

FILED

MAR 30 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES



PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of)	Case No.: 15-PM-15232-YDR
)	
KENNETH EDWARD OSTROVE,)	AMENDED ORDER RE
)	MOTION TO REVOKE PROBATION
Member No. 111222,)	
)	
<u>A Member of the State Bar.</u>)	

Introduction

In this probation revocation proceeding, Kenneth Edward Ostrove (“Respondent”), is charged with violating his probation conditions imposed by the California Supreme Court. The Office of Probation of the State Bar of California (“Office of Probation”) seeks to revoke his probation, to impose upon Respondent the entire period of suspension previously stayed, that Respondent remain suspended until he makes restitution, and to involuntarily enroll Respondent as an inactive member of the State Bar.

Respondent opposes the motion, arguing that he has tried to comply with his probation conditions, which he takes “very seriously.” Respondent did not offer a discipline recommendation.

Respondent has paid full restitution. However, the court finds, by preponderance of the evidence, that Respondent has violated his probation conditions and hereby grants the motion in part and denies it in part. The court recommends, among other things, that Respondent's probation be revoked, that the previously stayed, one-year suspension be lifted, that he be suspended for one year, that execution of the suspension be stayed, that he be placed on probation for two years on conditions and that Respondent be actually suspended for 120 days.



Significant Procedural History

On October 29, 2015, the Office of Probation filed and properly served on Respondent a motion to revoke probation. Respondent, representing himself, filed a response on November 19, 2015. On January 25, 2016, Respondent filed a supplement to his probation revocation response. Respondent filed a second supplement to his probation response on February 4, 2016. The court took this matter under submission on February 23, 2016, after a hearing.

The first Order Re Motion to Revoke Probation was filed March 23, 2016. This Amended Order Re Motion to Revoke Probation addresses California Rules of Court, rule 9.20 and was filed March 30, 2016.

Findings of Fact and Conclusions of Law

The following findings of fact are based on declarations, testimony and documentary evidence submitted at the hearing.

Respondent was admitted to the practice of law in California on December 21, 1983 and has been a member of the State Bar of California at all times since that date.

Probation Conditions in Supreme Court Case No. S224490

On April 28, 2015, in Supreme Court Case No. S224490, the California Supreme Court ordered that:

1. Respondent be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years, as recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed December 23, 2014 (State Bar Court case No. 14-O-01379); and
2. Respondent comply with certain probation conditions, including:
 - a. Submit quarterly reports to the Office of Probation on each January 10, April 10, July 10 and October 10 of the probation period;

b. Within 30 days of the effective date his discipline, develop a law office management/organization plan ("LOMP"), which must be approved by the Office of Probation. The LOMP must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding;

c. Pay restitution to the following payees: Sherry Van Dyk in the amount of \$1,077.50 plus 10 percent interest per year from February 10, 2014, and April Farael in the amount of \$865 plus 10 per cent interest per year from March 23, 2014. Respondent must pay the restitution and provide satisfactory proof of payment to the Office of Probation no later than 30 days after the effective date of the discipline as to Sherry Van Dyk. As for April Farael, if restitution of \$865 is not paid by December 31, 2014, then Respondent must pay restitution to Farael, and provide satisfactory proof of payment to the Office of Probation not later than 30 days after the effective date of discipline; and

d. Obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at Respondent's own expense a minimum of one time per month and furnish evidence to the Office of Probation that he is complying with each quarterly report. The treatment should commence no later than 30 days after the effective date of the discipline. Treatment must continue for the period of probation or until a motion to modify this condition is granted and the ruling becomes final.

Notice of this order was properly served on Respondent in the manner prescribed by California Rules of Court, rule 8.532(a), at Respondent's official address in accordance with Business and Professions Code section 6002.1. The effective date of the Supreme Court order was May 28, 2015.

Probation Violations and Respondent's Contentions

Quarterly Report

The Office of Probation alleges Respondent's July 10 quarterly report was untimely. On May 19, 2015, May Ling Fernandez of the Office of Probation sent a letter to Respondent outlining the terms and conditions of his probation. Respondent received the letter.

Respondent's first quarterly report was due July 10, 2015. He filed the report on July 20, 2015, 10 days late.

In his declaration in response to the motion to revoke his probation, Respondent stated that he was working to complete his July 10, 2015 quarterly report on time, but on June 26 his daughter was transported to the hospital by ambulance due to a horse riding accident.

