ORIGINAL

PUBLIC MATTER

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Stat	e Bar Court of Califor Hearing Department Los Angeles ACTUAL SUSPENSION	nia	
Counsel For The State Bar	Case Number(s): 15-0-15190	For Court use only	
Amanda F. Sanchez			
Deputy Trial Counsel 845 S. Figueroa Street		FILED	1
Los Angeles, CA 90017			1
		DEC 21 2016	1
Bar # 254880			
		STATE BAR COURT	/
In Pro Per Respondent		CLERK'S OFFICE	
		LOS ANGELES	
Julie A. Mehrban 15233 Ventura Blvd. Suite 304			
Sherman Oaks, CA 91403	1		
	}		
Bar # 271290	Submitted to: Settlement Ju	udge	
La tha Matter of	- STIPULATION RE FACTS	CONCLUSIONS OF LAW AND	
In the Matter of: JULIE A. MEHRBAN	DISPOSITION AND ORDER	APPROVING	
Bar # 271290	ACTUAL SUSPENSION		
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 November 23, 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."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective July 1, 2015)



- (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 waived in part as
 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.

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- (a) State Bar Court case # of prior case
- (b) Date prior discipline effective
- (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) I 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.

(Effective July 1, 2015)

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- (8) Harm: Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) Candor/Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) Multiple Acts: Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment, p. 8.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) C Restitution: Respondent failed to make restitution.
- (14) Ulnerable 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. See Attachment, p. 8.
- (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. See Attachment, p. 8.
- (5) **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (18) 🗍 Milagyu
- (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.

(Effective July 1, 2015)

- (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) I 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. See Attachment, p. 8.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) I No mitigating circumstances are involved.

Additional mitigating circumstances:

Pre-Filing Stipulation: See Attachment, p. 8.

D. Discipline:

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ii.

- (1) 🛛 Stayed Suspension:
 - (a) Respondent must be suspended from the practice of law for a period of one year.
 - 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.
 - 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) \boxtimes **Probation**:

Respondent must be placed on probation for a period of **one 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 **30 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:

(Effective July 1, 2015)

Actual Suspension

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) Uithin 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 attended Ethics School on August 4, 2016, and passed the test given at the end of the session.
- (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.

(Effective July 1, 2015)

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Actual Suspension

<u>(Do r</u>	not write	above	this line.)		
(10)		The following conditions are attached hereto and incorporated:			
			Substance Abuse Conditions		Law Office Management Conditions
			Medical Conditions		Financial Conditions
F. C)ther	Con	ditions Negotiated by the Parties	:	
(1)		the Con one furt	Multistate Professional Responsibility Exar ference of Bar Examiners, to the Office of year, whichever period is longer. Failure	ninatic Prob a t to pas	on: Respondent must provide proof of passage of in ("MPRE"), administered by the National ion during the period of actual suspension or within is the MPRE results in actual suspension without), California Rules of Court, and rule 5.162(A) &
			lo 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)		perio	it for Interim Suspension [conviction re d of his/her interim suspension toward the nencement of interim suspension:	f erral stipula	cases only]: Respondent will be credited for the ated period of actual suspension. Date of
(5)		disci Calif furni	pline, Respondent must join the State E ornia and pay the dues and costs of en	Bar's S rollme	tion, within 30 days of the effective date of olo and Small Firm section of the State Bar of nt for a period of one year. Respondent must e section to the Office of Probation of the State

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ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JULIE A. MEHRBAN

CASE NUMBER: 15-0-15190

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.

FACTS:

1. At all relevant times, Respondent maintained a client trust account at Wells Fargo Bank, with an account number ending in 1503 ("CTA").

2. During the period from January 1, 2015 through October 31, 2015, Respondent maintained personal funds in her CTA.

3. On January 14, 2015, Respondent deposited a settlement check received on behalf of one of her clients in the amount of \$49,000 into her CTA. Respondent subsequently disbursed funds to the client on January 30, 2015 by writing a CTA check to the client in the amount of \$23,979.00. Respondent failed to remove her earned fees from the CTA.

4. Respondent did not create and maintain an individual client ledger for the client on whose behalf Respondent received the \$49,000 settlement check; nor did she do monthly reconciliations for her CTA.

5. During the State Bar's investigation of this matter, Respondent reported that the deposit of the settlement check on January 14, 2015 was an aberration because she takes cases on a contingency fee basis, does not receive advance fees or other funds from clients, and when a case resolves, her normal practice is to direct opposing parties to write two checks—one to her client and one to Respondent. With the exception of the settlement check deposited on January 14, 2015, no other client funds were deposited and held in Respondent's CTA during the period from January 1, 2015 through October 31, 2015.

6. On 31 occasions during the period from January 1, 2015 through October 31, 2015, Respondent wrote checks from her CTA or authorized electronic debits against her CTA to pay personal and business expenses.

7. Several of the electronic debits against Respondent's CTA represented Respondent's monthly car payments. However, Respondent has since taken steps to ensure that no further debits for personal expenses will be processed against her CTA. Records show no further personal debits against Respondent's CTA after August 2015.

CONCLUSIONS OF LAW:

1. By maintaining personal funds in her CTA and by using her CTA to pay personal and business expenses, Respondent misused her CTA as a personal account and commingled personal funds in her CTA, in willful violation of Rules of Professional Conduct, rule 4-100(A).

