

that he would disgorge the sum of \$150,000. In a Notice of Ruling and Hearing Upon Ex Parte Application and Petition for Orders Directing the Payment of Amounts Taken from Estate to Special Administrator, filed on April 17, 2012, the probate court ordered Respondent to disgorge the sum of \$150,000.00 to Ms. Harkison. Respondent complied with the order.

17. In a subsequent declaration in support of Objections of Petitioner Lynn M. Gantus To The Third Supplement To Account Filed By John M. Gantus, *et al*, that was filed with the probate court on May 30, 2012, the expert computed the amounts owed to Ms. Gantus, and stated her opinion that Ms. Gantus was owed "\$345,078 from the Estate to equalize the identified distributions to the beneficiaries for the period April 1, 2002 through November 4, 2011." The expert also computed simple interest due on said amount through May 24, 2012, at the rate of 10%, and stated that the total equalization payment due to Ms. Gantus (including interest) was \$509,441.

18. On February 27, 2013, Respondent and Ms. Gantus mediated their dispute over decedent's estate and arrived at a settlement agreement wherein Ms. Gantus received the remaining stock account and securities in decedent's estate (valued in excess of \$900,000), and Respondent received the real property and the estate's tax liabilities (Respondent agreed to assume the balance of \$35,149.05 allegedly due to the IRS along with penalties and interests).

19. In the mediated settlement, Respondent and Ms. Gantus further agreed that Respondent would be restored as executor upon his posting a bond for \$100,000. The settlement also obligated Respondent to pay the sum of \$36,500 in attorney fees to Ms. Gantus' attorney, to pay \$25,000 to Ms. Harkison for her services, and to pay the sum of \$38,500 in attorney fees to Ms. Harkison's attorney. Mr. Gantus complied with the settlement agreement and paid all of Ms. Gantus' attorneys and expert fees, as well as all of Ms. Harkison's fees and her attorney attorney's fees.

20. On May 3, 2013, the probate court entered an Order Approving the Mediation Settlement Agreement.

#### CONCLUSIONS OF LAW:

21. By willfully misappropriating for his own use \$365,059.84 belonging to decedent's estate, Respondent committed an act involving moral turpitude, in willful violation of Business and Professions Code section 6106.

22. By failing to file an inventory and appraisal as required by Probate Code section 8800(b), Respondent failed to comply with the laws of the State of California, in willful violation of Business and Professions Code section 6068(a).

23. By failing to file federal and California estate tax and income tax returns for decedent and his estate as required by Probate Code section 9650(b), Respondent failed to comply with the laws of the State of California, in willful violation of Business and Professions Code section 6068(a).

24. Respondent breached his fiduciary duties by failing to exercise ordinary care and diligence in the administration of decedent's estate pursuant to Probate Code section 9600(b)(1) when he: failed to keep estate assets separate; failed to deposit funds belonging to the estate into a separate bank account held in the name of the estate; failed to administer the estate in a timely manner; neglected to make final distributions and close the estate for almost a decade; failed to provide an accounting at any time prior to January 13, 2011; and engaged in self-dealing by paying his personal expenses with funds belonging to



the estate. In so doing, Respondent failed to comply with the laws of the State of California, in willful violation of Business and Professions Code section 6068(a).

#### **AGGRAVATING CIRCUMSTANCES.**

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has a prior record of discipline. In an order that became effective on May 30, 1998, Respondent received a public reproof with conditions which included Ethics School and completion of the Multistate Professional Responsibility Examination within one year for misconduct in a single client matter. In the prior, Respondent stipulated to culpability for violating rule 4-100(A) of the Rules of Professional Conduct when he failed to deposit a client's retainer for costs and fees into his client trust account (but deposited it in his business account instead). He also stipulated to culpability for violating section 6068(m) of the Business and Professions Code when he failed to respond to reasonable client inquiries and failed to communicate with the client (and a representative acting on the client's behalf) for over two years. The prior misconduct took place in 1993 and 1994.