LOMP

Respondent had to submit his LOMP to the Office of Probation by June 27, 2015. On June 15, 2015, Respondent notified the Office of the Chief Trial Counsel of the State Bar of California ("State Bar") and Office of Probation that he was having difficulty complying with his probation conditions. The State Bar advised Respondent that he could make a motion to modify his conditions. On June 23, Respondent sought assistance with filing the requisite motion from the State Bar, wherein the State Bar directed Respondent to the State Bar Rules of Procedure. After reviewing the rules, Respondent discovered his probation requirements could be modified by stipulation. On June 24, Respondent asked the State Bar to stipulate to extending the time for

him to pay restitution, submit his LOMP and comply with rule 9.20. The Office of Probation responded to Respondent's request on June 25, 2015, declining to enter into a stipulation.

Respondent submitted his LOMP on July 21, 2015, almost one month late. Thereafter, Respondent submitted revised LOMPs on July 21, July 31, August 18, and September 3, 2015. After each submission, the Office of Probation mailed Respondent a letter rejecting the LOMP for various reasons. As of the date of the hearing in this matter, Respondent has not submitted a LOMP that has been approved by the Office of Probation.

Respondent declared that he was working to complete the LOMP by the June 27, 2015 deadline. During the time period he was trying to complete the plan, Respondent was moving his office into his home. The move was difficult because he had to transport furnishings, equipment, supplies and 10 years of files to his home. In addition, each time the Office of Probation notified him about the deficiencies in his LOMP, he made additions and corrections. With respect to the final defect in the LOMP, he does not understand what additional information is required.¹

Each time his plan was rejected, Respondent attempted to address the specified deficiencies. After Respondent's September 3, 2015 LOMP was rejected, the Office of Probation repeated the same exact reason it rejected the prior LOMP. A review of Respondent's September 3, 2015 LOMP indicates that he provided a relatively detailed procedure for withdrawing as counsel if the client could not be found. If the Office of Probation was not satisfied with his procedure, it should have provided further explanation regarding the procedure's deficiency. Providing the same exact explanation for rejecting the LOMP failed to provide Respondent with any real indication as to why his procedure was inadequate.

¹ The September 3, 2015 LOMP was rejected because Respondent failed to set forth Respondent's procedure to withdraw as attorney, whether of record or not when clients cannot be contacted or located.

Even though the Office of Probation should have specified why Respondent's latest LOMP was insufficient, Respondent is not excused from submitting a timely LOMP. Respondent had until June 27, 2015 to file his LOMP, but he did not file his first plan until July 21, 2015.

Restitution

The Office of Probation's May 19, 2015 letter included a "Proof of Payment Information" document. The document indicated that there are two payment methods of proof accepted by the Office of Probation – a copy of the front and back of the negotiated check or an original declaration signed by the payee specifying the amount received, date received, and current contact information for the payee.

Respondent had until June 27, 2015, to pay restitution to Sherry Van Dyk and April Farael. Since the Office of Probation declined his request to extend the time to pay restitution, on June 25, 2015, Respondent paid Farael \$865. On June 27, 2015, he paid her \$110 in interest. Respondent made both payments via PayPal. Respondent did not provide the Office of Probation with an acceptable form of proof of payment. On November 24, 2015, the Office of Probation received confirmation from Farael that she received the \$865 payment on June 25, 2015. On December 17, 2015, Farael confirmed with the Office of Probation that she received the \$110 interest payment on June 27, 2015.

Respondent did not pay restitution to Van Dyk until November 20, 2015. The State Bar received acceptable proof that Van Dyk received payment on December 5, 2015.

Respondent declared that he attempted to obtain the proper proof of payment from Farael, but she would not sign a document acknowledging receipt of the funds. With respect to Van Dyk, financial pressures led to his failure to timely pay her. Respondent declared and testified that he was trying to accumulate the funds to pay Van Dyk, but his daughter suffered the riding

accident on June 26, 2015. The out-of-pocket costs for this emergency was \$2,644 and he was required to pay one half of the bill.

Psychiatric Treatment

On July 9, 2015, Respondent provided a Mental Health Report from George Kappaz, L.C.S.W. verifying that Respondent received psychological treatment on June 19, 2015, and complied with all of the treatment recommendations. In his October 10, 2015 quarterly report, Respondent stated that he had another therapy session in July 2015, but Mr. Kappaz would not sign the Mental Health Report because Respondent failed to meet with him in August and September. Respondent also reported that he had a session with his psychiatrist in August regarding Respondent's medications, but Respondent could not afford to pay for one of those medications.

Respondent's declaration in response to the motion to revoke his probation states that Respondent is unable to pay his social worker for therapy or pay for one of the prescriptions prescribed by his psychiatrist.

