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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Sherell N. McFarlane Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1288 Bar # 217357	Case Number(s): 14-O-02390-DFM	For Court use only <div style="text-align: center;"> FILED NOV 26 2014 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
Counsel For Respondent Kenneth C. Kocourek 5785 Brockton Ave. Riverside, CA 92506 (951) 323-8208 Bar # 59609	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: RAYEHE MAZAREI Bar # 155873 A Member of the State Bar of California (Respondent)		

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 **December 16, 1991**.
- (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 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [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 **09-O-17814. For more information regarding Respondent's prior discipline, see Stipulation Attachment at page 8.**
- (b) Date prior discipline effective **September 21, 2013.**
- (c) Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code section 6106.**
- (d) Degree of prior discipline **One year suspension, stayed, two years probation with conditions including actual suspension for 30 days.**
- (e) If Respondent has two or more incidents of prior discipline, use space provided below.

State Bar Court case number 01-O-00741. The prior discipline was effective on August 27, 2003. Respondent stipulated to and was found culpable of violating rule 3-110(A) of the Rules of Professional Conduct. Respondent received a 6-month stayed suspension and one year probation.

- (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.

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- (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 8.**
- (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 convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation. See Attachment to Stipulation at pages 7-8.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two (2) years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **three (3) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **one (1) year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: **Respondent completed Ethics School on August 21, 2014 as part of her discipline in case no. 09-O-17814.**
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason: **Respondent was ordered to take and pass the MPRE as part of her discipline in case no. 09-O-17814.**

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

OATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: RAYEHE MAZAREI

CASE NUMBER: 14-O-02390-DFM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 14-O-02390

FACTS:

1. On August 22, 2013, the Supreme Court of California filed its Order number S211460 (State Bar Court case number 09-O-17814) that respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that respondent be placed on probation for two years with conditions which included *inter alia* actual suspension from the practice of law for the first thirty days of her probation (the "Order"). The Order was effective on September 21, 2013.

2. As a condition of her probation, respondent was required to contact the Office of Probation within thirty days of the effective date of discipline to schedule and participate in a meeting with her assigned probation deputy to discuss the terms and conditions of her probation. Respondent did not timely comply with this condition by the due date of October 21, 2013. Respondent belatedly contacted the Office of Probation to schedule a meeting with her assigned probation deputy on September 29, 2014. The meeting was held the same day.

3. As a condition of her probation, respondent was required to submit to the Office of Probation written quarterly reports in which she was required to state under penalty of perjury whether she had complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. The quarterly reports were due each January 10, April 10, July 10 and October 10 during the period of probation.

4. Respondent failed to timely submit to the Office of Probation the quarterly report that was due on January 10, 2014.

5. Respondent failed to timely submit to the Office of Probation the quarterly report that was due on April 10, 2014.

6. Respondent failed to timely submit to the Office of Probation the quarterly report that was due on July 10, 2014.

7. On October 9, 2014, respondent belatedly submitted to the Office of Probation the quarterly reports that were due on January 10, April 10, and July 10, 2014 and also submitted the quarterly report that was due on October 10, 2014. The Office of Probation rejected all of the reports because

failed to state unequivocally whether she had complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of her probation. On October 22, 2014, the Office of Probation notified respondent that the reports had been rejected and could not be filed. On October 29, 2014, respondent submitted compliant quarterly reports which were filed with the Office of Probation.

CONCLUSIONS OF LAW:

8. By failing to timely submit three quarterly reports by their due dates, by failing to submit compliant quarterly reports, and by failing to contact and meet with her assigned probation deputy within thirty days of the effective date of the discipline, respondent failed to comply with conditions attached to respondent's disciplinary probation in willful violation of Business and Professions Code section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has a prior record of two impositions of discipline.

First Prior: In case number 01-O-00741, respondent was suspended for six months, stayed, and she was placed on probation for one year with conditions. The discipline was effective on August 27, 2003. Respondent stipulated to misconduct in a single client matter involving her failure to perform legal service with competence and inadequate staff supervision, in willful violation of rule 3-110(A) of the Rules of Professional Conduct. The misconduct occurred from December 1998 through and including August 2000. No aggravating factors were found, and respondent received mitigating credit for remorse-restitution, candor and cooperation, family problems, and no prior record of discipline.

Second Prior: In case number 09-O-17814, respondent was suspended for one year, stayed, and she was placed on probation for two years with conditions including actual suspension for the first 30 days of her probation. The discipline was effective on September 21, 2013. In that case, respondent admitted misconduct involving a single client matter that occurred from March 2007 through and including April 2009. Specifically, respondent stipulated that: (1) she agreed to represent a client in an immigration matter when she knew that there was no procedural vehicle available to bring about the withdrawal of the client's application for naturalization; and (2) she misrepresented to her client that his application for naturalization had been withdrawn and that a FOIA request had been submitted in March 2007 when she knew that these statements were not true, and thereby committed an act of moral turpitude in willful violation of Business and Professions Code section 6106. Respondent received credit in mitigation for entering into a pretrial stipulation. However, her misconduct was aggravated by harm to the client and her prior record of discipline from 2003.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's misconduct in the present matter involves multiple acts of professional misconduct in that respondent has failed to comply with numerous terms of her probation. This is an aggravating factor.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent has stipulated to facts, conclusions of law, and disposition in order to resolve her 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 her 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 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).)

