

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		ORIGINAL
<b>Counsel For The State Bar</b>  <b>Jamie Kim</b> <b>Deputy Trial Counsel</b> <b>845 S. Figueroa St.</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1182</b>  <b>Bar # 281574</b>	<b>Case Number(s):</b> <b>15-O-14471</b>  <b>PUBLIC MATTER</b>	<b>For Court use only</b>    <b>FILED</b> <b>APR 26 2016 P.B.</b> <b>STATE BAR COURT</b> <b>CLERK'S OFFICE</b> <b>LOS ANGELES</b>
<b>In Pro Per Respondent</b>  <b>Mark Alan Wiesenthal</b> <b>360 N. Crescent Dr.</b> <b>Beverly Hills, CA 90210</b> <b>(310) 228-9575</b>  <b>Bar # 185340</b>	<b>Submitted to: Assigned Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> <b>MARK ALAN WIESENTHAL</b>  <b>Bar # 185340</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>		

**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 10, 1996**.
- (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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

*mj.1.*

- (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 (3) billing cycles following the effective date of the Supreme Court order in this matter.** (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.

(Do not write above this line.)

- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See attachment, page 8.**
- (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.
- (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.

- (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:**

**No Prior Discipline, please see attachment page 8.**  
**Pre-filing Stipulation, please see attachment, page 8.**

**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 **sixty (60) 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:

- |   |   |
|---|---|
| <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 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:**

(Do not write above this line.)

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Attachment language (if any):

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                      MARK ALAN WIESENTHAL

CASE NUMBER:                          15-O-14471

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 15-O-14471 (State Bar Investigation)

**FACTS:**

1. As a member of the State Bar, respondent was required to complete 25 hours of minimum continuing legal education ("MCLE") during the period commencing on February 1, 2011, through January 31, 2014 (the "compliance period").
2. On May 21, 2014, respondent reported to the State Bar under penalty of perjury that he was in compliance with the MCLE requirements, and, in particular, that he had completed all of his MCLE during the compliance period.
3. In fact, respondent had not completed any MCLE courses before reporting compliance on May 21, 2014.
4. When respondent reported to the State Bar under penalty of perjury that he was in compliance with the MCLE requirements, respondent failed to review his records to determine whether he was in compliance with the MCLE requirements, as he had not maintained a record of the MCLE courses taken and had misplaced proof of his compliance, which rendered respondent grossly negligent in not knowing that he had not completed the MCLE requirement during the compliance period as required.
5. Respondent has not taken additional MCLE courses necessary to come into compliance after being contacted by Member Records and Compliance on July 7, 2014, regarding an MCLE audit.

**CONCLUSIONS OF LAW:**

6. By reporting under penalty of perjury to the State Bar that he was in compliance with the MCLE requirements when he was grossly negligent in not knowing that he was not in compliance with the MCLE requirements, respondent committed an act of moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.



## ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

**No Prior Discipline:** Respondent was admitted to practice on December 10, 1996. Respondent was administratively suspended from September 18, 2006, through June 26, 2008 due to respondent's failure to pay his State Bar membership fees. At the time of the misconduct, respondent had practiced law for 16 years without a prior record discipline. Respondent has been administratively inactive since November 1, 2014 due to MCLE noncompliance. While respondent's conduct is serious, he is entitled to significant mitigation for practicing for a significant period of time without a record of discipline. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [gave attorney significant weight in mitigation for practicing law for over ten years without misconduct]; *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [discipline-free practice considered to be a significant mitigating factor even when misconduct is serious].)

**Pre-filing Stipulation:** Respondent admitted to the misconduct and entered into this stipulation fully resolving this matter prior to the filing of a notice of disciplinary charges. Respondent's cooperation will save State Bar resources. Respondent's cooperation is a mitigating factor in this resolution. (*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].)

## ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

**Indifference (Std. 1.5(k)):** Respondent has shown indifference toward his misconduct by failing to comply with the Audit and subsequently completing his MCLE requirement.

## 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.4<sup>th</sup> 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.4<sup>th</sup> 81, 92, quoting *In re Brown* (1995) 12 Cal.4<sup>th</sup> 205, 220 and *In re Young, supra*, 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 mitigation 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 2.11 is applicable to respondent's misconduct. Standard 2.11 provides, in pertinent part, that "[d]isbarment 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."

Here, respondent's grossly negligent misrepresentation made under penalty of perjury was a dishonest act involving moral turpitude. (*In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330.) Misrepresentations are compounded when made in writing under penalty of perjury, which includes an imprimatur of veracity which should place a reasonable person on notice to take care that their statement is accurate, complete, and true. (*In the Matter of Maloney and Virsik* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 774, 786.) Respondent's misconduct pertaining to MCLE requirements circumvented the continuing legal educational requirements established for the purpose of enhancing attorney competence and protecting the public. He did not complete any of the 25 hours of the MCLE requirement during the compliance period.

In determining the length of suspension, a balancing of aggravation and mitigation is necessary. Respondent's misconduct is significantly mitigated by his 16 years in practice without a record of discipline. Respondent is also entitled to mitigation for entering into this pre-filing stipulation in which respondent has acknowledged his misconduct and saved State Bar time and resources. Respondent's misconduct is also aggravated by his indifference due to respondent's failure to complete his MCLE requirements following the MCLE audit.

In light of the above, respondent's misconduct warrants actual suspension. A one-year suspension, stayed, with a one-year probation including a 60-day actual suspension, is appropriate to protect the public, the courts and the legal profession, to maintain high professional standards by attorneys, and to preserve public confidence in the legal profession.