Conclusions of Law

Business and Professions Code section 6093², subdivision (b), provides that violation of a probation condition constitutes cause for revocation of any probation then pending and may constitute cause for discipline. Section 6093, subdivision (c), provides that the standard of proof is the preponderance of the evidence. Bad faith or evil intent is not required to find culpability. (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 536.) Rather, a general willingness to commit an act or permit an omission is sufficient. (*In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 309.) Moreover, to determine whether a probation violation has occurred, there is no distinction between "substantial" and

² All references to sections are to the Business and Professions Code.

“insubstantial” or “technical” violations. (*In the Matter of Potack, supra*, 1 Cal State Bar Ct. Rptr. at 537.)

Respondent violated the terms of his probation by failing to: 1) submit a quarterly report by July 10, 2015 (it was 10 days late); 2) submit a LOMP by June 27, 2015 (it was 23 days late); 3) provide adequate proof that he paid \$865 plus interest in restitution to Farael and pay \$1,077.50 plus interest in restitution to Van Dyk by June 27, 2015; and 4) obtain psychiatric or psychological treatment in September 2015.

Therefore, by a preponderance of the evidence, Respondent willfully violated the probation conditions ordered by the Supreme Court in its April 28, 2015 order. As a result, the revocation of Respondent’s probation in California Supreme Court case No. S224490 is warranted.

Aggravation³

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following with regard to aggravating circumstances.

Prior Record (Std. 1.5(a))

In the underlying matter, effective May 28, 2015, the Supreme Court suspended Respondent for one year, stayed, and placed him on probation for two years with an actual suspension of 90 days for professional misconduct in three client matters. Respondent stipulated that he failed to: 1) perform with competence (two counts); 2) communicate (four counts); 3) render appropriate accounts (two counts); 4) cooperate in a disciplinary proceeding; 5) return unearned fees; 6) promptly disburse client funds; and 7) deposit entrusted funds into a client trust

³ All references to standards are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

account. Respondent's misconduct was aggravated by multiple acts of wrongdoing, client harm, and indifference but tempered by his lack of a prior discipline record, family problems, cooperation and good character.

Multiple Acts (Std. 1.5(b).)

Respondent's misconduct involved multiple acts of wrongdoing. He failed to comply with four probation conditions. This factor is given minimal weight based on the nature and extent of the violations.

Mitigation

It is Respondent's burden to prove mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating factors.

Restitution and Psychiatric/Psychological Treatment

Respondent is entitled to some mitigation for belatedly completing his restitution requirement. (*In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 572 ["some" mitigation for sincere "steps to make restitution and comply with probation"]; *In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 652 ["belated compliance with a probation condition may be considered as a mitigating factor in determining discipline"].) Notably, Respondent timely paid full restitution to Farael and completed restitution to Van Dyk, albeit five months late. (See *In the Matter of Taggart, supra*, 4 Cal. State Bar Ct. Rptr. at pp. 310-311 [restitution is important indicator of attorney rehabilitation].)

The court affords mitigating credit for Respondent's efforts to obtain psychiatric/psychological treatment. (*In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 150 [Respondent's efforts to obtain therapy constitutes a significant mitigating circumstance].) Although Respondent declared in his October 2015 quarterly report that with the exception of September 2015, he met with either Mr. Kappaz or his psychiatrist, the

court limits the amount of mitigating credit because Respondent failed to provide any other evidence to support his declaration.

No Other Mitigating Circumstances

Respondent's financial problems are not a mitigating factor. Financial distress may be considered mitigating if it is extreme and results from circumstances that are not reasonably foreseeable or that are beyond the attorney's control. (*In re Naney* (1990) 51 Cal.3d 186, 196-197.) Respondent has failed to support his financial hardship by clear and convincing evidence; thus, the court does not consider it in mitigation.

The court rejects Respondent's contention that the Office of Probation's failure to advise him that his probation conditions could be modified by stipulation was misleading and a mitigating circumstance. The Office of Probation's May 19, 2015 letter stated that requests for extensions of time or modification of probation conditions had to be filed with the State Bar Court. The letter also stated that the relevant Rules of Procedure of the State Bar, provided that conditions could be modified by stipulation (rule 5.301). On June 15, 2015, the State Bar also provided the relevant Rules of Procedure of the State Bar about filing a motion to modify probation conditions, which included rule 5.301. The record reveals that Respondent did not read the Rules of Procedure until June 23, four days before he had to comply with paying restitution and submit his LOMP. He requested a stipulation on June 24, which the Office of Probation declined one day later. Under the circumstances, the court rejects Respondent's argument that the State Bar misled him and afford him no mitigation credit.

