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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
Counsel for the State Bar  <b>Christina Mitchell</b> Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017 (213) 765-1077  Bar # 245120	Case Number(s): <b>16-O-14594-RMR</b>	For Court use only  <div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">PUBLIC MATTER</div> <div style="font-size: 1.5em; font-weight: bold; margin-bottom: 5px;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">APR 25 2019</div> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent  <b>Artak Barsegyan</b> <b>Pansky Markle</b> 1010 Sycamore Avenue, Suite 308 South Pasadena, CA 91030 (213) 626-7300  Bar # 279064	Submitted to: <b>Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: <b>DENNIS SCOTT CARRUTHERS</b>  Bar # 68745  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 **June 25, 1976**.
- (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 **17** 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."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. It is recommended that (check one option only):
- 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. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
  - 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. **SELECT ONE** of the costs must be paid with Respondent's membership fees for each of the following years:  
  
If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be 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: **State Bar Court case number 14-O-00594, see page 13 and Exhibit 1, 19 pages**
  - (b)  Date prior discipline effective: **October 15, 2015**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code section 6106.**
  - (d)  Degree of prior discipline: **60-day actual suspension, with two-year stayed suspension and two-year probation.**
  - (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.

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- (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.
- (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 Respondent's misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's 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 [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 Respondent's 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 Respondent's 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 Respondent.

- (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 Respondent, 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 Respondent's control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's 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 Respondent's misconduct. **See page 13.**
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

Pretrial Stipulation, see page 13.

**D. Recommended Discipline:**

- (1)  **Actual Suspension:**

Respondent is suspended from the practice of law for **one year**, the execution of that suspension is stayed, and Respondent is placed on probation for **one year** with the following conditions.

- Respondent must be suspended from the practice of law for the first **90 days** of the period of Respondent's probation.

- (2)  **Actual Suspension "And Until" Rehabilitation:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation and until Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

- (3)  **Actual Suspension "And Until" Restitution (Single Payee) and Rehabilitation:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

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- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
  - a. Respondent makes restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_ (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
  - b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(4)  **Actual Suspension "And Until" Restitution (Multiple Payees) and Rehabilitation:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum of the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until both of the following requirements are satisfied:
  - a. Respondent must make restitution, including the principal amount plus 10 percent interest per year (and furnish satisfactory proof of such restitution to the Office of Probation), to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(5)  **Actual Suspension "And Until" Restitution (Single Payee) with Conditional Std. 1.2(c)(1) Requirement:**

Respondent is suspended from the practice of law for \_\_\_\_\_, the execution of that suspension is stayed, and Respondent is placed on probation for \_\_\_\_\_ with the following conditions.

- Respondent must be suspended from the practice of law for a minimum for the first \_\_\_\_\_ of Respondent's probation, and Respondent will remain suspended until the following requirements are satisfied:
  - a. Respondent makes restitution to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ plus 10 percent interest per year from \_\_\_\_\_ (or reimburses the Client Security Fund to the extent of any payment from the



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compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

- (2)  **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions:** Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.
- (3)  **Maintain Valid Official Membership Address and Other Required Contact Information:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.
- (4)  **Meet and Cooperate with Office of Probation:** Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.
- (5)  **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court:** During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.
- (6)  **Quarterly and Final Reports:**
  - a. **Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.
  - b. **Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.
  - c. **Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

**d. Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

- (7)  **State Bar Ethics School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (8)  **State Bar Ethics School Not Recommended:** It is not recommended that Respondent be ordered to attend the State Bar Ethics School because \_\_\_\_\_.
- (9)  **State Bar Client Trust Accounting School:** Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Client Trust Accounting School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Client Trust Accounting School after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (10)  **Minimum Continuing Legal Education (MCLE) Courses – California Legal Ethics [Alternative to State Bar Ethics School for Out-of-State Residents]:** Because Respondent resides outside of California, within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must either submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session or, in the alternative, complete \_\_\_\_\_ hours of California Minimum Continuing Legal Education–approved participatory activity in California legal ethics and provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the Ethics School or the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.
- (11)  **Criminal Probation:** Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.
- (12)  **Minimum Continuing Legal Education (MCLE):** Within \_\_\_\_\_ after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must complete \_\_\_\_\_ hour(s) of California Minimum Continuing Legal Education–approved participatory activity in SELECT ONE \_\_\_\_\_ and must

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provide proof of such completion to the Office of Probation. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for this activity. If Respondent provides satisfactory evidence of completion of the hours of legal education described above, completed after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this condition.