**Harm (Std. 1.5(f)):** Respondent's conduct cause harm to Ms. Gantus who was deprived of her full share of the decedent's estate for over a decade.

**Multiple Acts of Misconduct (Std. 1.5(b)):** Respondent's conduct in the present matter involves multiple acts of professional misconduct. Respondent breached his fiduciary duties as executor of the decedent's estate by, *inter alia*, failing to file an inventory and appraisal, failing to timely file estate and income taxes, failing to timely provide an accounting, and misappropriating approximately \$365,000. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647 [three instances of misconduct although not a pattern or practice are sufficient to support a finding that respondent engaged in multiple acts of misconduct].)

#### **MITIGATING CIRCUMSTANCES.**

**Pretrial Stipulation:** Respondent has stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, prior to trial, thereby avoiding the necessity of a trial and saving State Bar and 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].) By entering into this stipulation, Respondent has accepted responsibility for his misconduct.

#### **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 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).)

In this matter, Respondent admits to committing four acts of professional misconduct. Standard 1.7(a) requires that where an attorney "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 applicable to Respondent's misconduct is found in Standard 2.1(a), which applies to Respondent's violation of Business and Professions Code section 6106. Standard 2.1(a) provides in relevant part: "Disbarment is appropriate for intentional or dishonest misappropriation of entrusted funds or property, unless the amount misappropriated is insignificantly small or the most compelling mitigating circumstances clearly predominate, in which case actual suspension of one year is appropriate." In the instant matter, Respondent has misappropriated \$365,059.84 belonging to decedent's estate, which is not an insignificantly small amount. There are no compelling mitigating circumstances present in the instant matter that would make any sanction less than disbarment the appropriate sanction.

Respondent has a prior record of discipline. Standard 1.8(a) requires that when an attorney "has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust." The burden is on Respondent to show that his prior discipline is remote and that the offense for which it was imposed was not serious. (See, *In re Silverton*, supra, 36 Cal. 4th at p. 92.)

In an order that became effective on May 30, 1998, Respondent received a public reproof with conditions for misconduct in a single client matter in which he violated rule 4-100(A) of the Rules of Professional Conduct when he failed to deposit a client's retainer for costs and fees into his client trust account (but deposited it in his business account instead) and violated section 6068(m) of the Business and Professions Code when he failed to respond to reasonable client inquiries and failed to communicate with the client (and a representative acting on the client's behalf) for over two years.

Although Respondent's prior discipline is somewhat remote, it was nonetheless serious as it involved his failure to deposit entrusted funds into a trust account. Respondent's misconduct in the present case began in 2002, four years after his prior discipline became effective, and continued for nearly a decade. Respondent engaged in self-dealing, caused harm to Ms. Gantus and engaged in numerous acts of professional misconduct as discussed above. While Respondent has willingly entered into this pretrial stipulation, this mitigation will not overcome the sanction of disbarment.

Case law also supports a sanction of disbarment. Misappropriation generally warrants disbarment. (*Kelly v. State Bar* (1988) 45 Cal.3d 649; *McKnight v. State Bar* (1991) 53 Cal.3d 1025.) Intentional misappropriation of entrusted funds, even without a prior record of discipline, warrants disbarment in the absence of compelling mitigation. (*Kaplan v. State Bar* (1991) 52 Cal. 3d 1067, 1071-1073; *Chang v. State Bar* (1989) 49 Cal. 3d 114, 128.) In *Kelly v. State Bar*, *supra*, 45 Cal.3d 649, an attorney who misappropriated \$19,597.50 in client trust funds, failed to account to the client, wrongfully contacted an adverse party without knowledge or consent of counsel, and committed moral turpitude was disbarred. The attorney in *Kelly* had no prior record of discipline and had been in practice for seven and a half years at the time of the misconduct. The Court found that the amount misappropriated was “clearly significant” and that there were no mitigating factors, compelling or otherwise. (*Id.* at 658.) The attorney in *Kelly* offered no explanation for his acts and the Court found that he “acted in a self-interested fashion” having spent the entire amount of misappropriated funds. (*Id.* at 659.)