Standard 2.10 applies to respondent’s violation of Business and Professions Code section 6068(k). Standard 2.10 provides that “[a]ctual suspension is appropriate for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member’s unwillingness or inability to comply with disciplinary orders.” Here, respondent failed to timely submit three quarterly reports by their due dates and failed to timely contact and meet with Probation as required by the terms of her probation.

Due consideration must also be given to Standard 1.8(b). Standard 1.8(b) provides that:

If a member has two or more prior records of discipline, disbarment is appropriate in the following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct:

1. Actual suspension was ordered in any one of the prior disciplinary matters;
2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or
3. The prior disciplinary matters coupled with the current record demonstrate the member’s unwillingness or inability to conform to ethical responsibilities.

Respondent has two prior records of discipline. In the Order that became effective on September 21, 2013, respondent was suspended from the practice law for one year, stayed, and she was placed on probation for two years with conditions including an actual 30-day suspension. Respondent's 2013 prior discipline involved a single client matter wherein respondent misrepresented to the client that his application for naturalization had been withdrawn and that a FOIA request had been submitted in March 2007 when she knew that these statements were not true. Respondent stipulated to and was found culpable of committing an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106. Respondent received credit in mitigation for entering into a pretrial stipulation. However, her misconduct was aggravated by harm to the client and a prior record of discipline from 2003.

In her 2003 discipline, respondent was disciplined effective August 27, 2003, after she was found culpable in one client matter of failing to perform legal services competently in willful violation of rule 3-110(A) of the Rules of Professional Conduct. She received a six-month stayed suspension and one year of probation. No aggravating factors were found, and respondent received mitigating credit for remorse-restitution, candor and cooperation, family problems, and no prior record of discipline.

Although respondent's misconduct is aggravated by two prior records of discipline and multiple acts of misconduct in the present matter, deviation from the Standards is appropriate in this case. Disbarment under Standard 1.8(b) would not serve the purposes of attorney discipline as set forth in Standard 1.1. First respondent's first prior discipline was imposed more than eleven years ago, the second prior discipline was imposed ten years later, and the prior misconduct coupled with the current misconduct does not demonstrate a pattern of misconduct. Second, respondent's 2003 discipline was a low-level discipline, and although respondent's 2013 discipline included actual suspension, respondent was only suspended for 30 days, the lowest possible actual suspension. Third, albeit belatedly, respondent has now taken responsibility for her misconduct, has expressed remorse, and has brought herself into compliance with the terms of her probation, thereby demonstrating her willingness to conform to ethical responsibilities. For all of these reasons, disbarment is not necessary to serve the purpose of attorney discipline and deviation from the Standards is appropriate. In order to protect the public, the courts and the legal profession, to maintain the highest professional standards, and to preserve public confidence in the legal profession, and in consideration of the foregoing mitigating and aggravating circumstances, a discipline consisting of a substantial period of actual suspension from the practice of law as set forth herein is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

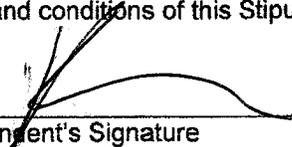
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of October 23, 2014, the prosecution costs in this matter are \$7,300. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: Rayehe Mazarei	Case number(s): 14-O-02390-DFM
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

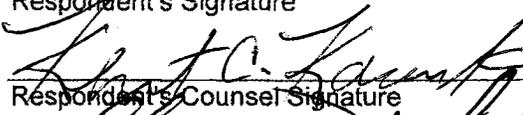
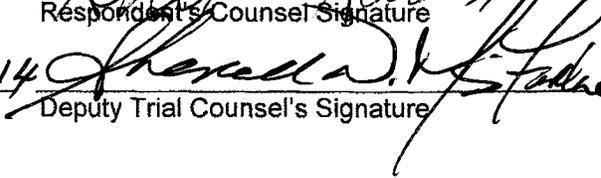
<u>10/30/14</u> Date	 Respondent's Signature	<u>Rayehe Mazarei</u> Print Name
_____ Date	_____ Respondent's Counsel Signature	<u>Kenneth C. Kocourek</u> Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	<u>Sherell N. McFarlane</u> Print Name

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In the Matter of: Rayche Mazarei	Case number(s): 14-O-02390-DFM
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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.

_____	_____	Rayche Mazarei
Date	Respondent's Signature	Print Name
Oct. 30, 2014		Kenneth C. Kocourek
Date	Respondent's Counsel Signature	Print Name
November 10, 2014		Sherell N. McFarlane
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of: Rayehe Mazarei	Case Number(s): 14-O-02390-DFM
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ACTUAL SUSPENSION ORDER

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

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

November 24, 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 November 26, 2014, I deposited a true copy of the following document(s):

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

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

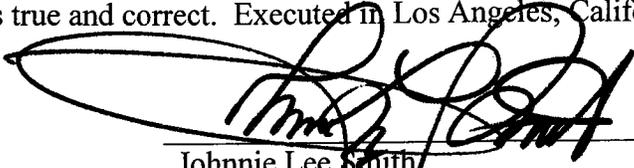
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**KENNETH CHARLES KOCOUREK
5785 BROCKTON AVE
RIVERSIDE, CA 92506**

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

SHERELL MCFARLANE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on November 26, 2014.



Johnnie Lee Smith
Case Administrator
State Bar Court