- (13)  **Other:** Respondent must also comply with the following additional conditions of probation:
- (14)  **Proof of Compliance with Rule 9.20 Obligations:** Respondent is directed to maintain, for a minimum of one year after commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20, subdivisions (a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.
- (15)  **The following conditions are attached hereto and incorporated:**
- Financial Conditions                       Medical Conditions
- Substance Abuse Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

#### **F. Other Requirements Negotiated by the Parties (Not Probation Conditions):**

- (1)  **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2)  **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because **respondent was ordered to take and pass the Multistate Professional Responsibility Examination as part of a previous disciplinary proceeding, State Bar Court case number 14-O-00594. Respondent provided proof of passage of the Multistate Professional Responsibility Examination on July 6, 2016. (See In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244; In the Matter of Seltzer (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 263, 272, fn. 7).**
- (3)  **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and 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 imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (4)  **California Rules of Court, Rule 9.20 – Conditional Requirement:** If Respondent remains suspended for 90 days or longer, Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

- (5)  **California Rules of Court, Rule 9.20, Requirement Not Recommended:** It is not recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, because

- (6)  **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:



5. Mr. Bell contacted Ms. Campbell's attorney's office and confirmed that she had filed for bankruptcy. A staff member at the attorney's office informed Mr. Bell that the loan he was seeking to collect was not listed on her bankruptcy petition.

6. Mr. Bell called Ms. Campbell back and informed her that the debt he was seeking to collect was not related to the student loans listed in the bankruptcy she had filed. Ms. Campbell provided him with her debit card number. Ms. Campbell asked that he not to withdraw more than \$25 since she was paid bi-weekly and she could not afford to pay more. Mr. Bell insisted that he needed to debit \$50 every two weeks. Ms. Campbell agreed to the \$50 debit.

7. On January 20, January 28, and February 13, 2016, respondent's office made three separate charges to Ms. Campbell's bank account, for a total of \$150, using the debit card information provided by Ms. Campbell.

8. On February 3, 2016, Ms. Campbell sued respondent and his firm for violations of the automatic stay and the Fair Debt Collection Practices Act ("FDCPA") in *Angela Campbell v. Dennis Scott Carruthers, Esq. and D. Scott Carruthers, A Professional Law Corporation*, United States Bankruptcy Court, Middle District of Alabama, case number 16-01013-WRS (the "Adversary Proceeding"). Respondent was properly served with the Summons on February 8, 2016.

9. Despite receiving notice of the lawsuit against respondent, on February 11, 2016, Mr. Bell contacted Ms. Campbell again, leaving her a voicemail.

10. After consulting with her attorney, Anthony Bush, Ms. Campbell contacted Mr. Bell and advised him not to withdraw additional funds. Thereafter, Ms. Campbell deactivated her bank account.

11. On February 16, 2016, Ms. Campbell filed an amended complaint in the lawsuit against respondent to reflect the ongoing conduct. Respondent did not file an answer or enter an appearance.

12. On March 2, 2016, after Brian Bell left his employment with respondent's office, respondent reviewed the Campbell file and learned of the Adversary Proceeding filed against him by Ms. Campbell and a notation was made to the Campbell file to cease further contact with Ms. Campbell and to cancel any further debits to her account. On March 14, 2016, respondent reversed the third \$50 debit that was made to Ms. Campbell's account after the Adversary Proceeding had been filed.

13. From October 15, 2015, through October 15, 2017, respondent was on disciplinary probation for State Bar Court case number 14-O-00594 and subject to the conditions attached to his probation, including that respondent comply with the State Bar Act and the Rules of Professional Conduct.

14. On June 14, 2016, the court entered respondent's default in *Angela Campbell v. Dennis Scott Carruthers, Esq. and D. Scott Carruthers, A Professional Law Corporation*. In October 2016, through their respective counsel, respondent and Ms. Campbell agreed to settle the matter for \$10,000.

15. On October 7, 2016, instead of withdrawing his earned attorney's fees from his client trust account, respondent paid The Bush Law Firm LLC \$10,000 from his client trust account as settlement of the lawsuit by Ms. Campbell.

## CONCLUSIONS OF LAW

16. Respondent indirectly caused a violation of the automatic stay by virtue of his employee's repeated contact with Ms. Campbell and the debits made to her bank account while the automatic stay was in place, and thus, respondent willfully violated Business and Professions Code section 6068(a), which requires an attorney to support the Constitution and laws of the United States and of the state of California.

17. By writing a \$10,000 settlement check in the *Angela Campbell v. Dennis Scott Carruthers, Esq. and D. Scott Carruthers, A Professional Law Corporation* matter from his client trust account, respondent commingled funds belonging to respondent in a bank account labeled "Trust Account," "Client's Fund Account" or words of similar import in willful violation of former rule 4-100(A) of the Rules of Professional Conduct.

18. By failing to comply with Business and Professions Code section 6068(a) and former rule 4-100(A) of the Rules of Professional Conduct, respondent failed to comply with all conditions attached to respondent's disciplinary probation in State Bar Court case number 14-O-00594, and thereby respondent willfully violated Business and Professions Code section 6068(k).

