



1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF PROBATION
3 TERRIE GOLDADE, No. 155348
4 SUPERVISING ATTORNEY
5 845 South Figueroa Street
6 Los Angeles, California 90017-2515
7 Telephone: (213) 765-1000

FILED

MAR 23 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

10 In the Matter of:

11 MARK BRYSON REPLOGLE,
12 No. 151200,

13 A Member of the State Bar

) Case No. 16-PM-11828 -DFM
)
) MOTION TO REVOKE PROBATION;
) MEMORANDUM OF POINTS AND
) AUTHORITIES; DECLARATION OF MAY
) FERNANDEZ; EXHIBITS 1 THROUGH 3;
) PROBATION REVOCATION RESPONSE
) FORM [Rule 5.310 et seq., Rules of Procedure
) of the State Bar]

16 **TO: The State Bar Court and Mark Bryson Replogle, Respondent:**

17 **PLEASE TAKE NOTICE THAT** the State Bar of California, Office of Probation,
18 hereby moves pursuant to Rules of Procedure of the State Bar of California, rules 5.310, et seq.,
19 to revoke the probation imposed upon Mark Bryson Replogle ("Respondent") in prior
20 disciplinary case nos. 13-O-11836 and 13-O-16674 and to impose upon Respondent the entire
21 period of suspension of one year previously stayed by order no. S216723 of the Supreme Court
22 filed on April 29, 2014. The State Bar requests that Respondent be ordered to comply with rule
23 9.20, California Rules of Court, and that Respondent be placed on involuntary inactive
24 enrollment pursuant to Business and Professions Code section 6007(d).

25 This motion is based upon the factual allegations that Respondent has violated the terms
26 of probation imposed on Respondent by the aforementioned order as follows:

27 1. As a condition of probation, Respondent was ordered to comply with the State
28 Bar Act and the Rules of Professional Conduct and to report such compliance in writing to the

1 Office of Probation under penalty of perjury each January 10, April 10, July 10, and October 10
2 (“quarterly reports”). Respondent has not complied in that Respondent has failed to file his
3 quarterly report due January 10, 2016.

4 2. As a condition of probation, Respondent was ordered to, within one year of the
5 effective date of his discipline –by May 29, 2015, provide satisfactory proof of attendance at a
6 session of Ethics School and passage of the test given at the end of that session. Respondent has
7 not complied in that Respondent has not attended Ethics School and, as such, has not provided
8 proof of attendance and passage of the test.

9 This motion is also based on the attached Memorandum of Points and Authorities, the
10 attached Declaration of May Fernandez, the attached exhibits, and all documents on file with the
11 court in this matter.

12 In accordance with rules 5.314(A) and 5.314(E) of the Rules of Procedure of the State
13 Bar of California, the Office of Probation requests that a hearing be held unless the Court, based
14 upon this motion and any response, determines that imposition of the discipline as requested
15 above is warranted.

16 **NOTICE – FAILURE TO RESPOND**

17 YOUR FAILURE TO FILE A RESPONSE WITHIN TWENTY (20) DAYS OF
18 SERVICE OF THIS MOTION WILL CONSTITUTE AN ADMISSION OF THE
19 FACTUAL ALLEGATIONS CONTAINED IN THIS MOTION AND MAY
20 RESULT IN THE IMPOSITION OF ACTUAL SUSPENSION PURSUANT TO
21 THE UNDERLYING DISCIPLINARY ORDER. ALSO, FAILURE TO
22 REQUEST A HEARING WILL CONSTITUTE A WAIVER OF YOUR RIGHT
23 TO A HEARING. SEE RULE 5.314(B) OF THE RULES OF PROCEDURE OF
24 THE STATE BAR.

25 **NOTICE – INACTIVE ENROLLMENT**

26 YOU ARE HEREBY NOTIFIED THAT, PURSUANT TO BUSINESS AND
27 PROFESSIONS CODE SECTION 6007(d), IF THE STATE BAR COURT
28 RECOMMENDS ACTUAL SUSPENSION ON ACCOUNT OF A PROBATION
VIOLATION OR OTHER DISCIPLINARY MATTER, YOU MAY BE
INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE
STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION
TO ANY DISCIPLINE RECOMMENDED BY THE STATE BAR COURT.
SEE RULE 5.315, RULES OF PROCEDURE OF THE STATE BAR.

NOTICE – COST ASSESSMENT

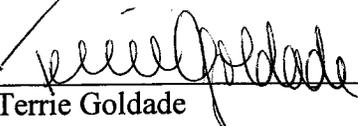
IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY

1 THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
2 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
SECTION 6086.10. SEE RULE 5.129, ET SEQ., RULES OF PROCEDURE OF
THE STATE BAR.

3 Respectfully submitted,

4 THE STATE BAR OF CALIFORNIA
5 OFFICE OF PROBATION

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8 DATED: March 23, 2016

By: 

Terrie Goldade
Supervising Attorney

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. RESPONDENT HAS NOT COMPLIED WITH THE TERMS OF PROBATION, AND
3 PROBATION SHOULD BE REVOKED.

4 By order filed April 29, 2014, the Supreme Court imposed discipline on Respondent in
5 case no. S216723. The Supreme Court suspended Respondent for one year but stayed the
6 execution of the suspension on the condition that Respondent comply with all terms of probation.

7 As terms of probation, Respondent was ordered as follows:

- 8 1. comply with the State Bar Act and the Rules of Professional Conduct and to report
9 such compliance in writing to the Office of Probation under penalty of perjury each
10 January 10, April 10, July 10, and October 10 (“quarterly reports”). Respondent has not
11 complied in that Respondent has failed to file his quarterly report due January 10, 2016.
12 2. within one year of the effective date of his discipline –by May 29, 2015, provide
13 satisfactory proof of attendance at a session of Ethics School and passage of the test
14 given at the end of that session. Respondent has not complied in that Respondent has not
15 attended Ethics School and, as such, has not provided proof of attendance and passage of
16 the test.

17 Consequently, the State Bar Court should recommend revocation of Respondent’s probation.

18 Attached hereto as Exhibit 1 is a certified copy of Respondent’s registration card and
19 Respondent’s membership records address history with the State Bar of California. Exhibit 1
20 will be offered as evidence based upon the certification of Membership Records and
21 Certification to show that Respondent was properly served in this proceeding.

