PUBLIC MATTER—NOT DESIGNATED FOR PUBLICATION

STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of	)	Case No. 14-C-02141
	)	
RICHARD ALAN DONGELL,	)	OPINION
	)	
A Member of the State Bar, No. 128083.	)	
	)	

Richard Alan Dongell sideswiped another vehicle while he was driving with a blood alcohol concentration level (BAC) of 0.222 percent—almost three times the legal limit. His two children were passengers, but no one was injured. As a consequence, he was arrested and convicted of misdemeanor violations of driving under the influence (DUI) and child endangerment.

The criminal matter was referred to this court for consideration of whether the convictions involved moral turpitude, and the discipline to be imposed, if any. The hearing judge below found the facts and circumstances surrounding the crime did not involve moral turpitude, but she nevertheless recommended discipline that included a one-year stayed suspension.

The Office of the Chief Trial Counsel of the State Bar (OCTC) seeks review, asking that we find Dongell's criminal misconduct involved moral turpitude and requesting a 30-day actual suspension. Dongell requests that we affirm the hearing judge's decision.

Having independently reviewed the record (Cal. Rules of Court, rule 9.12), we affirm the hearing judge's determinations that the circumstances surrounding Dongell's misconduct did not involve moral turpitude and that discipline is warranted. We also adopt the hearing judge's

recommendation of a one-year stayed suspension, with conditions, which is supported by the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct,[1] and the relevant decisional law.

I. FACTUAL AND PROCEDURAL BACKGROUND

On June 17, 1987, Dongell was admitted to practice law in California. He has no prior record of discipline.

In August 2013, Dongell was driving with his two 13-year old children when he attempted to make a right turn and sideswiped another car that was stopped at an intersection. No one was injured, but Dongell's vehicle sustained moderate damage and had to be towed. The other vehicle sustained only minor damage to the front left bumper and fender.

Two officers responded after a pedestrian alerted them to the collision. When the officers arrived, Dongell was standing with his children beside his vehicle, which had been moved to a nearby gas station. The officers engaged Dongell in conversation and found him to be cooperative. They detected a slight odor of alcohol on his breath, and observed that his face was flushed, his eyes were bloodshot, and his speech was slurred. They also noted that he was swaying from side to side, stumbled when he walked, and had difficulty providing his license, registration, and insurance.

Dongell was asked if he was taking any medications, and he said, "No." When asked how much he had to drink, Dongell replied, "Nothing." When asked what time he began drinking, he answered, "I didn't." When asked when he had his last drink, he stated, "I haven't." Based on his physical signs of intoxication, the officers asked Dongell if they could conduct several field sobriety tests, and he agreed. He failed all of them. Further, the preliminary alcohol screening test administered at the scene showed his BAC was 0.222 percent. At the time

[1] All further references to standards are to this source.

of his arrest, Dongell was taking Xanax twice a day, as his doctor prescribed, for anxiety and stress due to his impending divorce and his mother's health problems.[2]

One of the officers questioned Dongell's children at the scene. They stated that they had eaten lunch at a restaurant with Dongell, who drank wine with his meal. After the meal, they went to a beach where Dongell met a group of women at a beachfront café and shared some wine with them while the children played nearby. When Dongell was about to leave, he became upset upon seeing a parking ticket affixed to his windshield. His children observed his agitation and his inebriated condition and called their mother (Dongell's soon to be ex-wife), who told them she would pick them up immediately. Not wanting to further upset their father, the children got in his car. The accident occurred while Dongell was driving to the hotel where he was staying.

After he was arrested, Dongell was taken to the police station where he was charged with two misdemeanors: (1) DUI (Veh. Code, § 23152, subd. (b) [driving with BAC of 0.08 percent or more]); and (2) child endangerment (Pen. Code, § 273a, subd. (b) [causing child to be endangered, other than in situation likely to produce great bodily harm or death]).[3] Dongell pled nolo contendere to the charges on June 4, 2014, and was sentenced to 36 months of probation, six months of parenting classes, 15 days of community service, and a nine-month first offender alcohol and substance abuse program administered by the Department of Motor Vehicles.[4]

In June 2014, Dongell timely enrolled in a nine-month substance abuse program offered by the Korean Community Services (KCS) under the direction of the superior court. However, after nine unexcused absences, KCS terminated Dongell for noncompliance and notified the

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[2] The Xanax label and packaging insert warned against consuming alcohol while taking the medication.