## AGGRAVATING CIRCUMSTANCES.

**Prior Discipline:** Respondent has one prior record of discipline State Bar Court case number 14-O-00594. Exhibit 1 is a certified copy of the prior discipline. Respondent received a two-year suspension, stayed, conditioned on a two-year probation and a sixty-day (60) actual suspension in March 2015 for simulating a witness's signature on a document that the witness had not reviewed and filing it under penalty of perjury, in violation of Business and Professions Code 6106. Respondent's misconduct significantly harmed the public and administration of justice but was mitigated by 36-years of discipline-free practice and entering into a pre-filing stipulation.

## MITIGATING CIRCUMSTANCES

**Good Character (Std. 1.6(f)):** Respondent is entitled to mitigating credit for providing evidence of his good character. Respondent provided letters from seven character witnesses, from both the legal and general communities, most of whom have known respondent for a lengthy period of time. All seven of the witnesses are aware of the alleged misconduct and attest to respondent's good character.

**Pretrial Stipulation:** By entering into this stipulation, respondent has acknowledged his misconduct and is entitled to mitigation for saving the State Bar significant resources and time. (*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].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. For Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and

preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young, 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).)

The most severe sanction applicable to respondent’s misconduct is found in Standard 2.12(a), which provides in pertinent part that “*disbarment or actual suspension* is the presumed sanction for violation of the duties required of an attorney under Business & Professions Code section 6068 (a)(b)(d)(e)(f) or (h).” (Emphasis added.)

Additionally, Standard 1.8 provides that 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. Here, respondent has a single prior record of discipline which was not remote in time and was serious misconduct involving an act of moral turpitude. The prior discipline was imposed on or about October 15, 2015, wherein respondent received 60-days actual suspension, two-year suspension, stayed, and probation for two years with conditions for simulating a witness’s signature on a document that was filed under penalty of perjury, in violation of Business and Professions Code 6106. Therefore, imposing progressive discipline is appropriate in this matter.

In the instant case, respondent is a debt collection attorney, who through his agent, Mr. Bell, violated the bankruptcy automatic stay by continuing to contact Ms. Campbell and debiting her account despite being placed on notice that she had filed a Chapter 13 bankruptcy in the United States Bankruptcy Court. The Supreme Court has acknowledged that while “an attorney cannot be held responsible for every detail of office procedure, he must accept responsibility to supervise the work of his staff.” (*Vaughn v. State Bar* (1972) 6 Cal.3d 847, 857; *In the Matter of Aguiluz* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 41, 50 [an attorney has a “nondelegable duty reasonably supervise his staff”], citing *Spindell v. State Bar* (1975) 13 Cal.3d 253, 259–260; *In the Matter of Kaplan* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 509, 520–521.) Accordingly, respondent can be disciplined for the misconduct of his employee.

Respondent’s actions, through his employee, placed him in violation of 11 U.S.C. §§ 362(a)(3) and (a)(6), which operate as a stay, applicable to all creditors seeking to recover claims against a debtor.

Further, respondent is culpable of writing one personal check from his client trust account. Finally, respondent also violated the terms and conditions of his probation, however the misconduct underlying the probation violation is duplicative of respondent's violation of Business and Professions Code section 6068(a), and therefore is not assigned additional weight in the level of discipline herein.

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In mitigation, respondent has presented evidence of his good character and is entitled to additional mitigation for entering into this stipulation prior to the trial. In aggravation, respondent has a recent and serious prior record of discipline. Evaluating the mitigating and aggravating factors together, the factors balance each other. However, given respondent's prior discipline of a 60-day actual suspension, a one-year suspension, stayed, conditioned on a one-year probation and a 90-day actual suspension is warranted.

While the parties are unaware of any California case law involving a violation of the automatic stay by an attorney, relevant case law supports this level of discipline. In *In re Morse* (1995) 11 Cal.4th 184, Morse was found culpable of violating Business and Professions Code section 6068(a) by sending out mass mailings of misleading advertisements that were prohibited by statute. The Supreme Court determined that the advertisements were unlawful under Business and Professions Code section 17537.6, which was disciplinable under section 6068(a). The attorney was found to have also violated rule 1-400(D) of the Rules of Professional Conduct. In aggravation, the Supreme Court found that the attorney engaged in a pattern of wrongdoing and he demonstrated indifference toward rectification. There was minimal mitigation in that the attorney had a discipline-free record for only six years. The Supreme Court suspended the attorney for five years, stayed, probation for five years with conditions, including a three-year actual suspension.

Similar to *Morse*, respondent's misconduct involved conduct prohibited by statute. However, respondent's conduct is mitigated by his good character and entry into pretrial stipulation. Furthermore, respondent's conduct is less serious than the misconduct in *Morse* because the scope of respondent's misconduct is much more limited than Morse's misconduct, wherein Morse engaged in a pattern of misconduct that affected up to four million people over the course of four years whereas respondent's agent violated the automatic stay by contacting Ms. Campbell twice and by causing two electronic bank withdrawals over the course of one month. Accordingly, respondent's misconduct warrants lesser discipline than imposed in *Morse*.