22 A. Respondent Was Served With The Supreme Court Order.

23 It is presumed that Respondent was served with the disciplinary order of the Supreme
24 Court imposing a period of probation. The clerks of the reviewing courts have a duty to transmit
25 a copy of all decisions of those courts to the parties. (California Rules of Court, rule 8.532(a).)
26 Pursuant to Evidence Code section 664, there is a rebuttable presumption that such official duties
27 have been regularly performed. Therefore, absent any evidence to the contrary, it is presumed
28 that the Supreme Court clerk has complied with the duty to transmit to Respondent a copy of the

1 order placing Respondent on probation. (*In re Linda D.* (1970) 3 Cal.App. 3d 567; *People v.*
2 *Smith* (1965) 234 Cal.App.2d 407; *Fischer v. Lukens* (1919) 41 Cal.App. 358.)

3 B. Respondent's Violation of Probation Was Willful

4 Violation of a condition of probation must be willful to warrant discipline. (*In the Matter*
5 *of Potack* (1991 Review Dept.) 1 Cal. State Bar Ct. Rptr. 525.) A willful failure is demonstrated
6 by a general purpose or willingness to permit the omission and can be proven by direct or
7 circumstantial evidence. (*Durbin v. State Bar* (1979) 23 Cal.3d 461; *Zitny v. State Bar* (1966) 64
8 Cal.2d 787.) It does not require bad faith.

9 The burden of proof in a probation revocation proceeding is the preponderance of the
10 evidence. (Rule 5.311, Rules of Procedure.) For purposes of determining culpability, it is
11 misguided to distinguish between "substantial" and "insubstantial" or "technical" violations of
12 probation conditions. (*In the Matter of Potack*, supra.) Respondent's failure to comply with
13 probation demonstrates a lack of concern about professional responsibilities, and therefore,
14 probation should be revoked.

15 II. RESPONDENT'S VIOLATION OF PROBATION WARRANTS THE IMPOSITION
16 OF THE FULL STAYED SUSPENSION.

17 In a probation revocation proceeding, the hearing judge may recommend actual
18 suspension up to the entire period of stayed suspension. (Rule 5.312, Rules of Procedure.) In
19 this case, the Supreme Court imposed a stayed suspension of one year. Based on the violation of
20 probation, the hearing judge should now recommend that Respondent be actually suspended for
21 the full period of stayed suspension.

22 III. UPON FINDING OF VIOLATION OF PROBATION, THE COURT MAY ORDER A
23 RESPONDENT PLACED ON INACTIVE STATUS.

24 In a probation revocation proceeding, the hearing judge may order the involuntary
25 inactive enrollment of a Respondent upon a finding that each of the elements of Business and
26 Professions Code section 6007(d) have occurred. (Rule 5.315, Rules of Procedure.) Those
27 elements have occurred where the Respondent is under an order of stayed suspension with a
28 period of probation and has violated that probation and where the hearing judge recommends a

1 period of actual suspension. (Business and Professions Code, section 6007(d)(1).) See *In the*
2 *Matter of Tiernan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 523, 531-532. The order
3 enrolling a respondent inactive shall be effective upon service unless otherwise ordered by the
4 judge. (Rule 5.315, Rules of Procedure.)

5 CONCLUSION

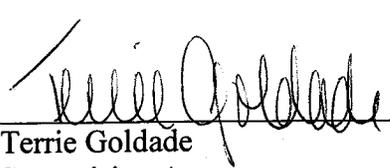
6 The Supreme Court has stayed Respondent's suspension and placed him on probation,
7 and Respondent has violated that probation. The State Bar requests that the hearing judge
8 recommend revocation of Respondent's probation and the imposition of one year of actual
9 suspension. Furthermore, the hearing judge should order Respondent placed on involuntary
10 inactive enrollment until the suspension is effective and order Respondent to comply with Rule
11 9.20, California Rules of Court.

12 Respectfully submitted,

13 THE STATE BAR OF CALIFORNIA
14 OFFICE OF PROBATION

15
16 DATED: March 23, 2016

17 By: _____

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19 Terrie Goldade
20 Supervising Attorney
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1 7. A review of the probation file on Respondent reflects that a disciplinary order
2 imposing probation is contained therein. A certified copy of said order, filed on April 29, 2014,
3 is attached hereto and incorporated by reference as Exhibit 2. A certified copy of the stipulation
4 filed December 19, 2013 is also included within Exhibit 2 for the Court's convenience. Pursuant
5 to said order, the terms and conditions of probation imposed on Respondent include the
6 following:

7 a. comply with the State Bar Act and the Rules of Professional Conduct and to
8 report such compliance in writing to the Office of Probation under penalty of perjury
9 each January 10, April 10, July 10, and October 10 ("quarterly reports"). Respondent has
10 not complied in that Respondent has failed to file his quarterly report due January 10,
11 2016.

12 b. within one year of the effective date of his discipline –by May 29, 2015,
13 provide satisfactory proof of attendance at a session of Ethics School and passage of the
14 test given at the end of that session. Respondent has not complied in that Respondent has
15 not attended Ethics School and, as such, has not provided proof of attendance and
16 passage of the test.

17 8. As Custodian of Records, I have reviewed the entire contents of the probation file
18 on Respondent which reflects that the relevant portions of the disciplinary orders imposing
19 probation and a letter confirming the terms and conditions of probation, including suspension,
20 were provided to the Respondent on May 13, 2014.

21 9. The following documents, attached hereto and incorporated by reference
22 collectively as Exhibit 3, are contained in the Office of Probation file maintained on respondent:

23 a. Phone memo for calls between the Office of Probation and Respondent on
24 March 12 and 13, 2014.

25 b. Reminder letter mailed to Respondent on May 13, 2014 outlining the terms
26 and conditions of his probation.

