

(Do not write above this line.)

State Bar Court of California
Hearing Department **PUBLIC MATTER**
Los Angeles
REPROVAL

<p>Counsel For The State Bar</p> <p>Adriana M. Burger Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1229</p> <p>Bar # 92534</p>	<p>Case Number(s): 13-O-15473 13-O-16117</p>	<p>For Court use only</p> <p>FILED</p> <p>OCT 22 2015</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Behrouz Shafie 1575 Westwood Blvd. Suite 200 Los Angeles, CA 90024 (310) 201-8470</p> <p>Bar # 108581</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>PUBLIC REPROVAL</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: MEHRDAD ALBORZ</p> <p>Bar # 188790</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 **June 3, 1997**.
- (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 **14** 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."



m/09

- (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 are added to membership fee for calendar year following effective date of discipline (public reproof).
 - Case ineligible for costs (private reproof).
 - 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.
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 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

(Do not write above this line.)

- (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline".
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.
- (7) **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.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. Please see attachment page 10.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur. **Please see attachment page 10.**
- (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 or to the State Bar during disciplinary investigations and proceedings.

(Do not write above this line.)

- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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. **Please see attachment page 10.**
- (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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation: Please see attachment page 10.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproof for a period of **one (1) year**.
- (2) During the condition period attached to the reproof, 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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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) 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 within one year of the effective date of the reprobation.

No MPRE recommended. Reason: .

- (11) The following conditions are attached hereto and incorporated:

Substance Abuse Conditions

Law Office Management Conditions

(Do not write above this line.)

Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

6. A State Bar investigator sent two letters dated January 13, 2014, and January 22, 2014, to respondent's State Bar membership address, which was, 21781 Ventura Blvd. Ste 442, Woodland Hills, CA 91364, requesting a written response to allegations of misconduct made by Hajibaik against respondent in case no. 13-O-15473. Respondent received the letters.

7. Respondent did not provide a written response to State Bar investigator's letters.

CONCLUSIONS OF LAW:

8. By failing to render an appropriate accounting to Hajibaik, the client, regarding the advanced fees paid to respondent, upon the termination of respondent's employment on June 18, 2013, respondent willfully violated the Rules of Professional Conduct, rule 4-100(B)(3).

9. By failing to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar's letters of January 13, 2014 and January 22, 2014, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-15473, respondent willfully violated Business and Professions Code, section 6068(i).

Case No. 13-O-16117 (Complainant: Armita Kavooosisharifabad)

FACTS:

10. In February 2012, Armita Kavooosisharifabad ("Kavooosisharifabad") employed respondent to represent her in a marital dissolution matter and agreed to pay respondent \$2,000 plus costs. Kavooosisharifabad paid respondent \$1,700 in attorney's fees and a \$395 filing fee.

11. On March 26, 2012, respondent filed a summons and petition for dissolution of marriage, on behalf of Kavooosisharifabad, in the matter entitled *Armita Kavooosisharifabad vs. Farzin Maly*, Los Angeles County Superior Court, Case No. LD060354.

12. On May 2, 2012, respondent filed a request for default judgment on behalf of Kavooosisharifabad. The court denied the request for default judgment. Respondent then filed a second request for default judgment and the default was entered on May 15, 2012.

13. At Kavooosisharifabad's request, the default was set aside. Respondent then prepared a settlement agreement for the parties. Between May 15, 2012 and October 2012, Respondent met with the parties eight times to finalize the settlement agreement.

14. At the meetings between May 15, 2012 and October 2012, Kavooosisharifabad and Maly (Kavooosisharifabads' husband) refused to provide respondent with information regarding the vehicle identification number (VIN) of Maly's automobile. Respondent told Kavooosisharifabad that the parties must include the VIN numbers of their automobiles in the settlement or the court would reject the settlement.

15. In October 2012, Kavooosisharifabad gave respondent the VIN number of Maly's automobile. In October 2012, respondent submitted the settlement agreement to the court. During the same time, respondent provided Kavooosisharifabad information regarding the procedure required to obtain the court order approving the settlement.

16. Between June 3, 2013, and June 21, 2013, Kavooosisharifabad sent seven text messages to respondent requesting that respondent contact Kavooosisharifabad to discuss the status of her matter. Respondent received the text messages, but did not respond to Kavooosisharifabad's text messages.

17. On July 17, 2013, respondent sent a text message to Kavooosisharifabad which stated that due to an emergency regarding his ill mother, he would not be able to complete and file the order approving the settlement. Kavooosisharifabad received the message.

18. Respondent did not prepare and file a motion to withdraw from the case, file a substitution of counsel, or take any other action on Kavooosisharifabad's behalf in Kavooosisharifabad's matter. Kavooosisharifabad subsequently completed and filed the order approving the settlement in Pro Per.