## **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Count</u>	<u>Alleged Violation</u>
Count 2	Business & Professions Code section 6106 (Moral Turpitude – Bad Faith)
Count 3	Business & Professions Code section 6106 (Moral Turpitude – Misappropriation)

## **COSTS OF DISCIPLINARY PROCEEDINGS.**

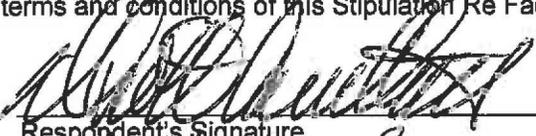
Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of April 16, 2019, the discipline costs in this matter are \$3,857. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: DENNIS SCOTT CARRUTHERS	Case Number(s): 16-O-14594
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**SIGNATURE OF THE PARTIES**

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

<u>4/20/19</u> Date	<u></u> Respondent's Signature	<u>DENNIS SCOTT CARRUTHERS</u> Print Name
<u>4-23-19</u> Date	<u></u> Respondent's Counsel Signature	<u>ARTAK BARSEGYAN</u> Print Name
<u>4/24/19</u> Date	<u></u> Deputy Trial Counsel's Signature	<u>CHRISTINA MITCHELL</u> Print Name

(Do not write above this line.)

In the Matter of: DENNIS SCOTT CARRUTHERS	Case Number(s): 16-O-14594
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### ACTUAL SUSPENSION ORDER

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

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

On page 9 of the Stipulation: (1) the "X" in the box at paragraph F.(2), as well as the language in bold at lines 3-8 of that paragraph, are deleted; and (2) an "X" is inserted in the box at paragraph F.(1) requiring Respondent to take and pass the Multistate Professional Responsibility Examination (MPRE) as set forth in that paragraph. Although Respondent took and passed the MPRE on July 6, 2016, the court recommends that Respondent take and pass the MPRE again as the misconduct resulting in the rule 4-100(A) violation in this matter occurred after Respondent took and passed the MPRE in July 2016. (See *Rhodes v. State Bar* (1989) 49 Cal.3d 50, 61 ["Since petitioner was required to take and pass the Professional Responsibility Examination pursuant to his prior disciplinary matter and the misconduct involved in this proceeding occurred before he passed the examination, we do not require that he retake and pass that examination."]; accord *In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, 286 [". . . we do not recommend that respondent be ordered to take and pass the [MPRE] because . . . the Supreme Court ordered respondent to take and pass that examination in his prior disciplinary proceeding and because none of respondent's misconduct in this proceeding was committed after that order."])

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 Rules Proc. of State Bar, rule 5.58(E) & (F).) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after the filed date of the Supreme Court order. (See Cal. Rules of Court, rule 9.18(a).)**

April 25, 2019  
Date

  
REBECCA MEYER ROSENBERG  
Judge Pro Tem of the State Bar Court

**SUPREME COURT  
FILED**

**SEP 15 2015**

(State Bar Court No. 14-O-00594)

**S226636**

**Frank A. McGuire Clerk**

**Deputy**

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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**In re DENNIS SCOTT CARRUTHERS on Discipline**

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The court orders that Dennis Scott Carruthers, State Bar Number 68745, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Dennis Scott Carruthers is suspended from the practice of law for the first 60 days of probation;
2. Dennis Scott Carruthers must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 26, 2015; and
3. At the expiration of the period of probation, if Dennis Scott Carruthers has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Dennis Scott Carruthers must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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. One-half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If Dennis Scott Carruthers 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.

**CANTIL-SAKAUYE**  
*Chief Justice*

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

\_\_\_\_\_ day of **SEP 15, 2015** 20\_\_\_\_\_

By:   
Clerk  
Deputy

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<b>Counsel For The State Bar</b>  <b>Ashod Mooradian</b> <b>Senior Trial Counsel</b> <b>845 S. Figueroa Street</b> <b>Los Angeles, CA 90017</b> <b>(213) 765-1004</b>  <b>Bar # 194283</b>	<b>Case Number(s):</b> <b>14-O-00594-DFM</b>	<b>For Court use only</b>  <div style="text-align: center; font-size: 1.2em;"> <b>FILED</b>  <b>MAR 26 2015</b> <i>YTC</i> </div> <div style="text-align: center; font-size: 0.8em;"> <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<b>Counsel For Respondent</b>  <b>James I. Ham, Esq.</b> <b>Pansky Markle Ham LLP</b> <b>1010 Sycamore Ave., Unit 308</b> <b>South Pasadena, CA 91030</b>  <b>Bar # 100849</b>	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> <b>DENNIS SCOTT CARRUTHERS</b>  <b>Bar # 68745</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>		
<b>Submitted to: Settlement Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

**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 **June 25, 1976**.
- (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 **14** 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 January 1, 2014)

*BY* 3-6-15

(Do not write above this line.)