Case law supports this level of discipline. In *In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330, Yee falsely stated under penalty of perjury that she had fulfilled her MCLE requirements. During a State Bar investigation, Yee was unable to produce any record of compliance. The Review Department found that a public reproof was adequate to "serve the goals of attorney discipline." (*Id.* at 11.) The Review Department held that Yee was grossly negligent in not reviewing her records before affirming MCLE compliance. The Review Department found strong mitigating factors, including Yee's ten and a half years of practice without discipline, exemplary record of pro bono and community service, and the absence of harm to the public or judicial system as Yee was not practicing law. (*Id.*) The Review Department found that the most significant mitigating factors were Yee's immediate acknowledgement of wrongdoing, decision to rectify the situation and implementation of a corrective plan to avoid future problems. (*Id.*)

Here, respondent, like Yee, has failed to show that he took any MCLE hours during the compliance period. Like Yee, respondent maintained that he had complied with the MCLE requirement, but had not maintained a record of MCLE hours and had misplaced proof of his compliance. Whereas Yee rectified the situation in her case, respondent has not proposed a corrective plan to avoid future problems and continues to be out of compliance with his MCLE. Respondent has less significant mitigation than Yee and has aggravation for indifference due to respondent's failure to complete his MCLE requirements. Therefore, the level of discipline here should be greater than in Yee.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 1, 2016, the prosecution costs in this matter are \$3,066. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

**EXCLUSION FROM MCLE CREDIT**

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

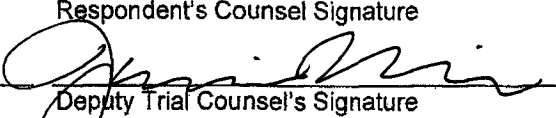
In the Matter of:  
**Mark Alan Wiesenthal**

Case number(s):  
**15-O-14471**

### 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.

3/24/16            Mark Alan Wiesenthal  
Date      Respondent's Signature      Print Name

3/25/16            Jamie Kim  
Date      Deputy Trial Counsel's Signature      Print Name

(Do not write above this line.)

In the Matter of: Mark Alan Wiesenthal	Case Number(s): 15-O-14471
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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.

See attached modifications to stipulation.

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.)**

April 26, 2016  
Date

W. Kearse McGill  
W. KEARSE MCGILL  
Judge of the State Bar Court

In the Matter of:  
MARK ALAN WIESENTHAL

Case Number(s):  
15-O-14471

MODIFICATIONS TO STIPULATION

1. On page 4 of the stipulation, in paragraph D(3)(a)(iii), an "X" is INSERTED in the box and the following text is INSERTED after the colon to provide that respondent's 60-day actual suspension will continue until: "respondent completes the 25 hours of California Minimum Continuing Legal Education (MCLE) courses that he was required to take during the compliance period of February 1, 2011, through January 31, 2014, and he provides proof satisfactory thereof to the Office of Probation in Los Angeles." (See State Bar of California Rule 2.32(A)&(B).)

These foregoing 25 hours of MCLE courses are in addition to the 25 hours of MCLE courses respondent is required to complete in his present and future MCLE compliance periods. Respondent is not to claim any credit for completing these foregoing 25 hours of MCLE courses in his present or future MCLE compliance periods.

2. On page 5 of the stipulation, in paragraph E(1), an "X" is INSERTED in the box to add a conditional standard 1.2(c)(i) requirement in the event respondent remains on actual suspension for two years or more as a result of his failure to complete and to provide proof of his completion of the foregoing 25 hours of MCLE courses.
3. On page 5 of the stipulation, in paragraph E(9), the "X" in the box is DELETED to remove the disciplinary probation condition requiring compliance with the probation in the underlying criminal matter because there is *no underlying criminal matter* involved with this proceeding.
4. On page 6 of the stipulation, in paragraph F(3), an "X" is INSERTED in the box to add a conditional California Rules of Court, rule 9.20 requirement in the event that respondent remains on actual suspension for 90 days or more as a result his failure to complete and to provide proof of his completion of foregoing 25 hours of MCLE courses.
5. The stipulation *improperly* contains two pages that are both marked page number 7. The first page number 7 remains page number 7, and the second page number 7 is renumbered as page 7A.
6. On page number 7A of the stipulation, in paragraph number 5, in the first line, the word "additional" is REPLACED with the phrase "any of the required 25 hours of."
7. On page number 7A of the stipulation, in paragraph number 6, in the third line, the comma after the word "turpitude" and the following phrase "dishonesty or corruption" are DELETED.

8. On page 8 of the stipulation, in the first paragraph, which begins "No Prior Discipline," in the fourth line, after the word "for," the word "almost" is INSERTED.
9. On page 9 of the stipulation, in the second full paragraph, which begins "Here, respondent's," in the first and second lines, the phrase "a dishonest act involving moral turpitude" is MODIFIED to read "an act involving moral turpitude."
10. On page 9 of the stipulation, in the third full paragraph, which begins "In determining the length," in the second line, after the word "his," the word "almost" is INSERTED.
11. The eleventh page of the stipulation, is NUMBERED page "11."  
x-x-x

## 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 April 26, 2016, 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:

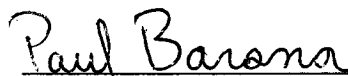
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MARK A. WIESENTHAL  
PLATINUM EQUITY  
360 N CRESCENT DR  
BEVERLY HILLS, CA 90210**

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

**JAMIE J. KIM, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 26, 2016.



\_\_\_\_\_  
Paul Barona  
Case Administrator  
State Bar Court