27 c. Required Probation Meeting Record for June 26, 2014 telephonic meeting.
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- d. Respondent's quarterly report due July 10, 2014, received on June 27, 2014; not compliant because it did not cover the entire reporting period. Respondent did not include any information re Ethics School.
- e. Respondent's quarterly report due July 10, 2014 filed July 3, 2014. Respondent did not include any information re Ethics School.
- f. Respondent's quarterly report due October 10, 2014 filed October 3, 2014. Respondent did not include any information re Ethics School.
- g. Respondent's quarterly report due January 10, 2015 filed January 8, 2015. Respondent did not include any information re Ethics School.
- h. January 3, 2015 letter from Jacquelyn McCants re not having received restitution from Respondent.
- i. Respondent's quarterly report due April 10, 2015 filed April 8, 2015. Respondent did not include any information re Ethics School.
- j. June 1, 2015 letter mailed and emailed to Respondent setting forth his noncompliance with his Ethics School requirement and including a complete copy of the May 13, 2014 letter with enclosures. The email delivery was not completed: I received a message stating that the email could not be delivered, and that it was a permanent error.
- k. Respondent's quarterly report due July 10, 2015 filed July 8, 2015. Respondent did not include any information re Ethics School.
- l. Respondent's quarterly report due October 10, 2015 filed October 9, 2015. Respondent did not include any information re Ethics School.
- m. Ethics School verification form dated February 24, 2016; Respondent has not taken Ethics School.

10. A complete review of the Respondent's file reflects that none of the letters referred to above were returned to the State Bar of California, Office of Probation by the United States Postal Service as undeliverable, or for any other reason.

1 11. On June 25, 2014, Respondent telephoned me to schedule his required meeting.
2 We scheduled it for June 26, 2014. I told him to read my letter and have it with him when he
3 called me at 2 p.m. He said he had already mailed his quarterly report. I told him that I would
4 not be able to file it because it was too early (it did not cover the entire reporting period); I also
5 told him that I would discuss it in further detail during "tomorrow's" meeting. He informed me
6 that he lives in Arizona and is his mother's caregiver.

7 12. On June 26, 2014, I conducted the required meeting with Respondent via
8 telephone. He verified receipt of my May 13, 2014 letter. Among other things, I reminded him
9 (1) of his quarterly reporting and Ethics School requirements; and (2) that the Office of
10 Probation does not have authority to modify conditions, but that he could choose to file a motion.

11 13. On January 8, 2015, I received a voice mail message from Respondent stating that
12 he had sent a quarterly report and that the status shows that it was left and the notice of delivery
13 was left there because it was an unsecured location. Respondent left the USPS tracking number.

14 14. On January 13, 2015, I left a voice mail message for Jacquelyn Vaughn McCants
15 regarding her letter dated January 3, 2015 stating that she had not received restitution from
16 Respondent. I stated that I had received her letter and that she could call me about any
17 restitution questions.

18 15. On January 14, 2015, Ms. McCants called me and asked when she would receive
19 her restitution from Respondent. I explained that the Court had not ordered a deadline for
20 payment; Respondent would remain suspended until he paid. She stated that she had put in an
21 application to Client Security Fund; I told her to contact CSF directly for a status report. She
22 asked if Respondent can practice in other states, and I told her that I do not know.

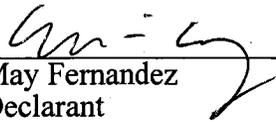
23 16. On February 24, 2016, I left a voice mail message for Respondent stating that he
24 was being referred because he had not provided proof of completion of Ethics School and had

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26 ///
27 ///

1 not filed his January 10, 2016 quarterly report. I told him that if he had any questions, he could
2 e-mail me and provided my email address.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed this 23rd day of March, 2016 at Los Angeles, California.

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8 May Fernandez
9 Declarant

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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

CASE NUMBER(s): NEW PM

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California 90017-2515, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

MOTION TO REVOKE PROBATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF MAY LING FERNANDEZ EXHIBITS 1 THROUGH 3; PROBATION REVOCATION RESPONSE FORM { Rule 5.310 et seq., Rules of Procedure of the State Bar}

in a sealed envelope placed for collection and mailing as Certified mail #7160 3901 9845 4871 9505 and regular mail mailed at Los Angeles, on the date shown below, addressed to:

Mark B. Replogle
301 S Signal Butte Rd
Lot 730
Apache Junction, AZ 85120

Courtesy copy by regular mail to:
Mark B. Replogle
301 S Signal Butte Rd
Lot 730
Apache Junction, AZ 85120

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: March 23, 2016

SIGNED: _____

Mia Hibler
Declarant

Counsel for Respondent	(for Court use)
In the Matter of	Case no(s).
Bar #	PROBATION REVOCATION RESPONSE (Rule 5.314, Rules of Procedure)
A member of the State Bar of California ("Respondent")	

As required by rule 5.314(B), Rules of Procedure, Respondent attaches one or more declarations to this form which set forth the facts upon which my opposition to the motion to revoke probation is based.

(1) Respondent requests a hearing in this matter and intends to participate.

OR

(2) Respondent requests that this proceeding be resolved on the pleadings without any hearing.

If you checked box (1), check one of the following:

(a) Respondent requests the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

(b) Respondent does not request the opportunity to cross-examine the person(s) who executed declaration(s) in support of the motion to revoke my probation.

Date: _____

Signature



THE STATE BAR
OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

March 7, 2016

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the registration card on file in the Membership Records Department of the State Bar of California for MARK BRYSON REPLOGLE, #151200.

THE STATE BAR OF CALIFORNIA

Kathan Lambert
Custodian of Membership Records

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THE STATE BAR OF CALIFORNIA
REGISTRATION CARD

INFORMATION PROVIDED ON THIS CARD BECOMES PUBLIC RECORD

MEMBER'S FULL NAME

LAST

FIRST

MIDDLE

REPLOGLE

MARK

BRYSON

(PLEASE PRINT OR TYPE)

OFFICE ADDRESS, OR, IF NONE, OTHER ADDRESS FOR STATE BAR PURPOSES:

FIRM NAME

ADDRESS

CITY

STATE

ZIP

FOREIGN COUNTRY

TELEPHONE

PLACE OF BIRTH

BIRTH DATE

MONTH

DAY

YEAR

State Bar Use Only

151200

NUMBER

12 12 90

DATE ADMITTED

MAIL RESTRICTION

FEE \$

W.C. \$20-

S.C. \$

TOTAL \$

State Bar Use Only	
SCHOOL CODE	
SCHOOL CODE	

UNDERGRADUATE DEGREE FROM:

CAL, STATE LONG BEACH CITY LONG BEACH STATE CA

LAW DEGREE FROM:

SIMON GREENLEAF SCHOOL OF LAW CITY ANAHEIM STATE CA

ADDITIONAL EDUCATION:

DATES AND PLACES OF PRIOR ADMISSION TO PRACTICE

NONE

10/88

DATE 12 DEC 90 SIGNED

Mark B. Ryogle



THE STATE BAR OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

March 7, 2016

TO WHOM IT MAY CONCERN:

I, Kathan Lambert, Custodian of Membership Records of the State Bar of California, hereby certify that attached is a full, true and correct copy of the address history on file in the Membership Records Department of the State Bar of California for MARK BRYSON REPLOGLE, #151200 from December 12, 1990 to the date of this certificate.