- (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: 2016, 2017. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case
  - (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)  **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See Attachment at page 9.**
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.

(Do not write above this line.)

- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None.

**C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (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.

(Do not write above this line.)

**Additional mitigating circumstances:**

See Attachment at page 9-10.

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **sixty (60) days**.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

(1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

(2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(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.

(Do not write above this line.)

- (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: .

(Do not write above this line.)

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

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

IN THE MATTER OF:                   DENNIS SCOTT CARRUTHERS  
CASE NUMBERS:                       14-O-00594-DFM

**FACTS AND CONCLUSIONS OF LAW.**

Dennis Scott Carruthers ("Respondent") admits that the following facts are true and that he is culpable of violations of the specified statutes.

Case No. 14-O-00594 (Complainant: Fred W. Schwinn)

**FACTS:**

1. Respondent was admitted to the practice of law in the State of California on June 25, 1976, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. On November 2, 2006, Mountain Lion Acquisitions, LLC was established as a California limited liability corporation engaged in the business of purchasing delinquent debts from lenders and investors and at all relevant times was controlled and operated by Respondent.
3. On July 23, 2010, Mountain Lion Acquisitions, LLC and CashCall entered into a Purchase and Sale Agreement ("PSA") for a specified number of CashCall's delinquent customer loan accounts. Respondent executed the PSA on behalf of Mountain Lion Acquisitions, LLC, and Louis Ochoa executed the PSA on behalf of CashCall, in his capacity as Vice President of CashCall.
4. In section 9.1 of the PSA, in relevant part, CashCall agreed to cooperate, at [Mountain Lion Acquisitions, LLC's] cost, with [Mountain Lion Acquisitions, LLC's] attempt to enforce any obligation pursuant to this [PSA], including providing necessary affidavits or such other legal documents.
5. In section 12.15 of the PSA, in relevant part, CashCall agreed to irrevocably appoint Mountain Lion Acquisitions, LLC and its representatives as CashCall's "limited attorney-in-fact to endorse [CashCall's] name upon (a) checks or other forms of payment received with respect to the Loans, and (b) any other notes, instruments and other documents necessary to carry out the intent of this [PSA] and the transfers provided for herein." On July 23, 2010, CashCall, pursuant to the terms of the PSA, executed and delivered to Mountain Lion Acquisitions, LLC a limited power of attorney ("LPOA").
6. The LPOA provided, in relevant part, that Mountain Lion Acquisitions, LLC was CashCall's lawful attorney and that Mountain Lion Acquisitions, LLC could, in CashCall's name, place and stead, take or cause to be taken "...any action necessary to convey to [Mountain Lion Acquisitions, LLC] all right, title and interest of [CashCall] in, to and under the Loans and the related documentation, including without limitation:...[¶]...to...sign,...any and all notes, checks, money orders or monies due on any Loan sold to [Mountain Lion Acquisitions, LLC] and to...sign,...any orders, certificates, insurance policies and all benefits under an instrument or documents as may from time to time be necessary or

appropriate to accomplish the sales and transfers provided for the [PSA]...[¶]... to exercise or perform any act, power or duty that [CashCall] has or would have in connection with the Loans purchased by [Mountain Lion Acquisitions, LLC], or which are reasonable in order to protect [Mountain Lion Acquisitions, LLC's] interest in the collateral securing any Loan.”

7. On March 11, 2011, Mountain Lion Acquisitions, Inc. was established as a California Corporation primarily engaged in the business of collecting debts in this State and at all relevant times was also controlled and operated by Respondent.

8. In 2011, Mountain Lion Acquisitions, LLC assigned the delinquent accounts it purchased from CashCall to Mountain Lion Acquisitions, Inc. which subsequently retained Respondent to file suit to collect on the outstanding accounts.

9. On February 23, 2012, Respondent filed a lawsuit against Alicia G. Skinner in the Superior Court of Contra Costa County entitled *Mountain Lion Acquisitions, Inc. v. Alicia G. Skinner, et al.*, bearing case no. CIVMSL12-01150 (“Skinner lawsuit”), which sought to collect \$2,141.31 in damages. Ms. Skinner’s loan account was one of many delinquent loan accounts that Mountain Lion Acquisitions, LLC purchased from CashCall on July 23, 2010 and thereafter assigned to Mountain Lion Acquisitions, Inc.

10. On June 28, 2012, Respondent drafted and caused to be filed in the Superior Court of Contra Costa County a pleading entitled *Prepared Testimony in Lieu of Direct Testimony* (“Prepared Testimony pleading”) in the Skinner lawsuit that was signed under penalty of perjury purportedly by Louis Ochoa, in his capacity as Vice President of CashCall. In the Prepared Testimony pleading, it was declared that Louis Ochoa stated he was personally familiar with the books, records and account of Ms. Skinner and went on to state all the facts legally necessary to establish that Ms. Skinner owed \$2,141.31 on the account for the purposes of obtaining a money judgment. The Prepared Testimony pleading also declared, in relevant part, “[t]hat I [Louis Ochoa] have reviewed the complaint in this matter and find that all the allegations contained therein are true and accurate.”

