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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
<p>PUBLIC MATTER</p> <p>Counsel For The State Bar</p> <p>Sherell N. McFarlane Senior Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1288</p> <p>Bar # 217357</p>	<p>Case Number(s): 15-O-13592</p>	<p>For Court use only</p> <p>FILED</p> <p>MAR 03 2017</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
	<p>Counsel For Respondent</p> <p>Anthony Patrick Radogna Law Offices of Anthony Radogna 1 Park Plaza, Suite 600 Irvine, CA 92614 (949) 852-7312</p> <p>Bar # 261859</p>	
<p>In the Matter of: JIMMY PHILLIP METTIAS</p> <p>Bar # 269572</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **May 20, 2010**.
- (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 11 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."

BS 2.14

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

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(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
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (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.

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See Attachment to Stipulation at p. 9.**
- (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. See Attachment to Stipulation at p. P.
- (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.
- (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.
- (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.

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- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Absence of Prior Record of Discipline and Pretrial Stipulation. See Attachment to Stipulation at p. 9.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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 **one (1) year**, 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 **ninety (90) days**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general 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 present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

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Medical Conditions

Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JIMMY PHILLIP METTIAS

CASE NUMBER: 15-O-13592

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. 15-O-13592 (Complainant: Walter Daniel Tate)

1. On October 29, 2012, Walter Daniel Tate employed respondent to represent him and his wife in resolving a tax lien dispute with the State of California Franchise Tax Board ("FTB") and to pursue a writ of mandate ("FTB matter"). The client paid respondent an initial fee of \$2,500.

2. Thereafter, respondent advised client that he had filed a complaint against the FTB in Riverside County Superior Court, attended a hearing in the matter which went well, and that the "judge allowed the complaint to stand." These statements were false. There had been no hearing in the FTB matter because respondent at no time filed a complaint regarding the FTB matter in Riverside County Superior Court.

3. Over the next several months respondent assured the client that he was diligently working on the FTB matter. Despite respondent's assurance however, throughout the course of the representation various representatives from the FTB continued to contact the client directly to discuss the tax lien dispute with him. When the client informed the FTB representatives that he was represented by counsel and that they should contact his attorney, they in turn informed him that the FTB had no record of any attorney contacting the FTB on his behalf to advise of the FTB of the representation or to discuss the tax lien dispute.

4. On the occasions when the FTB representatives contacted the client directly, the client would inform respondent of the communication and request that respondent advise the FTB of the representation. Respondent in turn would assure the client via email that not only had he informed the FTB of the representation, but that he had also submitted a power of attorney and several letters of representation to the FTB, spoken with FTB representatives, filed suit against the FTB and the litigation was on going. These statements, however, were false because respondent had not submitted a power of attorney nor several letters of representation to the FTB, and had not spoken with FTB representatives or filed suit against the FTB.

5. Respondent did not file a writ of mandate at any point during his representation of the client. As a result of respondent's failure to perform the services for which he was retained, the client's and the client's wife's drivers and real estate licenses were suspended. When the client informed respondent of the drivers' license suspensions, respondent advised the client that he would take care of the drivers' license suspensions ("DMV matter").

6. Thereafter, on October 16, 2014, respondent sent an email to the client informing the client that he had scheduled an *ex parte* hearing on the DMV matter for October 22, 2014, in San Bernardino County Superior Court. This representation was false because respondent had never scheduled such a hearing.

7. On October 22, 2014, respondent sent an email to the client informing the client that respondent was able to get the court to approve restricted licenses for the client and his wife until there was a full hearing on the issue, which was scheduled for November 19, 2014 at 8:30 a.m. The foregoing statements were false. The court did not approve restricted licenses for the client and his wife as there was, in fact, no *ex parte* hearing scheduled on the DMV matter on October 22, 2014 or subsequent thereto.

8. Between July 30, 2014 through and including December 16, 2014, the client repeatedly wrote to respondent and requested his client files in the FTB and DMV matters.

9. On numerous occasions between July 30, 2014 through and including December 16, 2014, respondent stated in writing to client that he would provide the client with the client's files or that he had instructed his staff provide the client files to the client.

10. Respondent did not supervise his staff to ensure that his staff provided the client with the client's files related to the FTB and DMV matters. When respondent finally provided files to the client after December 16, 2014, none of the documents respondent provided reflected work performed on the FTB and DMV matters.

11. On December 29, 2015, five months after the State Bar investigation was initiated, respondent refunded \$2,500 to the client.

CONCLUSIONS OF LAW:

12. By failing to (a) submit a letter of representation or power of attorney to the FTB on behalf of the clients, (b) contact the FTB at any point during the representation to attempt to resolve the lien dispute, (c) file a writ of a writ of mandate, and (d) supervise his staff, respondent intentionally and repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

13. By stating to the client in writing (a) that respondent had filed a complaint against the FTB in Riverside County Superior Court, a hearing was held in the matter, and the judge allowed the complaint to stand; (b) that respondent had scheduled an *ex parte* hearing against the DMV in San Bernardino County Superior Court for October 22, 2014; (c) that respondent was able to get the court to approve restricted drivers' licenses for the clients and that there would be a full hearing on the issue on November 19, 2014 at 8:30 a.m.; and (d) that respondent had submitted a power of attorney and several letters of representation to the FTB, had spoken with FTB representatives, and litigation against FTB was ongoing, when respondent knew that these statements were false, respondent committed acts involving dishonesty, in willful violation of Business and Professions Code section 6106.

14. By failing to provide the client with for the client's files at any time between July 30, 2014 and December 16, 2014, following the client's written requests, respondent failed to release promptly to respondent's client, all of the client's papers and property, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (1.5(b)): Respondent's misconduct is aggravated by multiple acts of misconduct. (*In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, 647 [three instances of misconduct although not a pattern or practice are sufficient to support a finding that respondent engaged in multiple acts of misconduct].)