In *Kaplan v. State Bar*, *supra*, 52 Cal.3d 1067, the California Supreme Court disbarred an attorney who intentionally misappropriated \$29,000 from his law firm. In mitigation, the attorney had no prior record of discipline in 12 years of practice and suffered emotional problems. However, the Court did not find the mitigation sufficiently compelling to warrant a sanction less than disbarment. The attorney in *Kaplan* placed \$29,000 worth of checks payable to his law firm and employer into his personal bank account. He reported himself to the State Bar after his employer confronted him and urged him to self-report, and he subsequently reimbursed the law firm. However, the attorney’s misconduct was compounded when he made substantial misrepresentations to the State Bar during the course of its investigation. The Court noted that the attorney’s misconduct was “part of a purposeful design to defraud his partners.” (*Id.* at 1071.)

Like the attorneys in *Kelly* and *Kaplan*, Respondent engaged in a course of self-dealing and misappropriated a significant sum of entrusted funds. Respondent’s misappropriation of funds belonging to decedent’s estate breached his professional and ethical duties. (*Chang v. State Bar*, *supra*, 49 Cal. 3d 114, 128.). Consequently, in order to adequately protect the public, the courts and the legal profession, to maintain the highest professional standards, and to preserve public confidence in the legal profession, disbarment is the only appropriate sanction for Respondent’s misconduct in the present matter.

**DISMISSALS.**

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-13627	5	Rules of Professional Conduct, rule 4-100(A)
13-O-13627	6	Business and Professions Code section 6090.5(a)(1)

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 2, 2014, the prosecution costs in this matter are approximately \$5,600. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: John Michel Gantus	Case number(s): 13-O-13627
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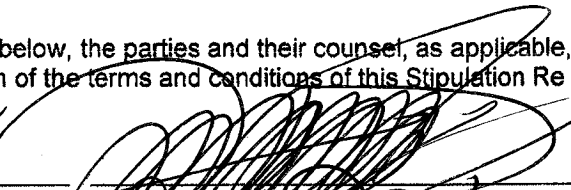
**SIGNATURE OF THE PARTIES**

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.

Date

8/13/14

Respondent's Signature



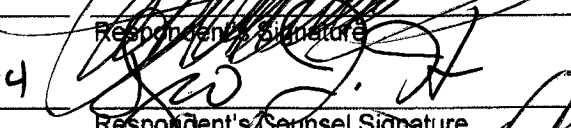
John Michel Gantus

Print Name

Date

8/26/2014

Respondent's Counsel Signature



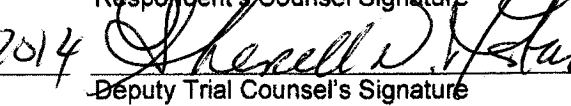
James I. Ham

Print Name

Date

August 29, 2014

Deputy Trial Counsel's Signature



Sherell N. McFarlane

Print Name

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In the Matter of: John Michel Gantus	Case Number(s): 13-O-13627
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### DISBARMENT 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.)**

Respondent John Michel Gantus is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

SEPTEMBER 16, 2014  
Date

  
GEORGE E. SCOTT, JUDGE PRO TEM  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 19, 2014, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT - DISBARMENT**

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:

**JAMES IRWIN HAM  
PANSKY MARKLE HAM LLP  
1010 SYCAMORE AVE UNIT 308  
SOUTH PASADENA, CA 91030**

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

**SHERELL McFARLANE, Enforcement, Los Angeles  
TERRIE GOLDADE, Probation Dept., Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 19, 2014.

  
\_\_\_\_\_  
Tammy Cleaver  
Case Administrator  
State Bar Court