11. Prior to filing the Prepared Testimony pleading, Respondent executed the Prepared Testimony pleading by simulating Louis Ochoa’s signature to make it look as if the signature affixed was the actual signature of Mr. Ochoa. In addition, there was no notation or indication on the Prepared Testimony pleading, either next to the purported signature of Mr. Ochoa or anywhere else in the document, that would indicate in any way that the signature affixed was not in fact the actual signature of Louis Ochoa.

12. Respondent simulated Mr. Ochoa signature as described above because he believed at that time that pursuant to section 9.1 and 12.15 of the PSA and the provisions in the LPOA, CashCall had agreed that he could endorse the name of Vice President Louis Ochoa on documents such as the Prepared Testimony pleading. Respondent’s subjective belief regarding the legal authority conferred by the PSA and LPOA was not reasonable and Respondent made no effort to confirm whether or not his belief was correct. Respondent now knows that his belief that the PSA and LPOA authorized him to simulate Mr. Ochoa’s signature was incorrect.

13. At the time the Prepared Testimony pleading was filed in the Superior Court of Contra Costa County in the Skinner lawsuit, Respondent knew that the Prepared Testimony pleading did not have the actual signature of Louis Ochoa affixed.

14. Prior to the execution or filing the Prepared Testimony pleading, Respondent did not provide Louis Ochoa a copy of the Prepared Testimony pleading for his review or approval as to its contents. Also, at no time prior to the execution or filing the Prepared Testimony pleading, did Louis Ochoa in fact review the complaint in the Skinner lawsuit or any of the allegations contained in the Prepared Testimony pleading.

15. Respondent did not provide Louis Ochoa a copy of the Prepared Testimony pleading for his review or approval as to its contents because he believed at that time that pursuant to section 9.1 and 12.15 of the PSA and the provisions in the LPOA, CashCall had agreed that it was not necessary for Respondent to provide Louis Ochoa a copy of the Prepared Testimony pleading for his review or approval as to its contents. Respondent's subjective belief regarding the legal authority conferred by the PSA and LPOA was not reasonable and Respondent made no effort to confirm whether or not his belief was correct. Respondent now knows that his belief that the PSA and LPOA obviated the need for him to provide Louis Ochoa a copy of the Prepared Testimony pleading for his review or approval as to its contents was incorrect.

16. At the time the Prepared Testimony pleading was filed in the Superior Court of Contra Costa County in the Skinner lawsuit, Respondent knew that he had not provided Louis Ochoa a copy of the Prepared Testimony pleading for Mr. Ochoa's review and approval as to its contents and that Mr. Ochoa had not in fact reviewed or approved the contents of the Prepared Testimony pleading.

17. On January 8, 2014, Mr. Ochoa was shown a copy of the Prepared Testimony pleading. It was the first time that Mr. Ochoa had seen the Prepared Testimony pleading. Mr. Ochoa also confirmed that the signature affixed to the pleading was not his signature.

#### CONCLUSIONS OF LAW:

18. By filing or causing to be filed, in the Skinner lawsuit, the Prepared Testimony pleading that was purportedly signed under penalty of perjury by Louis Ochoa, when Respondent knew that the Prepared Testimony pleading did not bear the actual signature of Mr. Ochoa and that, prior to the time of filing the Prepared Testimony pleading, Mr. Ochoa had not reviewed or approved the contents of the Prepared Testimony pleading, Respondent was grossly negligent in committing an act or acts involving dishonesty in willful violation of Business and Professions Code, section 6106.

#### AGGRAVATING CIRCUMSTANCES.

**Harm (Std. 1.5(f)):** In the current matter, Respondent's filing of the Prepared Testimony pleading in court to collect on a consumer debt that was not signed by the purported declarant but rather was simulated by Respondent harmed the public and the administration of justice. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 913 [collecting illegal fees by giving false information to State agencies significantly harmed the public, the administration of justice and clients].)

#### MITIGATING CIRCUMSTANCES.

##### **Additional Mitigating Circumstances:**

**No Prior Discipline (Std. 1.6(a)):** Respondent had been in practice for 36 years without a prior record when the first misconduct in this matter occurred. Although the misconduct in this matter is serious, involving misrepresentations of material fact, the significant period of time without discipline is

entitled to mitigation. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn.13.; *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

**Pretrial Stipulation:** Respondent has agreed to enter into this pre-trial stipulation to fully resolve this matter without the necessity of a trial, thereby saving the State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re 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, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Here, Respondent committed misrepresentations of material fact with gross negligence in violation of Business and Professions Code section 6106. Consequently, the most severe sanction applicable to Respondent’s misconduct is found in Standard 2.7, which applies to Respondent’s violation of Business and Professions Code, section 6106.