Significant Harm to Client – Standard 1.5(j): Respondent's misconduct caused significant harm to the client, as both client's and the client's wife drivers' and real estate licenses were suspended because of respondent's failure to perform.

MITIGATING CIRCUMSTANCES.

Absence of Prior Record of Discipline: Respondent has no prior record of discipline. However, respondent's misconduct began almost immediately after he was retained, and just over two years after he became a licensed attorney. Therefore, respondent is entitled to very little mitigation for absence of a prior record of discipline. (*Cannon v. State Bar* (1990) 51 Cal.3d 1103, 1115 [six years of practice entitled to little weight].)

Pretrial Stipulation: Respondent has stipulated to facts, conclusions of law, and disposition in order to resolve this disciplinary proceeding prior to trial, thereby avoiding the necessity of 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 1.7(a) further provides that, "If a member commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." Here, respondent has committed three separate acts of misconduct. The most severe sanction applicable to respondent's conduct is Standard 2.11, which applies to respondent's violation of Business and Professions Code section 6106. Standard 2.11 provides:

Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's practice of law.

Respondent's misconduct was extensive, directly related to the practice of law and was significantly harmful to the client. Respondent failed to perform with competence, repeatedly misrepresented the status of the client's matter to him on numerous occasions, and failed to promptly release the client files and papers. The aggravating factors outweigh the mitigating factors therefore, discipline consisting of a significant period of actual suspension is necessary to protect the public and fulfill the purposes of attorney discipline. Discipline consisting of a 90-day actual suspension, on the terms and conditions set forth herein is appropriate, is consistent with the Standards, and will protect the public, the courts and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession. (See *King v. State Bar* (1990) 52 Cal. 3d 307, 315 [90-day actual suspension for attorney who repeatedly failed to perform with competence, failed to return client files and violated his oath and duties as an attorney].)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 8, 2017, the prosecution costs in this matter are approximately \$5,816. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

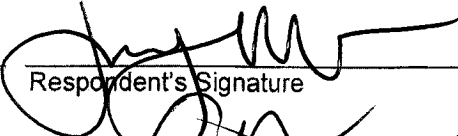


Respondent may not receive MCLE credit for completion of State Bar Ethics School ordered as a condition of her reproof. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: Jimmy Phillip Mettias	Case number(s): 15-O-13592
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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>2-23-17</u> Date	 Respondent's Signature	<u>Jimmy Phillip Mettias</u> Print Name
<u>2-21-17</u> Date	 Respondent's Counsel Signature	<u>Anthony Patrick Radogna</u> Print Name
<u>2-23-17</u> Date	 Deputy Trial Counsel's Signature	<u>Sherell N. McFarlane</u> Print Name

(Do not write above this line.)

In the Matter of: Jimmy Philip Mettias	Case Number(s): 15-O-13592
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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.

On pages 1, 7, 11, and 12 of the Stipulation, in the caption, Respondent's middle name "Phillip" is deleted and "Philip" is inserted.

On page 3 of the Stipulation, at paragraph B. (11), "P" is deleted and "9" is inserted.

On page 4 of the Stipulation, under Additional mitigating circumstances, "Absence of Prior Record of Discipline and" is deleted.

On page 7 of the Stipulation, at the first line under FACTS AND CONCLUSIONS OF LAW, "that she" is deleted and "that he" is inserted.

On page 7 of the Stipulation, at paragraph 3., third sentence, line 6, "advise of the FTB" is deleted and "advise the FTB" is inserted.

On page 8 of the Stipulation, at paragraph 9., line 3, "staff provide" is deleted and "staff to provide" is inserted.

On page 9 of the Stipulation, under MITIGATING CIRCUMSTANCES, "Absence of Prior Record of Discipline" and all of the text in that paragraph is deleted because Respondent is not entitled to any mitigation credit for the lack of a prior record. He had practiced law less than two years before the misconduct in this matter began. (In the Matter of Van Sickle (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993 [no mitigation afforded for absence of prior discipline record where attorney had only been admitted to practice law a little more than two years before misconduct began].)

On page 10 of the Stipulation, Under Costs of Disciplinary Proceedings, add As advised during the first day of trial of February 23, 2017, Respondent's disciplinary costs are approximately \$7, 609.

(Do not write above this line.)

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.)**

March 1, 2017

Date

Yvette D. Roland

YVETTE D. ROLAND
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 March 3, 2017, 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:

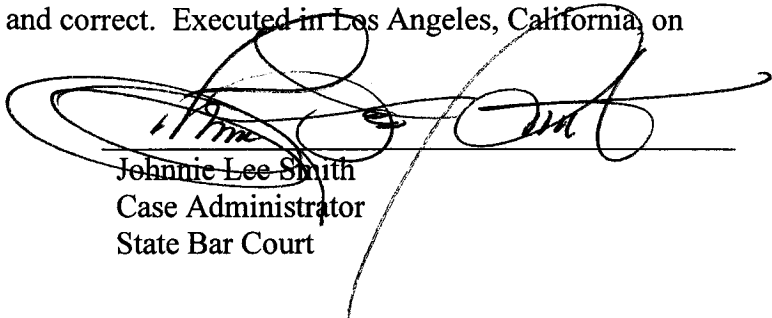
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ANTHONY P. RADOGNA
LAW OFFICES OF ANTHONY RADOGNA
1 PARK PLZ STE 600
IRVINE, CA 92614 - 5987**

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

SHERELL N MCFARLANE, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 3, 2017.


Johnnie Lee Smith
Case Administrator
State Bar Court