THE STATE BAR OF CALIFORNIA

Kathan Lambert
Custodian of Membership Records

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Member #: 151200

Date of Admission: 12/12/1990 Status: Not Eligibl Effective: 7/02/2013

Name: Mark B. Replogle

Address: 301 S Signal Butte Rd
Lot 730
Apache Junction AZ 85120
Eff: 6/25/2014

Eff: 7/18/2012

PO Box 7958
Apache Junction AZ 85178

Forest Law Group
4500 Campus Dr
Ste 118
Newport Beach CA 92660
Eff: 3/20/2012

Eff:12/16/2008

PO Box 7958
Apache Junction AZ 85278

Eff: 1/09/2007

17330 Brookhurst St Ste 220
Fountain Valley CA 92708

Eff: 5/10/2005

17330 Brookhurst St Ste 295
Fountain Valley CA 92708 8007

Eff:11/18/2003

1614 Minorca Dr
Costa Mesa CA 92626 4852

MM595R2

MEMBER ADDRESS CHANGE HISTORY

Print Date: 3/07/16

Member #: 151200

Date of Admission: 12/12/1990 Status: Not Eligibl Effective: 7/02/2013

Name: Mark B. Replogle

Address:

Eff: 3/31/1999

1614 Minorca Dr
Costa Mesa CA 92626

Eff: 6/03/1996

550 Paularino Ave #E203
Costa Mesa CA 92626 3222

Eff: 2/27/1995

18002 Irvine Blvd #206
Tustin CA 92680

Eff: 3/14/1994

1527 E 4th St
Santa Ana CA 92701 5115

Eff: 3/19/1993

Moen & Replogle
3855 E La Palma Ave #131
Anaheim CA 92807

Eff: 12/12/1990

13421 Ontario Dr
Garden Grove CA 92644

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APR 23 2014

(State Bar Court Nos. 13-O-11836 (13-O-16674))

Frank A. McGuire Clerk

S216723

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MARK BRYSON REPLOGLE on Discipline

The court orders that Mark Bryson Replogle, State Bar Number 151200, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Mark Bryson Replogle is suspended from the practice of law for a minimum of the first 30 days of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Jacquelyn McCants in the amount of \$3,200 plus 10 percent interest per year from January 20, 2012; and
 - (2) Nathan Huss in the amount of \$1,747.50 plus 10 percent interest per year from April 6, 2012.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).); and

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- iii. If he remains suspended for 90 days or more, he must also comply with rule 9.20 of the 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 this order. Failure to do so may result in disbarment or suspension.
2. Mark Bryson Replogle must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2013.
3. At the expiration of the period of probation, if Mark Bryson Replogle has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Mark Bryson Replogle must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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.

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-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Mark Bryson Replogle 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.

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 APR 29 2014 20____
Clerk
By: [Signature]
Deputy

CANTIL-SAKAUYE

Chief Justice

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(Do not write above this line.)

State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Sue Hong Deputy Trial Counsel 1149 S. Hill St. Los Angeles, CA 90015 (213) 765-1161 Bar # 285852	Case Number(s): 13-O-11836 13-O-16674	For Court use only PUBLIC MATTER FILED DEC 19 2013 <i>RZ</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Mark Bryson Replogle PO Box 7958 Apache Junction, AZ 85178 (480) 414-2290 Bar # 151200	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: MARK BRYSON REPLOGLE Bar # 151200 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 December 12, 1990.
- (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 13 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."

(Effective January 1, 2011)

(Do not write above this line.)

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: three (3) billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) Prior record of discipline [see standard 1.2(f)]
- (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 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 10.
- (5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(Do not write above this line.)

- (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.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See Attachment at page 10.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. 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 or person who was the object of the misconduct.
- (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 in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 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.

(Do not write above this line.)

- (13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment at page 10.

D. Discipline:

- (1) Stayed Suspension:

- (a) Respondent must be suspended from the practice of law for a period of one year.

- 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 1.4(c)(ii) 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 30 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 1.4(c)(ii), 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 1.4(c)(ii), 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

(Do not write above this line.)

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

(Do not write above this line.)

- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

In the Matter of: MARK BRYSON REPLOGLE	Case Number(s): 13-O-11836; 13-O-16674
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
JACQUELYN MCCANTS	\$3,200.00	January 20, 2012
NATHAN HUSS	\$1,747.50	April 6, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

Respondent will remain actually suspended until restitution is paid in full.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

(Do not write above this line.)

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MARK BRYSON REPLOGLE

CASE NUMBERS: 13-O-11836; 13-O-16674

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 13-O-11836 (Complainant: Jacquelyn McCants)

FACTS:

1. Respondent is a licensed California attorney and is not admitted to practice in South Carolina.
2. South Carolina requires a person to be an active member of the South Carolina Bar in order to practice law or offer legal services in that state. (South Carolina Rules of Professional Conduct, rule 5.5).
3. In January 2012, Jacquelyn Vaughn McCants received a solicitation by mail from the Forest Law Group ("FLG"), Respondent's law firm, offering to assist in a mortgage reduction.
4. Ms. McCants responded to the mailer and spoke with Scott Bowen, a representative of FLG, who informed her that FLG could represent and assist her with obtaining a mortgage loan modification, and that Respondent's law office would charge her a fee of \$3,495.00 for those loan modification services.
5. On January 17, 2012, Ms. McCants hired Respondent for loan modification services related to her home in South Carolina.
6. On January 20, 2012, Ms. McCants paid the \$3,495.00 retainer fee.
7. On July 6, 2012, Respondent submitted a loan modification request to Ms. McCants's mortgage lender/servicer, Bank of America, but Bank of America denied the mortgage loan modification request on July 30, 2012.
8. In November 2012, after securing a lower mortgage rate from another source, Ms. McCants terminated Respondent's services and requested a full refund.
9. On February 7, 2013, Ms. McCants received a partial refund of \$295.00.