Standard 2.7 provides that “[d]isbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law.”

In this case, Respondent offered the prepared testimony of Louis Ochoa, the Vice President of CashCall, the creditor who originally owned the delinquent loan account of Ms. Skinner. The prepared testimony, like a declaration under penalty of perjury, averred that Mr. Ochoa, under penalty of perjury, had personal knowledge of the contents, had read the complaint in the case and asserted all the legally

necessary facts to permit a court to enter a default judgment for the amount of the debt against Ms. Skinner and would be accepted by the court as if Mr. Ochoa was testifying to those facts on the witness stand. However, at no time prior to the drafting, executing or filing of the Prepared Testimony pleading, had Mr. Ochoa seen, reviewed or approved the contents of the Prepared Testimony pleading. In addition, the signature affixed to the Prepared Testimony pleading was not Mr. Ochoa's but rather was "simulated" by Respondent.

Respondent's explanation and justification for his above-described conduct is that he believed at that time that pursuant to section 9.1 and 12.15 of the PSA and the provisions in the LPOA, CashCall had agreed that he could endorse the name of Vice President Louis Ochoa on documents such as the Prepared Testimony pleading. Respondent's subjective belief regarding the legal authority conferred by the PSA and LPOA was not reasonable and the fact that Respondent made no effort to confirm whether or not his belief was correct amounts to gross negligence. Respondent now knows that his belief that the PSA and LPOA authorized his conduct herein is incorrect.

The fact that Respondent claimed to be acting pursuant to a written agreement and power of attorney (*i.e.*, the PSA and LPOA) does not serve as a valid defense or justification in this matter. In *Palomo v. State Bar* (1984) 36 Cal.3d 785, the attorney had endorsed his client's signature to a pleading without the knowledge of his client but defended his actions as not amounting to misconduct by contending that he acted pursuant to a broad express power of attorney. The Supreme Court, finding that the attorney's reliance on the power of attorney did not prevent a finding that he committed misconduct, explained as follows:

Our past disciplinary cases have assumed that representational authority alone does not constitute the client's consent to simulation of his signature on a draft payable in his name. (*Silver*, supra, 13 Cal.3d at p. 144, 117 Cal.Rptr. 821, 528 P.2d 1157; *Himmel*, supra, 4 Cal.3d at p. 798, 94 Cal.Rptr. 825, 484 P.2d 993.) Since it is undisputed that Torres gave no actual consent to petitioner's endorsement, the finding of misconduct is valid.

(*Id.* at 795) (Footnotes omitted.)

There are several disciplinary cases that address situations where attorneys have signed pleadings or documents in the name of another. In these cases, the Supreme Court and the Review Department have both found that under similar factual circumstances as presented in the current matter, that an attorney's conduct of simulating a signature and an attorney's filing of a pleading that contains allegations of facts made by another person under penalty of perjury but where that third person has not seen, reviewed, approved or confirmed the accuracy of those allegations prior to the filing of the pleading with the Court are acts of moral turpitude. (See *e.g.*, *Aronin v. State Bar* (1991) 52 Cal.3d 276 [the attorney claimed that he had his client's oral authorization to sign a verification to an answer to an unlawful detainer making it appear that his client actually signed the pleading (*i.e.*, simulated signature.) (*Id.* at p. 286.); *In the Matter of Dixon* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 23, ["We agree with the hearing judge that by having the Oggs sign blank pleading forms and then completing and filing those forms as having been executed under penalty of perjury, without first confirming with the client the accuracy of the information, respondent committed an act of moral turpitude in willful violation of section 6106." (*Id.* at pg. 29.)].)

On the other hand, Respondent's actions in this matter were not intentional or done with fraudulent intent because Respondent believed he was acting in a manner that was consistent with the authority given him in the PSA and the LPOA. There is no evidence that Respondent orchestrated the filing of

the Prepared Testimony pleading in the Skinner lawsuit as part of a scheme to defraud that debtor Ms. Skinner. It is undisputed that the account information and balances contained in the pleadings were accurate and correct. Rather, the evidence shows that, at the time, Respondent simply had a belief that he was entitled to take the actions described herein pursuant to the PSA and LPOA. Therefore, Respondent's misconduct herein was not intentional or fraudulent, but nevertheless was grossly negligent. In addition, Respondent's misconduct occurred in connection with his representation of Mountain Lion Acquisitions, Inc. and consequently was directly related to his practice of law.

Further, in this matter, there is one aggravating circumstance and two mitigating circumstances. Specifically, Respondent's misconduct was aggravated by harm to the public and the administration of justice and was mitigated by no prior record of discipline over a lengthy period of time and cooperation for entering into a pre-trial stipulation. Overall, Respondent's misconduct in this matter is more mitigated than aggravated.