[3] The officers tried a second breathalyzer test at the station, but it was not conclusive.

[4] Although he was ordered to attend a first offender program, Dongell was convicted in 1996 of violating former Vehicle Code section 23101, commonly known as a "wet reckless," which is a lesser offense than driving under the influence. (Former Veh. Code, § 23101 was renumbered as § 23153 and amended by Stats. 1981, c. 940, p. 3566, § 10.)

superior court of his termination. On September 12, 2014, the superior court revoked Dongell's probation, but immediately reinstated it at the same hearing on the condition that he participate in another nine-month substance abuse program. On October 8, 2014, Dongell enrolled in the Alcohol Drug and Psychological Treatment program (ADAPT), and fully complied with this second nine-month program. Additionally, he voluntarily undertook and successfully completed a 17-day residential rehabilitation treatment program on May 7, 2015. He also agreed to be monitored for substance abuse once he left the treatment program.

This matter was referred to the Hearing Department on January 15, 2015. On May 15, 2015, the parties filed a partial stipulation regarding facts and the admission of documents, which they supplemented with additional stipulations as to additional facts and exhibits on May 21 and June 11, 2015. Neither Dongell nor any third party witnesses testified at trial, and the matter was submitted on the documentary evidence. The Hearing Department filed its decision on September 10, 2015, finding that Dongell's actions did not involve moral turpitude, but did warrant discipline; the judge recommended a one-year stayed suspension with conditions.

After OCTC sought review, Dongell filed a Motion to Augment the Record re Rehabilitation and a Request for Judicial Notice on April 11, 2016, which we granted over the objection of OCTC. To protect the confidentiality of certain exhibits which, at the request of Dongell, were sealed by order of the hearing judge on May 20, 2015, we ordered the oral argument in this matter closed to the public and the transcript of the proceeding sealed pursuant to rule 5.12 of the Rules of Procedure of the State Bar, to be released only upon court order. In this opinion we do not refer to confidential information contained in the sealed exhibits except as to that which Dongell has waived by his description of and reliance on the specific information in his brief on appeal, which was not sealed.

II. DONGELL'S MISCONDUCT DOES NOT INVOLVE MORAL TURPITUDE

For the purpose of attorney discipline, Dongell's convictions are conclusive proof of the elements of the crime. (See Bus. & Prof. Code, § 6101, subds. (a) & (e); *In the Matter of Posthuma* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 813, 820.) As such, his misdemeanor convictions establish that he drove his car with a blood alcohol level of at least 0.08 percent (Pen. Code, § 23152, subd. (b)) and that in so doing, he willfully placed his children in a situation where they may have been endangered. (Pen. Code, § 273a, subd. (b).)

Misdemeanor violations for driving recklessly or under the influence of alcohol do not per se involve moral turpitude. (*In re Kelley* (1990) 52 Cal.3d 487, 494.) However, OCTC argues that moral turpitude is established by the facts and circumstances surrounding Dongell's misdemeanor DUI. Like the hearing judge, we disagree.

We are guided to this conclusion by *In re Kelley, supra,* 52 Cal.3d 487. In the *Kelley* case, an attorney who was on probation from an earlier DUI conviction was stopped by a police officer while driving home after consuming five drinks within a short period of time. Although the officer observed signs of intoxication, the attorney denied she had been drinking[5] and refused to cooperate or participate in a field sobriety test. Instead, she sat on the curb and attempted to distract the officer. She then became agitated, and a second officer was summoned to the scene. The attorney's blood alcohol level was between 0.16 and 0.17 percent. She pled nolo contendere to violating the conditions of her probation and was sentenced to 30 days in jail, placed on probation for an additional 36 months, and required to enroll in a more intensive alcohol abuse program.