Finally, the court declines to assign any mitigation for Respondent's daughter's riding accident or his office move. First, even though his daughter suffered an accident on June 26 and Respondent states he had to care for her for the entire weekend, he fails to explain how that affected his ability to provide his report by July 10. Moreover, Respondent decided to move his

office in “early 2015” because the rent might increase. Once Respondent realized that his office would delay his ability to complete the LOMP, he should have filed a motion to extend the time to submit it. Respondent failed to do so.

Overall, the aggravation slightly outweighs the mitigation.

Discussion

Public protection and attorney rehabilitation are the primary goals of disciplinary probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 445, 452.) “[T]here has been a wide range of discipline imposed for probation violations from merely extending probation . . . to a revocation of the full amount of the stayed suspension and imposition of that amount as an actual suspension.” (*In the Matter of Gorman, supra*, 4 Cal. State Bar Ct. Rptr. at p. 573.)

The Office of Probation contends that Respondent’s probation should be revoked because his failure to comply with his probation conditions demonstrates a lack of concern about his professional responsibilities and that the full amount of stayed suspension of one year should be imposed.

Respondent, on the other hand, argues that he was in constant communication with the Office of Probation about his inability to comply with all of his probation conditions, and he has demonstrated an effort to comply with the probation requirements. This indicates that he takes probation “very seriously” rather than exhibiting a lack of concern.

In determining the level of discipline to be imposed, the court must consider the “total length of stayed suspension which could be imposed as an actual suspension and the total amount of actual suspension earlier imposed as a condition of the discipline at the time probation was granted.” (*In the Matter of Potack, supra*, 1 Cal. State Bar Ct. Rptr. 525, 540.) The extent

of the discipline is dependent, in part, on the nature of the probation violation and its relationship to Respondent's prior misconduct. (*Ibid.*)

Here, Respondent stipulated that his prior misconduct occurred while he was suffering from anxiety and depression due to family problems. Respondent's failure to comply with the psychological treatment condition breached the condition directly linked to his misconduct in the underlying matter. Respondent also failed to timely pay restitution, which was directly related to his failure to promptly disburse client funds. But as noted above, Respondent has paid restitution in full.

In addition to considering the nature of Respondent's probation violations, the court takes into account standard 1.8(a) since Respondent has a prior discipline record.⁴ Neither of the exceptions outlined in the standard apply, and there is no other reason presented in this case to depart from the progressive discipline recommended.

The court also finds guidance from two cases to determine the appropriate level of discipline – *In the Matter of Taggart, supra*, 4 Cal. State Bar Ct. Rptr. 302 and *In the Matter of Broderick, supra*, 3 Cal. State Bar Ct. Rptr. 138.

In *Taggart, supra*, the attorney was suspended for six months. He was required to pay \$1,528 plus interest in restitution, but failed to make any payments over a three-year period. Four days before the Supreme Court's disciplinary order became effective, Taggart filed a chapter 7 bankruptcy petition and sought to have the restitution obligation discharged. There were no mitigating circumstances. Respondent's two prior discipline records constituted an aggravating circumstance.

⁴ Under standard 1.8(a), if "a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

In *Broderick, supra*, the attorney was suspended for one year after he failed to pay at least nine of the monthly \$100 restitution payments to his clients and filed no quarterly reports. Multiple acts of wrongdoing and Respondent's failure to obtain required psychological testing, which was uncharged misconduct, were aggravating circumstances. Respondent's attempt to make two or three \$100 restitution payments, his efforts to obtain therapy from a biblical clinical counselor, and his candor and cooperation with the State Bar were deemed mitigating.

Here, Respondent's misconduct is much less serious than the misconduct in *Taggart* or *Broderick*. Respondent did not completely abandon his probation responsibilities since he did file his quarterly report and LOMP, albeit late; he did not repeatedly violate the same probation condition; paid full restitution; and did not have two prior records of discipline. Although, Respondent's overall misconduct is less serious than in *Taggart* and *Broderick*, the court must take into account that Respondent failed to comply with his psychological treatment probation condition. He has asserted financial hardship, but did not seek a modification of this condition

Nevertheless, the court does not believe that imposing the entire period of stayed suspension is necessary to achieve the goals of attorney disciplinary probation. The Office of Probation's recommendation that Respondent's probation be revoked without further conditions is inadequate to impress upon him the importance of strict compliance with probation conditions as an integral step toward rehabilitation. Moreover, a one-year actual suspension, which is the entire original period of stayed suspension, is excessive.