2. By failing to prepare and maintain a client ledger for the client on whose behalf Respondent received the \$49,000 settlement, and by failing to do monthly reconciliations for her CTA, Respondent failed to maintain complete records of all funds of a client coming into her possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Between January 1, 2015 and October 31, 2015, Respondent maintained personal funds in her CTA and wrote checks and authorized transfers for personal expenses against her CTA on 31 separate occasions. Multiple acts of wrongdoing are an aggravating factor. (In the Matter of Elkins (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 168.)

MITIGATING CIRCUMSTANCES.

Lack of Harm (Standard 1.6(c)): No clients were harmed through Respondent's misuse of her CTA or through her lack of recordkeeping.

Character Evidence (Standard 1.6(f)): Respondent has submitted 10 letters from references attesting to her good character. Respondent's character references come from a variety of professional and personal backgrounds in both the legal and general communities, have known Respondent for substantial periods of time, and have indicated an understanding of the facts surrounding Respondent's misconduct. (See *In the Matter of Hertz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 456, 471.)

Recognition of Wrongdoing and Timely Atonement (Standard 1.6(g)): During the State Bar's investigation of this matter, Respondent was cooperative with the State Bar and immediately acknowledged that she had used her CTA to pay for personal and business expenses. She indicated that before being contacted by the State Bar investigator, she was unaware that she could not use her CTA to pay for personal and business expenses, and that when she initially opened the CTA account in 2014, a Wells Fargo employee erroneously advised her that she could pay her own bills from a CTA. She further indicated that she now understands that this information was false and acknowledged that she needed training on CTA management. She voluntarily attended the August 4, 2016 session of Ethics School and the August 5, 2016 session of CTA School and passed the exams given at the end of both classes. Furthermore, Respondent ensured that no further debits for personal expenses will be processed against her CTA.

Prefiling Stipulation: By entering into a stipulation prior to the filing of disciplinary charges or trial, Respondent has acknowledged her wrongdoing and conserved the time and resources of the State Bar Court and State Bar. (See *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].)

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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. State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Std. 1.1; hereinafter "Standards.") 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 Standard 1.1; see also *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "wherever possible" in determining the level of discipline. (In re Silverton (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, i.e., the imposition of similar attorney discipline for instances of similar attorney misconduct. (See In re Naney (1990) 51 Cal.3d 186, 190.) If a disciplinary recommendation deviates from that suggested by the relevant Standard or Standards, a clear explanation must be provided as to how the recommendation was determined. (See Standard 1.1; see also Blair v. State Bar (1989) 49 Cal.3d 762, 776, fn. 5.) Further, if a disciplinary "recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached." (Standard 1.1.)

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 two separate acts of misconduct. The most severe sanction applicable to respondent's conduct is Standard 2.2(a).

Standard 2.2(a) provides that an actual suspension of 90 days is the presumed sanction for commingling funds in a CTA in violation of rule 4-100(A). Respondent committed multiple acts of misconduct over the course of ten months by maintaining personal funds in her CTA and paying personal and business expenses from her CTA. However, in mitigation, there was no harm to clients due to Respondent's misconduct, and Respondent has recognized her wrongdoing and has taken steps to correct her behavior. In response to the State Bar's investigation, Respondent has already completed State Bar Ethics School and CTA School. Further mitigating is Respondent's evidence of good character and the fact that she is entering into this prefiling stipulation, whereby she is acknowledging her misconduct, deviation from Standard 2.2(a) is appropriate and a 30-day actual suspension will serve to protect the public, courts, and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession.

Case law further supports deviating from a 90-day actual suspension. In Kelly v. State Bar (1991) 53 Cal.3d 509, the attorney committed misconduct in two client matters in which he commingled funds,

failed to deposit client funds in a CTA, misappropriated client funds, and failed to promptly pay out client funds. In mitigation, the attorney's actions immediately after the misconduct suggested an absence of deceit or wrongful intent. There were no factors cited in aggravation. The Supreme Court relied heavily on the absence of deceit, the insignificance of the resulting harm, and the lack of evidence of wrongful intent in imposing a 120-day actual suspension despite multiple acts of misconduct in multiple client matters. Respondent's misconduct here is far less severe than that in *Kelly* and there are more mitigating circumstances present here than in *Kelly*. Accordingly, less discipline is warranted here than in *Kelly*.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of November 14, 2016, the discipline costs in this matter are \$3,218.74. 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: Julie A. Mehrban	15-O-15190	

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.

29 November , 2016	Ac	Julie A. Mehrban	
Date	Bespondent's Signature	Print Name	
Date	Respondent's Counsel Signature	Print Name	
November 30, 2016		Amanda F. Sanchez	
Date	Deputy Trial Counsel's Signature	Print Name	

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Signature Page

In the Matter of:	Case Number(s):	
Julie A. Mehrban	15-Q-15190	

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:

X

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.

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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.)

enby 19, 2016

Judge of the State Bar Court

Receipting to any Rock

(Effective July 1, 2015)

Actual Suspension Order

Page ____

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 December 21, 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:

JULIE A. MEHRBAN MEHRBAN LAW CORPORATION, A.P.C. 15233 VENTURA BLVD STE 304 SHERMAN OAKS, CA 91403

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

AMANDA SANCHEZ, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 21, 2016.

Johnnie Lee Smith Case Administrator State Bar Court