In *In re Kelley, supra,* 52 Cal.3d 487, the Supreme Court observed that the attorney's "repeated criminal conduct, and the circumstances surrounding it, are indications of alcohol

[5] The attorney also denied she had been drinking when arrested for her previous DUI.

abuse that is adversely affecting petitioner's private life. We cannot and should not sit back and wait until petitioner's alcohol abuse problem begins to affect her practice of law." (*Id.* at p. 495.) Yet, in spite of its concerns with her alcohol abuse, the Court found the facts and circumstances in *Kelley* did not involve moral turpitude. (*Id.* at p. 494.)

The facts and circumstances surrounding Dongell's alcohol-related conviction are comparable to those in the *Kelley* case. He has two alcohol-related convictions, but his prior incident occurred 20 years ago. And like the attorney in *Kelley*, Dongell denied he had been drinking when he was stopped by the police. OCTC points to Dongell's probation violation as evidence of moral turpitude since he missed nine substance abuse classes. We do not find this evidence alone supports a finding of moral turpitude because the superior court immediately reinstated his probation on the condition that he comply with the ADAPT program, and thereafter he satisfied all of his probation conditions. Moreover, the attorney in *Kelley* was driving under the influence while she was on probation and was convicted of violating her probation conditions under Penal Code section 1203.2; yet, the Supreme Court did not conclude her probation violation supported a finding of moral turpitude.

OCTC next argues that our recent opinion in *In the Matter of Guillory* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 402 supports a finding of moral turpitude in the present case. But the facts and circumstances surrounding the attorney's misdemeanor DUI conviction in the *Guillory* case were far more serious. In *Guillory*, we found the attorney's conviction involved moral turpitude because: (1) three of his four alcohol-related arrests occurred while he was serving as a deputy district attorney; (2) his cousin died in his first alcohol-related driving incident; (3) he was driving with a suspended license and while on probation at the time of his two most recent DUI arrests; and (4) he repeatedly drove with a BAC well above the legal limit.

(*Id.* at p. 405.) In fact, when he was arrested for his fourth DUI, the officer found Guillory unconscious in the driver's seat in the middle of an intersection with the motor running.

We further found as evidence of moral turpitude the fact that the attorney lied to the arresting officers that he was entitled to drive to and from work with a suspended license. Worse, on three occasions when he was stopped by the police, the attorney tried to prevent his arrest by engaging in "badging," i.e., he exerted "efforts to exploit his insider status as an attorney in the criminal justice system. . . ." (*In the Matter of Guillory, supra,* 5 Cal. State Bar Ct. Rptr. at pp. 406, 408.) We concluded that this conduct demonstrated "a disturbing lack of respect for the integrity of the legal system." (*Ibid.*) Finally, an important concern in *Guillory* was the attorney's failure to acknowledge his long-standing substance abuse problem, even though his alcohol-related criminal conduct spanned a period of 12 years or more and "showed a wanton disregard for the safety of the public. . . ." (*Ibid.*) As a consequence, we recommended a two-year suspension and until he proved his rehabilitation.

Here, we do not have repeated alcohol-related misconduct over a number of years, but rather two incidents separated by 20 years. Nor do we have a lack of cooperation or lack of respect for the integrity of the legal system. Dongell did not attempt to exploit his position as an attorney at the time of his arrest and instead he cooperated with the police. Furthermore, after his initial failure to participate in the KCS program, Dongell has remained in full compliance with his probation, voluntarily enrolled in a residential treatment program, and is undergoing long-term therapy with a psychologist.

OCTC also argues that Dongell's conduct involves moral turpitude because he concealed the amount of his alcohol consumption when he was interviewed by a social worker for the Los Angeles County Department of Children and Family Services (DCFS) six days after the accident. Though the hearing judge did not address this issue, we find that the evidence in this regard is

inconclusive. The notes of the interview by the social worker are of nominal value since they are marginally comprehensible and contain inconsistent statements by Dongell about his alcohol consumption, to wit: (1) he drank only a half a glass of wine on the day of the accident; (2) he drank only a half of glass of wine when he was with the ladies at the beach; and (3) at the time of his arrest, his blood alcohol showed his level of intoxication was three times the legal limit.