19. A State Bar investigator sent two letters dated January 15, 2014 and February 6, 2014, to respondent's membership address, which was, 21781 Ventura Blvd. Ste 442, Woodland Hills, CA 91364, requesting a written response to allegations of misconduct made by Kavooosisharifabad against respondent in case no.13-O-16117. Respondent received the letters.

20. Respondent failed to provide any responses to the State Bar investigator's letters of January 15, 2014 and February 6, 2014.

21. In January 2015, respondent's father returned to Los Angeles to assist respondent in caring for his ill mother.

CONCLUSIONS OF LAW:

22. By failing to respond promptly to the seven text messages for reasonable status inquiries made by Kavooosisharifabad, respondent's client, between June 3 and June 21, 2013, that respondent received, regarding a matter in which respondent had agreed to provide legal services, respondent willfully violated Business and Professions Code, section 6068(m).

23. By failing, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to respondent's client, Kavooosisharifabad, by constructively terminating respondent's employment on July 17, 2013, and failing to take any action on the client's behalf regarding the preparation and filing of the settlement order in the client's dissolution matter, and thereafter failing to inform the client that respondent was withdrawing from employment, respondent willfully violated Rules of Professional Conduct, rule 3-700(A)(2).

24. By failing to provide a substantive response to the State Bar's letters of January 15, 2014 and February 6, 2014, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 13-O-16117, respondent failed to cooperate and participate in a disciplinary investigation and willfully violated Business and Professions Code, section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): In case number 13-O-15473, respondent failed to provide an accounting of fees to the client, and failed to cooperate in the State Bar investigation of the matter. In case number 13-O-16117, respondent failed to respond to the client's reasonable status inquiries related to the matter, failed to properly withdraw from the client matter, and failed to cooperate in the State Bar investigation of the matter. Respondent is culpable of multiple acts of misconduct which is an aggravating circumstance in these two matters.

MITIGATING CIRCUMSTANCES.

No Prior Discipline (Std. 1.6(a)): Respondent has been in practice since 1997, 18 years. Respondent was in practice for 15 years prior to the misconduct in this matter. Respondent has no prior record of discipline. Respondent would be entitled to mitigation even though his current misconduct is serious under the case entitled *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596. Hawes was entitled to receive significant mitigation after Hawes had been practicing for over ten years without any prior discipline. Respondent's 15 years of discipline-free practice prior to the present misconduct will entitle him to significant mitigation.

Family Problems: Respondent's mother was diagnosed with pancreatic cancer in February 2013, and respondent assumed full-time care of his mother until January 2015. For the entire period between February 2013 and January 2015, respondent was the sole support and caretaker for his ill mother. Respondent resided with his mother and provided care for all of his mother's basic needs, as well as her medical needs, including transporting his mother for medical care. Due to these events, respondent was distracted and this contributed to the misconduct. In January 2015, respondent's father returned from Iran to assist respondent in caring for respondent's mother. This alleviated respondent's family problem so that respondent could provide full attention to his legal practice. (See *In re Naney* (1990) 51 Cal.3d 186, 197 [emotional distress from marital difficulties and similar problems not mitigating unless directly responsible for misconduct].)

Pretrial Stipulation: Respondent has agreed to enter a disciplinary stipulation, and is entitled to mitigating credit for saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigating credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521). This mitigation would be tempered by respondent's failure to cooperate in two State Bar investigations.

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 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.) 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 committed five acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

In the two matters, the sanctions applicable to respondent’s misconduct are found in Standards 2.2(b) for failing to provide the client with an accounting of advanced fees upon termination of employment, which provides that suspension or reproof is the presumed sanction for this violation; 2.7(c) for failing to respond to the client’s reasonable status inquiries, which provides that suspension or reproof is the presumed sanction depending on the degree of harm to the client; 2.12(b) for failing to cooperate in the State Bar investigation of the two matters which is limited to a reproof; and 2.19 for failing to properly withdraw from one client matter which provides for discipline consisting of a suspension not to exceed three years or reproof. Standard 2.2(b) is the standard calling for the most severe discipline.

Respondent has committed five violations. Respondent committed multiple acts of misconduct in the two matters. Respondent failed to communicate with the client by not responding to the texts messages and emails regarding the client’s concerns about finishing the details of her dissolution matter. Additionally, respondent failed to provide another client with an accounting of the fees, after the attorney client relationship had ceased. That client was left with not knowing what if any fees had been exhausted by the respondent’s work in that matter. Both acts of misconduct are central to attorneys’ obligations to their clients. Responding to reasonable inquiries, properly withdrawing from representation when necessary, and providing accounting to clients for advanced fees for services are basic minimum obligations owed by attorneys to clients. Additionally, respondent owed a duty to the State Bar to cooperate in the State Bar investigations. His failure to do so caused the State Bar to expend additional and unnecessary resources in this matter.