Therefore, the court finds good cause for granting the Office of Probation's motion to revoke Respondent's probation and concludes that part of the period of the stayed suspension be imposed. Balancing all relevant facts and circumstances to reach the appropriate recommendation of degree of discipline, the court finds that a 120-day actual suspension with a two-year probation would be sufficient to achieve the goals of attorney disciplinary probation.

The Office of Probation further recommends that Respondent be placed on involuntary inactive status under section 6007, subdivision (d), for failing to comply with the terms of his disciplinary probation. However, it is possible that if Respondent was placed on involuntary inactive status, by the time the Supreme Court order imposing discipline in this matter became effective, Respondent would have been precluded from practicing law for a longer period than the recommended discipline. Therefore, based on the shortened period of actual suspension recommended, the court denies the State Bar's request to enroll Respondent involuntarily inactive under section 6007, subdivision (d).

It is not recommended that Respondent be ordered to complete State Bar Ethics School because he was previously ordered to do so in Supreme Court Case No. S224490.

Recommendations

The court recommends that the probation of Respondent, **Kenneth Edward Ostrove**, previously ordered in Supreme Court Case No. S224490 (State Bar Court case No. 14-O-01379) be revoked, that the stay of the execution of the one-year suspension be lifted, that Respondent be suspended from the practice of law in California for one year, that execution of the suspension be stayed, and that Respondent be placed on probation for two years on the following conditions:

1. Respondent Kenneth Edward Ostrove is suspended from the practice of law for the first 120 days of probation.
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of Respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including Respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, Respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
4. Within 30 days after 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 of the conditions of Respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
6. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to Respondent personally or in writing, relating to whether Respondent is complying or has complied with Respondent's probation conditions.
7. Within 30 days after the effective date of the discipline herein, Respondent must resubmit the law office management plan ("LOMP") he submitted to the Office of probation on September 3, 2015. The Office of Probation has deemed the September 3, 2015, sufficient with the exception of Respondent's procedure for withdrawing as attorney when he is not the attorney of record and he cannot find the client. If the Office of Probation maintains that Respondent's withdrawal procedure is deficient, the Office of Probation must specify why Respondent's procedure is lacking.⁵
8. Respondent must obtain psychiatric or psychological treatment from a duly licensed psychiatrist, psychologist or clinical social worker, at Respondent's own expense, a minimum of one time(s) per month and must furnish satisfactory evidence of compliance to the Office of Probation with each quarterly report. Treatment should commence immediately and, in any event, no later than 30 days after the effective date of the Supreme Court's final disciplinary order in this proceeding. Treatment must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final. If the treating psychiatrist, psychologist or clinical social worker determines that there has been a substantial change in Respondent's condition, Respondent or the State Bar may file a motion for modification of this condition with the State Bar Court Hearing Department pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

⁵ The court seeks clarification regarding the insufficiency of Respondent's procedure for withdrawing as attorney when he is not the attorney of record and he cannot find the client, which is outlined in Respondent's September 3, 2015 LOMP.

9. At the Office of Probation's request, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, the Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.
10. At the expiration of the probation period, if Respondent has complied with all conditions of probation, Respondent will be relieved of the stayed suspension.

Multistate Professional Responsibility Examination

It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination ("MPRE") because he was previously ordered to do so in Supreme Court case No. S224490.


California Rules of Court, Rule 9.20

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Fifty percent of the costs must be paid with Respondent's membership fees for each of the years 2017 and 2018. 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.

Dated: March 30, 2016



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 30, 2016, I deposited a true copy of the following document(s):

AMENDED ORDER RE MOTION TO REVOKE PROBATION

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

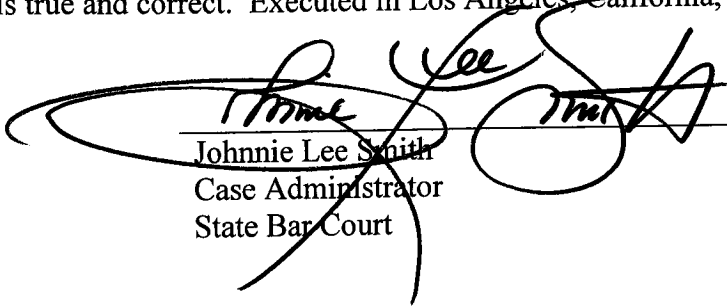
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**KENNETH EDWARD OSTROVE
5650 SAINT CLAIR AVE
NORTH HOLLYWOOD, CA 91607**

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

TERRIE GOLDADE, PROBATION DEPT, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 30, 2016.



Johnnie Lee Smith
Case Administrator
State Bar Court