Finally, OCTC asserts that the hearing judge erred because she failed to consider Dongell's conviction for child endangerment in her moral turpitude analysis. But Dongell's conviction for child endangerment does not lead us to conclude his misconduct involved moral turpitude. Without a doubt, an "isolated act of parental neglect demonstrates a serious lack of judgment about the safety of his child. But it minimally constitutes grounds for professional discipline because it does not involve moral turpitude and is entirely unrelated to the practice of law." (*In the Matter of Jensen* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 283, 286 [violation of Pen. Code, § 273a, subd.(b), for abandonment of nine-month-old child in hotel room for 40 minutes does not involve moral turpitude].)

We affirm the hearing judge's finding that the facts and circumstances surrounding Dongell's convictions do not involve moral turpitude as it is well supported by the record and the decisional law.

III. NO AGGRAVATION AND SIGNIFICANT MITIGATION

In determining if discipline is warranted, we consider aggravating and mitigating factors. The offering party bears the burden of proof for aggravation and mitigation. OCTC must establish aggravating circumstances by clear and convincing evidence.[6] (Std. 1.5.) Dongell has the same burden to prove mitigating circumstances. (Std. 1.6.) The hearing judge found one

[6] Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

factor in aggravation (harm to Dongell's children and the public) and four factors in mitigation (no prior record, extreme emotional difficulties, good character evidence, and candor and cooperation). We find no aggravation and significant overall mitigation.

A. Aggravation

No Significant Harm (Std. 1.5(j))

Standard 1.5(j) states that "significant harm" to the public and the administration of justice is an aggravating factor. OCTC argues in its brief that the hearing judge understated the extent of the harm Dongell's misconduct caused his children and the other driver. OCTC cites concerns such as the "fright of a nightmare automobile accident," the damage to the other car, "the attendant car-repair and insurance annoyances," and the use of resources by the police and the child dependency officers. Without question, Dongell placed his children in harm's way, but that is an element of the crime for which he was convicted. Therefore, we do not give this any weight in aggravation. (*In the Matter of Jensen*, *supra*, 5 Cal. State Bar Ct. Rptr. at p. 290 [reliance on daughter's vulnerability as element of misconduct warranting discipline not considered again in aggravation].) The remaining examples of harm cited by OCTC are either not "significant" or are too speculative to be considered as aggravation under the standard.

B. Mitigation

1. No Prior Record of Discipline (Std. 1.6(a))

Standard 1.6(a) provides that mitigation may be afforded when an attorney has no prior record of discipline over many years and his current misconduct is not likely to recur. There is no evidence in the record showing any additional alcohol-related arrests or convictions since the hearing below, and several of Dongell's character witnesses attested that his DUI conviction was aberrational and not likely to recur. Like the hearing judge, we find Dongell's nearly 29 years of discipline-free conduct warrants significant mitigation.

2. Extreme Emotional Difficulties (Std. 1.6(d))

OCTC stipulated to the admission of letters that Dongell offered under seal from his therapist and a recovery center, stating that he was suffering from emotional difficulties at the time of the accident due to his marital separation and his mother's poor health. The letters are corroborated by another letter from Dongell's treating physician, which was not offered under seal, and which stated he was placed on Xanax because "his anxiety [that] was the result of his divorce and his mother's [sic] being in and out of the hospital." We agree with the hearing judge that these factors merit some weight in mitigation.

3. Candor/Cooperation (Std. 1.6(e))

Dongell entered into an extensive stipulation of facts and admission of documents. Much of the information was provable by his criminal record, but we nonetheless adopt the hearing judge's determination that his candor and cooperation with the OCTC warrant some consideration in mitigation.

4. Good Character Evidence (Std. 1.6(f))

Dongell presented three letters from his family and five letters from four attorneys and a law enforcement official, all of whom have known him personally and/or professionally for an extended period of time, and all attested to his good character. OCTC argues that the letters are not clear and convincing evidence of Dongell's good character because they were not submitted under oath, they were not addressed to the court, and the witnesses did not testify at trial and therefore were not subject to cross-examination. Given these circumstances, OCTC questions whether the "declarants have a greater incentive to be accurate, candid and thorough."