CONCLUSIONS OF LAW:

10. By agreeing to represent and assist Jacquelyn Vaughn McCants with respect to obtaining a loan modification for her home in South Carolina, when to do so was in violation of the regulations of the profession in South Carolina, namely South Carolina Rules of Professional Conduct, rule 5.5, Respondent unlawfully practiced law in South Carolina in willful violation of Rules of Professional Conduct, rule 1-300(B).
11. By entering into an agreement, charging and collecting a fee of \$3,495 from Jacquelyn Vaughn McCants to unlawfully perform legal services because Respondent was not licensed to practice law in South Carolina, Respondent charged an illegal fee, in willful violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 13-O-16674 (Complainant: Nathan Huss)

FACTS:

12. Respondent is a California licensed attorney and is not admitted to practice in Minnesota.
13. Minnesota requires a person to be an active member of the Minnesota Bar in order to practice law or offer legal services in that state. (Minnesota Rules of Professional Conduct, rule 5.5).
14. In February 2012, Nathan Huss received a written solicitation from the Forest Law Group ("FLG"), Respondent's law firm, offering to assist in a mortgage reduction.
15. Mr. Huss responded to the mailer and spoke with Sandy Majano, a representative of FLG, who informed him that FLG could represent and assist him with obtaining a mortgage loan modification, and that Respondent's law office would charge him a fee of \$3,495.00 for those loan modification services.
16. On March 31, 2012, Mr. Huss hired Respondent for loan modification services related to his home in Minnesota, and in April 2012, Mr. Huss paid the \$3,495.00 retainer fee to FLG.
17. By April 2012, Respondent submitted a loan modification request to Mr. Huss's mortgage lender/servicer, US Bank, but US Bank denied the mortgage loan modification request on December 26, 2012.
18. In April 2013, Mr. Huss contacted the Minnesota Attorney General's Office to request assistance in obtaining a refund.
19. In June 2013, Mr. Huss received a partial refund of \$1,747.50.

CONCLUSIONS OF LAW:

20. By agreeing to represent and assist Nathan Huss with respect to obtaining a loan modification for client's home in Minnesota, when to do so was in violation of the regulations of the profession in Minnesota, namely Minnesota Rules of Professional Conduct, rule 5.5, Respondent practiced law in Minnesota in willful violation of Rules of Professional Conduct, rule 1-300(B).

21. By entering into an agreement, charging and collecting a fee of \$3,495 from Nathan Huss to perform unlawful legal services because Respondent was not licensed to practice law in Minnesota, Respondent charged an illegal fee, in willful violation Rules of Professional Conduct, rule 4-200(A).

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.2(b)(iv)): Respondent's clients, Ms. McCants and Mr. Huss, were harmed because they were deprived of their money for over a year, and have not yet received a full refund.

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Respondent engaged in the unauthorized practice of law in two client matters and charged and collected two illegal fees. Therefore, Respondent engaged in multiple acts of misconduct.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline (Std. 1.2(e)(i)): Although Respondent's misconduct is deemed serious, he is entitled to mitigation for having practiced law for approximately 22 years without discipline. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Prefiling Stipulation: Respondent has entered into a Stipulation with the State Bar prior to the filing of the Notice of Disciplinary Charges, thereby saving the State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Standard 2.10 states a member's culpability of violation of any provision of the Business and Professions Code not specified in these standards or of a willful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline. Here, in two client matters, Respondent violated Rules of Professional Conduct rule 1-300(B) by practicing law without a license in South Carolina and Minnesota, and rule 4-200(A) by collecting an illegal fee. These sections of the Rules of Professional Conduct are not otherwise specified in the Standards and thus Standard 2.10 applies.

In these matters, the harm to the clients is that they were deprived of their money. However, Respondent has refunded \$295 to Ms. McCants, and \$1,747.50 to Mr. Huss, thereby lessening the harm to them. Additionally, the legal profession and public's confidence are harmed when an attorney practices law in a jurisdiction in which he or she is not licensed.

The purpose of Standard 1.3 is the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession are well served by a significant period of actual suspension. An appropriate level of discipline is 30 days of actual suspension, and until \$4,947.50 of restitution paid in full, with one year of stayed suspension, and 2 years of probation.

This level of discipline is also consistent with case law. The respondent in *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, engaged in the unauthorized practice of law in another jurisdiction in two cases and over several years charged an illegal and unconscionable fee, failed to return unearned fees, failed to maintain funds in trust, and engaged in moral turpitude for misrepresenting her entitlement to practice law. Additionally, there was significant mitigation and aggravation present and Respondent had one prior discipline. Respondent received six months actual suspension and until restitution is paid in full.

In the present case, unlike in *Wells*, Respondent's misconduct of engaging in the unauthorized practice of law, and collection of an illegal fee spanned the course of less one year in two client matters. Further, Respondent differs from *Wells* because he does not have a prior discipline and did not engage in moral turpitude. As such, 30 days of actual suspension, and until \$4,947.50 of restitution paid in full, with one year of stayed suspension, and 2 years of probation satisfies the purposes of imposing discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 23, 2013, the prosecution costs in this matter are \$2,925. 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 and/or any other educational course(s) to be ordered as a condition of reproof or suspension]. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: MARK BRYSON REPLOGLE	Case Number(s): 13-O-11836; 13-O-16674
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ACTUAL SUSPENSION ORDER

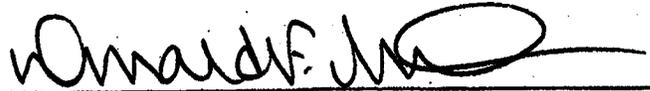
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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 5 of the stipulation: Delete the "x" from the box to the right of the number "(10)" and also Delete the "x" from the box next to the words "Financial Conditions."

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.)

12/19/13
Date



Judge of the State Bar Court

DONALD F. MILES

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on December 19, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

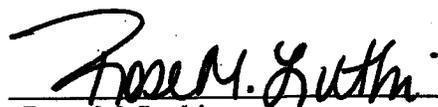
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MARK B. REPLOGLE
PO BOX 7958
APACHE JUNCTION, AZ 85178**

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

SUE HONG, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2013.



Rose M. Luthi
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 March 10, 2016

State Bar Court, State Bar of California,
Los Angeles

By 
Clerk

00018



THE STATE BAR
OF CALIFORNIA

INTER-OFFICE
COMMUNICATION

Date: March 13, 2014
To: File - Mark Replogle
From: May Ling Fernandez
Subject: VM frm R 3.12.14

VM frm R: calling on 13-O-11836. Supposed to contact the Office of Probation so that's what I'm doing. (480) 414-2290. Mark.replogle@yahoo.com.