In mitigation, respondent has been in practice many years prior to the misconduct in these two matters. Additionally, respondent’s family problems contributed to the misconduct.

Standard 1.7(c) and provides: “[i]f mitigating circumstances are found, they should be considered alone and in balance with any aggravating circumstances, and if the net effect demonstrates that a lesser

sanction is needed to fulfill the primary purposes of discipline, it is appropriate to impose or recommend a lesser sanction than what is otherwise specified in a given Standard. On balance, a lesser sanction is appropriate in cases of minor misconduct, where there is little or no injury to a client, the public, the legal system, or the profession and where the record demonstrates that the member is willing and has the ability to conform to ethical responsibilities in the future.” Based upon respondent’s many years in practice and that the fact that respondent’s family problems contributed to the misconduct, discipline at the lower end of standard 2.2(b), consisting of a Public Reproval, is the appropriate sanction in this matter.

Discipline consisting of a Public Reproval is also consistent with case law. In *Bach v. State Bar* (1991) 52 Cal.3d 1201 the client retained Bach to obtain a dissolution of her marriage, paying Bach \$3,000 in advance. Bach failed to communicate with the client for months at a time despite repeated telephone calls and office visits; never obtained the dissolution; and purported to withdraw from the dissolution proceeding in March of 1987 without the consent of either the client or the superior court and without returning the unearned portion of the fees advanced. Bach’s misconduct was not adjudged to be aberrational. Unlike this matter, Bach had no mitigation and respondent has three mitigating factors. The California Supreme Court ordered Bach to be suspended from the practice of law for one-year months but ordered that execution of the suspension order be stayed and that Bach be placed on probation for 12 months with probation conditions, including actual suspension for the first 30 days of the probationary period and until Bach made restitution to the client. Respondent’s matter is much less serious than *Bach* because respondent had completed significant work in these two matters and this respondent has more mitigation than Bach. The facts and circumstances combined with the mitigating facts in these two matters tends to establish that respondent’s misconduct is aberrational and that a discipline at the lower end of the standards will adequately protect the public and preserve the integrity of the legal profession.

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-15473	One	Rules of Professional Conduct, rule 3-110(A)
13-O-15473	Two	Rules of Professional Conduct, rule 3-700(D)(2)
13-O-15473	Four	Rules of Professional Conduct, rule 3-100(A)
13-O-16117	Six	Business and Professions Code section 6068(m)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of September 9, 2015, the prosecution costs in this matter are \$5,680.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

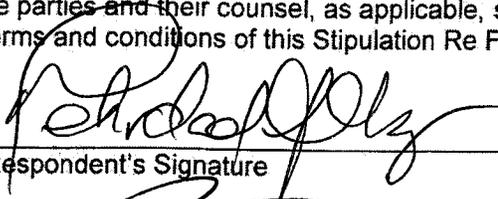
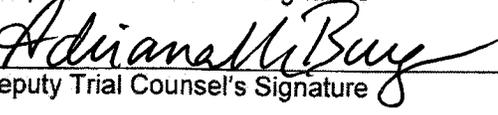
Pursuant to rule 3201, respondent may not receive MCLE credit for completion of State Bar Ethics School, to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: MEHRDAD ALBORZ	Case number(s): 13-O-15473, 13-O-16117
-------------------------------------	---

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>10/1/2015</u> Date	 Respondent's Signature	<u>Mehrdad Alborz</u> Print Name
<u>10-1-15</u> Date	 Respondent's Counsel Signature	<u>Behrouz Shafie</u> Print Name
<u>10/2/15</u> Date	 Deputy Trial Counsel's Signature	<u>Adriana Burger</u> Print Name

(Do not write above this line.)

In the Matter of:
MEHRDAD ALBORZ

Case Number(s):
13-O-15473; 13-O-16117

REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department are vacated.

1. On page 11 of the Stipulation, at paragraph 5, line 3, "and emails" is deleted, as there are no facts to support that respondent failed to respond to emails in the Kavosisharifabad matter.
2. On page 12 of the Stipulation, under "Dismissals," regarding Count Four, "rule 3-100(A)" is deleted, and in its place is inserted "rule 3-110(A)".

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.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

October 20, 2015
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, 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 October 22, 2015, 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:

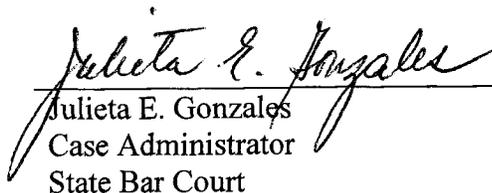
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BEHROUZ SHAFIE
BEHROUZ SHAFIE & ASSOCIATES
1575 WESTWOOD BLVD STE 200
LOS ANGELES, CA 90024

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

Adriana Margaret Burger, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 22, 2015.



Julieta E. Gonzalez
Case Administrator
State Bar Court