However, OCTC stipulated to the admissibility of these letters and thus it may not discount the value of the letters due to the absence of the opportunity to cross-examine the witnesses. (See *In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 108

[examiner stipulated to admissibility of character references and may not discount value of letters due to absence of opportunity to cross-examine witnesses].) The hearing judge gave only nominal weight to the letters because she found that the majority of the authors of the letters had an insufficient understanding of Dongell's misconduct.

We have examined the letters under our standard of independent review in order to ascribe the weight to be given to them based on the inherent reliability of the witnesses and the substance of their statements. We assign moderate mitigating weight because several letters demonstrated the authors had a sufficient understanding of the nature of Dongell's convictions, and the witnesses' credibility and the quality of their endorsements are impressive.

For example, Herb Brown has known Dongell for 15 years, during which time Brown served as a Federal Bureau of Investigation (FBI) Special Agent in charge of the Los Angeles region. Brown wrote his letter while in his current capacity as Executive Director of the Central California Intelligence Center responsible for the oversight of counterterrorism for the State of California. He observed that "Rick's professional dedication and devotion to his family and community was [*sic*] an inspiration to me and many members of my FBI management team." He went on to state that Dongell's DUI and child endangerment crimes were "a great disappointment to Rick, his family, and many of his close friends. I firmly believe Rick has taken the necessary steps to make sure an incident of this nature will never occur again. . . . Simply put, Rick Dongell is a good person who has the determination, focus, and fortitude to overcome this unfortunate incident."

Another letter is from David Dworakowski, the managing attorney for the Orange County Public Defender's Office. He has known Dongell since law school, and they have remained best friends for the past 30 years. He described Dongell as "a forthright, honest, and ethical family man" and as "the consummate attorney." Dworakowski further stated that after the DUI

incident, "I spoke with Rick. He was distraught, embarrassed, and remorseful; he recognized the seriousness of the situation, and he accepted full responsibility."

Gregory Bray, a partner at Milbank, Tweed, Hadley & McCloy LLP, stated that Dongell is "a person of high moral character. . . . When he makes a mistake, be it personal or professional, he tries his very best not to repeat it so that the mistake does not turn into a problem."

Finally, Dongell's partner, who has practiced law for over 39 years and has known him since the late 1990s, believes Dongell's misconduct is an anomaly. He offered his assurance as a long-standing member of the State Bar that Dongell's "contributions, both in the past and in the future will far overshadow a misjudgment on his part that I know, personally, he sincerely regrets."

IV. DONGELL'S MISCONDUCT WARRANTS DISCIPLINE

We agree with the hearing judge that Dongell's misconduct warrants discipline. Again, we look to *In re Kelley, supra,* 52 Cal.3d 487 for guidance, wherein the Supreme Court imposed discipline for an attorney who had been involved in two DUIs that did not involve moral turpitude.

We begin our discipline analysis by considering the standards, which are not mandatory or fixed but provide guidance as to the appropriate level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 91.) The hearing judge properly looked to standard 2.16(b), which provides for suspension or reproval for a conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline.[7]

[7] We do not agree with OCTC that we should consider standard 2.15(c), which provides for disbarment or suspension for misconduct involving moral turpitude, as we have found the facts and circumstances surrounding Dongell's convictions do not constitute moral turpitude.

In our examination of the decisional law, we observe that reckless driving and alcohol-related traffic offenses not involving moral turpitude have resulted in modest discipline, if any. (*In re Kelley, supra,* 52 Cal.3d 487 [public reproval for attorney twice convicted of drunk driving and violation of criminal probation, but no prior disciplinary record]; *In re Titus* (1989) 47 Cal.3d 1105 [public reproval for attorney convicted of carrying concealed firearm, carrying loaded firearm, and reckless driving]; *In the Matter of Respondent I* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 260 [case dismissed for two out-of-state DUI convictions since attorney had taken steps at alcohol rehabilitation, showed no disrespect for legal system, had been cooperative, and did not pose danger to clients].)