TC to R on 3.13.14: Told R that no sup ct order yet. Cannot advise. Sup. Ct. has to approve stip. Told R to call me once is served with sup ct order. R will do.

[Faint, illegible text, possibly a stamp or signature]

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[Faint, illegible text]

00001



THE STATE BAR
OF CALIFORNIA

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

http://www.calbar.ca.gov

May Fernandez: (213) 765-1035

May 13, 2014

OFFICE OF PROBATION
ADDRESS VERIFIED
May 13, 2014

Mark Replogle
PO Box 7958
Apache Junction, AZ 85178

BY: mlf

In re: S216723 (13-O-11836 et al.)

In the Matter of Mark Replogle

Dear Mark Replogle:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit the original to the Office of Probation within **five** days so that future communications may be directed to your counsel.

As you know, on April 29, 2014, the Supreme Court of California filed an Order, effective May 29, 2014, suspending you from the practice of law for a period of one (1) year, staying execution and placing you on probation upon certain conditions for a period of two (2) years. Further, pursuant to the Order of the Court, you have been placed on actual suspension for a period of thirty (30) days, and until you make restitution and provide satisfactory proof thereof to the Office of Probation. If you remain actually suspended for two (2) years or more, you will remain suspended until you comply with Standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.¹

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

You must also schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline.

¹ Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

If you remain actually suspended for ninety (90) days or more, the Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **October 6, 2014**. Do NOT submit your original affidavit to the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation **within one (1) year of effective date or during actual suspension, whichever period is longer**. Please ensure to select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that for all conditions, **being even one day late** means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

<u>Condition</u>	<u>Deadline(s)</u>
1. Contact Probation Deputy & Schedule Required Meeting	June 28, 2014
2. Quarterly Reports	Quarterly; beginning July 10, 2014
3. Rule 9.20	October 6, 2014, if actually suspended for 90

- | | |
|----------------------------|---|
| | days or more |
| 4. State Bar Ethics School | May 29, 2015 |
| 5. MPRE | May 29, 2015 or during actual suspension,
whichever period is longer |
| 6. Restitution | You will remain suspended until you provide
proof of full repayment |
| 7. Final Report | May 29, 2016 |

You are reminded that all Quarterly Reports are due **on or before the 10th day** after the end of each quarter. **If the 10th falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend.** Your Final Report is due on or before **May 29, 2016.**

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions** of the discipline order **must be filed with** the State Bar Court Hearing Department or Review Department. See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely** submit reports or any other proof of compliance **may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rules 5.400-5.411 - Standard 1.4(c)(ii) Rules of Procedure, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit form, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof

Mark Replogle
May 13, 2014
Page 4

of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



May Fernandez
Probation Deputy

/el
Enclosures

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APR 29 2014

(State Bar Court Nos. 13-O-11836 (13-O-16674))

Frank A. McGuire Clerk

S216723

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MARK BRYSON REPLOGLE on Discipline

The court orders that Mark Bryson Replogle, State Bar Number 151200, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Mark Bryson Replogle is suspended from the practice of law for a minimum of the first 30 days of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Jacquelyn McCants in the amount of \$3,200 plus 10 percent interest per year from January 20, 2012; and
 - (2) Nathan Huss in the amount of \$1,747.50 plus 10 percent interest per year from April 6, 2012.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).); and

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- iii. If he remains suspended for 90 days or more, he must also comply with rule 9.20 of the 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 this order. Failure to do so may result in disbarment or suspension.
2. Mark Bryson Replogle must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2013.
3. At the expiration of the period of probation, if Mark Bryson Replogle has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Mark Bryson Replogle must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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.

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-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Mark Bryson Replogle 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.

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 APR 29 2014
Clerk
By: [Signature]
Deputy

CANTIL-SAKAUYE

Chief Justice

(13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment at page 10.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of one year.

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 1.4(c)(ii) 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 30 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 1.4(c)(ii), 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 1.4(c)(ii), 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

(Do not write above this line.)

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

(Do not write above this line.)

- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

In the Matter of: MARK BRYSON REPLOGLE	Case Number(s): 13-O-11836; 13-O-16674
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
JACQUELYN MCCANTS	\$3,200.00	January 20, 2012
NATHAN HUSS	\$1,747.50	April 6, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

Respondent will remain actually suspended until restitution is paid in full.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- (D) **Permitted Disclosure.** Despite subsection (C), the Court may provide the Office of Probation and the Client Security Fund with documents necessary to help the Office of Probation monitor the member's compliance with the Lawyer Assistance Program and this Program requirements and to help the Client Security Fund process any claim for reimbursement made against the Fund.

Rule 5.389 Review

- (A) **Decisions and Orders.** The following decisions and orders of the Program Judge may be reviewed by the Review Department:
- (1) The Program Judge's decision to grant or deny the member admittance to the Program. The issues that may be raised on review may include, but are not limited to:
 - (a) whether the member meets the eligibility requirements for admittance to the Program, and
 - (b) the appropriate disposition or recommendation for the level of discipline.
 - (2) The Program Judge's decision to terminate a member from the Program or to deny the State Bar's motion to terminate the member from the Program.
- (B) **Procedure.** The procedure in rule 5.150 applies, except that the Review Department will:
- (1) independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the Program Judge;
 - (2) decide matters before it under this rule en banc, but two judges of the Review Department will constitute a quorum; and
 - (3) file its opinion or order within 60 days after the matter is submitted.

Division 7. Regulatory Proceedings

Chapter 1. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law according to Standard 1.4(c)(ii)

Rule 5.400 Scope and Expedited Nature of Proceeding

- (A) **Scope.** These rules apply when a petitioner seeks relief from actual suspension under a disciplinary order that requires compliance with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (B) **Expedition; Service.** Proceedings under these rules will be expedited. The petition and all pleadings, decisions and other documents must be served by personal delivery or by overnight mail.

Rule 5.401 Petition for Relief from Actual Suspension

- (A) **Verification; Statements.** The petitioner must verify the petition for relief and state with particularity the facts alleged to demonstrate the petitioner's rehabilitation, present fitness to practice, and present learning and ability in the general law.
- (B) **Attachments.** The petition must be supported by declarations, exhibits, or requests for judicial notice to establish the alleged facts.
- (C) **Filing and Service.** No filing fee will be charged to file the petition. The petitioner must serve a copy of the verified petition and supporting documents on the Office of the Chief Trial Counsel by personal delivery or overnight mail.