In addition to an analysis pursuant to Standard 2.7, 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).) These facts support the conclusion that Respondent's actions were aberrational and he will be able to conform to his ethical responsibilities in the future and the risk of recurrence is low.

Therefore, taking into account the magnitude of Respondent's misconduct, but also that Respondent's misconduct was more mitigated than aggravated, the appropriate level of discipline under Standard 2.7 that best serves the protection of the public, the courts and the profession, as well as the maintenance of high professional standards for attorneys and the preservation of public confidence in the legal profession should be on the lower end of the range suggested by the Standard, namely, a two year stayed suspension, two years' probation on standard terms and conditions, including a 60-day actual suspension, passage of State Bar Ethics School and the MPRE.

A 60-day actual suspension in this matter is also supported by case law. In *Drociak v. State Bar* (1990) 52 Cal.3d 1085, the attorney had answered interrogatories directed to a client and after obtaining several extensions of time to respond to discovery as well as sending several letters to his client, the attorney in *Drociak* attached thereto one of the client's presigned verifications because of the loss of contact with the client. The Supreme Court found that this misconduct violated Bus. & Prof. Code, § 6106 and imposed a 30 days' actual suspension. Similar to the instant matter, the clients in *Drociak* never saw the responses that their pre-signed verifications were attached prior to them being served them on opposing counsel. The Supreme Court also found several mitigating circumstances in *Drociak*, including that attorney in *Drociak* had been in practice for over 25 years without a prior record of discipline.

By comparison, in this matter, Respondent filed the Prepared Testimony pleading that contained allegations of facts purportedly made by Louis Ochoa under penalty of perjury but where Louis Ochoa person has not seen, reviewed, approved or confirmed the accuracy of those allegations prior to the filing of the pleading with the Court. Unlike in *Drociak*, Respondent did not make attempts to obtain Mr. Ochoa's signature legitimately. Thus, Respondent's misconduct is more serious than that of the attorney in *Drociak*. In addition, although the misconduct of both the attorney in *Drociak* and Respondent involved the presentation of facts in a lawsuit that were not seen, reviewed or approved by the persons under whose name the facts were sworn to be true, Respondent's misconduct also included the affixing of the simulated signature of Mr. Ochoa to the Prepared Testimony pleading. A pleading that was then not only served on an opposing party but was actually filed in court in an attempt to obtain

a money judgment against a consumer. Therefore, a 60-day actual suspension in this matter is appropriate because it is a more serious level of discipline than the discipline imposed in *Drociak*.

**DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
14-O-00594	TWO	Business and Professions Code, section 6068(d)

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of March 5, 2015, the prosecution costs in this matter are \$3,497. 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**

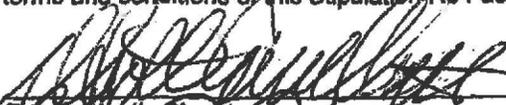
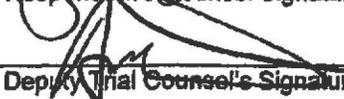
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: <b>DENNIS SCOTT CARRUTHERS</b>	Case number(s): <b>14-O-00594-DFM</b>
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**SIGNATURE OF THE PARTIES**

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

<u>3/11/2015</u> Date	 Respondent's Signature	<u>Dennis Scott Carruthers</u> Print Name
<u>3/12/2015</u> Date	 Respondent's Counsel Signature	<u>James I. Ham</u> Print Name
<u>3/13/2015</u> Date	 Deputy Trial Counsel's Signature	<u>Ashod Mooradian</u> Print Name

(Do not write above this line.)

In the Matter of: DENNIS SCOTT CARRUTHERS	Case Number(s): 14-O-00594-DFM
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### ACTUAL SUSPENSION ORDER

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

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

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

3-23-15  
Date

  
GEORGE E. SCOTT, JUDGE PRO TEM  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 26, 2015, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION**

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:

**JAMES IRWIN HAM  
PANSKY MARKLE HAM LLP  
1010 SYCAMORE AVE UNIT 308  
SOUTH PASADENA, CA 91030**

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

**ASHOD MOORADIAN, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 26, 2015.



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Tammy Cleaver  
Case Administrator  
State Bar Court

The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.



ATTEST April 5, 2019

State Bar Court, State Bar of California,  
Los Angeles

By \_\_\_\_\_  
Clerk

A handwritten signature in cursive script, appearing to read "Christine Delle", is written over a horizontal line.

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 25, 2019, 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:

ARTAK BARSEGYAN  
PANSKY MARKLE ATTORNEYS AT LAW  
1010 SYCAMORE AVE UNIT 308  
S PASADENA, CA 91030 - 6139

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

CHRISTINA R. MITCHELL, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 25, 2019.



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Mazie Yip  
Court Specialist  
State Bar Court