The hearing judge concluded that a one-year stayed suspension with conditions was appropriate due to Dongell's convictions for DUI as well as child endangerment. Focusing on the child endangerment conviction, OCTC cites to *In the Matter of Jensen, supra,* 5 Cal. State Bar Ct. Rptr. 283 in support of discipline that includes an actual suspension.

To be sure, Dongell and the attorney in *Jensen* were convicted of the same misdemeanor for child endangerment, which involves placing a child in a precarious situation other than that which would likely produce great bodily harm or risk of death to a child. (Pen. Code, § 273a, subd. (b).) However, we found a 120-day suspension was warranted in *Jensen* due to his prior two disciplines, which included a previous 30-day suspension. (*In the Matter of Jensen*, *supra*, 5 Cal. State Bar Ct. Rptr. at pp. 292-293.)

Dongell has no prior discipline. However, OCTC argues that his misconduct was "categorically worse than Jensen's." We reject this argument. Though we do not minimize Dongell's careless decision to drive with his children while intoxicated, we are unwilling to find that danger to be more serious than Jensen's abandonment of his nine-month-old infant, who was

left in a precarious situation in a hotel bathroom where her safety was dependent on the fortuitous discovery by a bellman, who responded to the infant's cries.

We are also mindful that this case involves no aggravation and significant mitigation, and it is not our role to punish Dongell for his convictions; the superior court has already done so. In fact, after DCFS completed its six-week investigation, it was satisfied that Dongell's children were not in need of protection from his alcohol consumption, and it closed the investigation without any action being taken. We are not in a position to second-guess DCFS. Dongell has completed two substance abuse programs, one of which was a residential program where he was willing to be randomly tested for substance abuse upon his discharge. Thus, unlike in *Kelley*, there is no evidence of a recent recurring problem with alcohol, and Dongell's good character evidence attests to the fact that he continues after 29 years to practice law with a high degree of competence and responsibility.

We therefore conclude that the hearing judge appropriately recommended discipline greater than that imposed in *In re Kelley, supra,* 52 Cal.3d 487 because the endangerment of his two children exacerbates the facts and circumstances surrounding his DUI conviction. Having considered the standards, the case law, and the record, we affirm the hearing judge's recommendation of a one-year period of stayed suspension with the conditions set forth below.

V. DISCIPLINE RECOMMENDATION

We recommend that Richard Alan Dongell be suspended from the practice of law in California for one year, that execution of that period of suspension be stayed, and that he be placed on probation for a period of two years subject to the following conditions:

1. He must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation.

2. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone

number, or if no office is maintained, the address to be used for State Bar purposes, he must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.

3. He 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, he must state whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all of the conditions of his probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.

4. Subject to the assertion of applicable privileges, he must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to him personally or in writing, relating to whether he is complying or has complied with his probation conditions.

5. Within 30 days after the effective date of discipline, he must contact the Office of Probation and schedule a meeting with his assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, he must meet with the probation deputy either in person or by telephone. During the period of probation, he must promptly meet with the probation deputy as directed and upon request.

6. He must comply with all conditions of his criminal probation and must so declare under penalty of perjury in any quarterly report required to be filed with the Office of Probation. If he has completed probation in the underlying criminal matter, or completes it during the period of his disciplinary probation, he must provide to the Office of Probation satisfactory documentary evidence of the successful completion of the criminal probation in the quarterly report due after such completion. If such satisfactory evidence is provided, he will be deemed to have fully satisfied this probation condition.

7. Within one year after the effective date of the discipline herein, he must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and he will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the period of probation, if Dongell has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

VI. PROFESSIONAL RESPONSIBILITY EXAMINATION

We recommend that Dongell be ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of the Supreme Court order imposing discipline in this matter and to provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

VII. COSTS

We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

EPSTEIN, J.

WE CONCUR:

PURCELL, P. J.

HONN, J.

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 July 27, 2016, I deposited a true copy of the following document(s):

OPINION FILED JULY 27, 2016

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:

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

DONALD R. STEEDMAN, Enforcement, San Francisco

CHARLES A. MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 27, 2016.

Jasmine Guladzhyan
Case Administrator
State Bar Court