Rule 5.402 Earliest Time for Filing

The earliest a petition may be filed is six months before the actual suspension may be terminated. If a prior petition was denied, a subsequent petition may be filed six months after the order is final, unless the Court orders a shorter period for good cause.

Rule 5.403 Response; Request for Hearing

- (A) **Timing of Response.** Within 45 days after the petition is served, the Office of the Chief Trial Counsel must file and serve a response, which may be accompanied by declarations, exhibits, and requests for judicial notice.
- (B) **Position Taken.** The response will:
 - (1) oppose the petition;
 - (2) state that the Office of the Chief Trial Counsel does not oppose the petition; or
 - (3) state that the Office of the Chief Trial Counsel does not possess sufficient facts to determine whether or not it opposes the petition.
- (C) **Hearing.** A hearing will be set within 35 days after the response is served, and 15 days' notice will be given, under the following circumstances:
 - (1) the Office of the Chief Trial Counsel opposes the petition or states that it does not possess sufficient facts to determine whether or not it opposes the petition;
 - (2) any party requests a hearing; or
 - (3) the Court is considering denying the petition.
- (D) **No Hearing.** If the Office of the Chief Trial Counsel's response states that it does not oppose the petition, the Court may consider and grant the petition without a hearing.
- (E) **Withdrawal of Petition.** The petitioner may elect to withdraw the petition without prejudice at any time before the matter is submitted.

Rule 5.404 Burden of Proof

The petitioner has the burden of proving by a preponderance of the evidence that the petitioner has satisfied the conditions of standard 1.4(c)(ii).

Rule 5.405 Discovery

- (A) **Deposition.** The Office of the Chief Trial Counsel may take the petitioner's deposition promptly after the petition is filed. Unless the Court orders an extension for good cause, the timing of the deposition will not extend any time limits required under these rules. A petitioner for reinstatement who does not reside in California must be given 30 days' written notice of the time and place of the deposition, and must appear for it in California at his or her own expense.
- (B) **Other Discovery.** No other discovery will be allowed unless ordered by the Court for good cause. The Court's order will set forth the permitted extent and conditions for additional discovery.

Rule 5.406 Documentary Evidence

Except on Court order for good cause, no party may submit documentary evidence other than that filed with the application or the response. A request to submit additional documentary evidence must be written, have a copy of the proposed documentary evidence attached, and be filed and served at least 10 days before the hearing.

Rule 5.407 Testimonial Evidence

- (A) **Petitioner; Rebuttal.** The petitioner may testify at the hearing. Any party may present oral testimony to rebut oral testimony presented by the opposing party.
- (B) **Other Oral Testimony.** Other oral testimony is not permitted unless ordered by the Court for good cause shown. A party who wants to present oral testimony for purposes other than rebuttal must file a written statement summarizing the proposed testimony and stating the reasons why the testimony cannot be presented by declaration. The statement must be filed and served at least 10 days before the hearing.

Rule 5.408 Decision

Unless the petitioner waives the time or additional time is otherwise justified by the circumstances, the Court will file its decision within 15 days after the hearing ends. If no hearing is held, the Court will file its decision within 15 days after the Office of the Chief Trial Counsel files its response, or if none was filed, within 15 days from the date the response was due. The decision granting or denying the petition must contain findings of fact and conclusions of law.

Rule 5.409 Review

A decision is reviewable under rule 5.150. The Review Department's decision must be filed within 30 days after the matter is submitted.

Rule 5.410 Termination of Actual Suspension

While the petition is pending before the Court, the petitioner will remain on actual suspension. If the petition is granted, the petitioner will remain on actual suspension until the actual suspension period expires, and until the petitioner satisfies any other requirements for terminating actual suspension under the disciplinary order.

Rule 5.411 Applicable Rules

- (A) **Inapplicable Rules.** The following rules do not apply to proceedings on a petition for relief from actual suspension under standard 1.4(c)(ii):
- (1) rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
 - (2) rules 5.80-5.100 (default; obligation to appear at trial) and rules 5.151-5.157 (review).
- (B) **Conditionally Applicable.** All other rules apply, except that:
- (1) Rules 5.25 (service of initial pleading) and 526 (service of subsequent pleadings) apply subject to the provisions of rule 5.400(B), and
 - (2) Rules 5.65-5.71 (discovery) apply only if and to the extent that the Court permits discovery.

Chapter 2. Resignation Proceedings

Rule 5.420 Resignation with Charges Pending

California Rules of Court, rule 9.21, governs resignations with charges pending. A resignation must be in the form required by rule 9.21(b). Charges are pending when the member is the subject of an investigation by the Office of Investigations or a disciplinary proceeding under these rules, or when the member is the subject of a criminal charge or investigation, or has been convicted of a felony or misdemeanor.

Rule 5.421 Perpetuation of Evidence

When a resignation is filed with the State Bar Court, the Office of the Chief Trial Counsel may perpetuate testimony and documentary evidence about the member's conduct that is pertinent to any future inquiry into the member's conduct or qualification to practice law.



2014 California Rules of Court

Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

(a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbaring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)

Division 6. Special Proceedings

Chapter 1. Rule 9.20 Proceedings

Rule 5.330 Nature of Proceeding

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

Rule 5.331 Definitions

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

Rule 5.332 Filing and Service of Declarations of Compliance

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of A Member of the State Bar of California	RULE 9.20 COMPLIANCE DECLARATION	

I, _____, State Bar member number _____, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1. I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2. I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3. I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4. I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5. In the future, communications may be directed to me at the following address: _____

[If this is not your current State Bar membership address, this declaration will change your membership address.
See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at _____, California, on _____.

Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

[Signature]

(Print Name)

**MULTISTATE PROFESSIONAL
RESPONSIBILITY EXAMINATION ("MPRE")**
2014 Examination Schedule and Information

This document was created as a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does **NOT** administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

National Conference of Bar Examiners ("NCBE")
Website: www.ncbex.org

Registration for the 2014 test dates opens on December 16, 2013

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 29, 2014	February 4, 2014	February 20, 2014	May 3, 2014
Saturday, August 9, 2014	June 17, 2014	July 3, 2014	September 13, 2014
Saturday, November 1, 2014	September 10, 2014	September 25, 2014	December 6, 2014

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

00020

**Information may change, please check the NCBE's website for the most current information.*

Revised 10/31/13

**IN THE MATTER OF
Mark B. Replogle**

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

(For Office of Probation Use Only)

QUARTERLY REPORT

First Report Due: July 10, 2014
(for period May 29, 2014 through June 30, 2014)

Final Report Due: May 29, 2016
(for period April 1, 2016 through May 29, 2016)

Due: **January 10, 20__** **April 10, 20__** **July 10, 20__** **October 10, 20__**
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules; and Report on SBC Proceedings

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

(attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Current Address

- ___ Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

Suspension

- ___ I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

State Bar Ethics School

- ___ I have registered for the State Bar Ethics School course given on _____.
- ___ I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

- ___ I have registered for the MPRE given on _____.
- ___ I have taken the MPRE given on _____ and am awaiting the results.
- ___ I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.
- ___ I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: _____
(Date of actual signature)

Signature: _____
Mark B. Replogle
(Please sign in blue ink)

OFFICE OF PROBATION
QUARTERLY REPORT INSTRUCTIONS

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions.** The report form is provided as a courtesy only, and you are not required to use it.
2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS.** In the future, one additional copy **may** be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.
3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.
4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

5. Your original signed and dated report must be physically **received in the Office of Probation** on or before the tenth of January, April, July, and October. **If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days.** State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being **even one day late** means that you are **not** in compliance.
6. The report must contain an **original signature** in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.
7. Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.
8. The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.
9. The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. **You must calendar all of your deadlines to ensure timely receipt by the Office of Probation.**
10. Each report is to be a perpetual document and is to reflect past and/or current status or compliance.
11. Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

If you have any questions regarding this information, please contact May Fernandez in the Office of Probation at (213)765-1035.

00024

Office of Probation
PROOF OF PAYMENT INFORMATION

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

A. Copy of the negotiated check (front and back); or

B. An original declaration signed by the payee, which must specify the amount received, the date it was received, and which should include current contact information for the payee, including a valid telephone number.

2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even one day late, you are not in compliance.

3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.

4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.

6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.

7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.

8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.

9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).

10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

00025

NOTICE OF COUNSEL REPRESENTATION

Respondent: Mark Replogle

State Bar Case #: S216723 (13-O-11836 et al.)

Member Number: 151200

Counsel Name: _____

Firm Name: _____

Address: _____

Bar Number: _____

Phone Number: _____

Respondent Signature: _____

Date: _____

Counsel Signature: _____

Date: _____

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



THE STATE BAR
OF CALIFORNIA

845 South Figueroa Street, Los Angeles, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California 2014 Ethics/Client Trust Accounting ("CTA") School Schedule

LOS ANGELES			
845 S. Figueroa St., Los Angeles			
Class	Day	Date	Time
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/1	9a - 4p
CTA	Fri	05/2	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

SAN FRANCISCO			
180 Howard St., San Francisco			
Class	Day	Date	Time
Ethics	Thurs	03/13	9a - 4 p
CTA	Fri	03/14	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	09/18	9a - 4 p
CTA	Fri	09/19	9a - 12p
Ethics	Thurs	12/04	9a - 4p
CTA	Fri	12/05	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: **Home > Attorneys > Lawyer Regulation > Ethics Schools**, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. **You are NOT registered until your payment is received.** If you have any questions, please contact Letty Ramos at (213) 765-1309.



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1301
FAX: (213) 765-1025
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

LOS ANGELES
845 S. Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is **\$150.00**. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is **\$100.00**.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is not required by a Decision or Order of the State Bar court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is not required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos
Administrative Secretary

Enc.

00028

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

THE STATE BAR
OF CALIFORNIA



845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Application Enrollment Form

DATE: _____

APPLICANT'S NAME: _____

SBN: _____

APPLICANT'S ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: _____

FAX: _____

E-MAIL ADDRESS: _____

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

LOS ANGELES
845 South Figueroa Street
Los Angeles, CA 90017-2515

ETHICS (\$150) DATE OF CLASS: _____
LOCATION (LA OR SF): _____

CTA (\$100) DATE OF CLASS: _____
LOCATION (LA OR SF): _____

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, Attention: Letty Ramos, Office of the Chief Trial Counsel, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

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REQUIRED PROBATION MEETING RECORD

Case Name: Mark Replogle

Member No.: 151200 Case Number: S216723 (13-O-11836 et al.)

Contact: June 28, 2014 Contact Date: June 25, 2014 Date of Required Meeting: June 26, 2014

[] In Person Meeting (State Bar Offices - LA) [X] Telephonic Meeting

[x] Verified Respondent received copy of reminder probation letter & supporting documents

[x] Discussed conditions of probation/reproval / ALD / ADP agreement (please circle one)

[x] Discussed reporting schedule & requirements

[x] Notified Respondent that compliance documents must be received by the Office of Probation on or before the due date. NOT signed or postmarked on the due date.

[x] Reminded Respondent that the MPRE is offered three times each year, but not all Respondents will have three chances to take the MPRE by their particular deadline; that they must have the results reported to California (this is the only sufficient form of proof); provide copy of test results to the Office of Probation; and that (in Probation matters) Respondent will be automatically suspended if MPRE is not passed by the due date until proof of passage is provided.

[x] Verified Respondent's current mailing address & telephone number

[x] Same as SB Membership Records address & telephone number

[x] New / Alternate (please circle one) address or telephone number:

Cell 480 414 2290

[x] If condition involves a third party, e.g. restitution owed, ask Respondent to include with first Quarterly Report any identifying/contact info (e.g., full name, CDL, SSN, age, last known work/home tel./address, etc.): Gave R contact info from AS/400. R doesn't have contact info. Told R info may not be updated. Burden on R to pay & do due diligence to find if info not updated.

[x] Advised Respondent that filing of a motion should be considered if unable to meet conditions by the deadlines. Copy of motion should be served on the Office of Probation.

[x] Notified Respondent that a non-compliance referral will be made if conditions are not met by deadlines.

[x] Instructed Respondent to contact the Office of Probation if any questions or concerns arise regarding Respondent's disciplinary orders and compliance thereof.

Comments: Told to make copies of QR, otherwise stmt undr POP. Calendar all dates. 1 day late = non-compliance. Told OP doesn't confirm receipt; send mail w/tracking if want confirm. Explained 920 and MPRE due dates. Explained sufficient proof of payment (2 forms). R already mailed 1st QR. Told R won't be able to file b/c too early.

BY: May Ling Fernandez
Probation Deputy

BY:
Respondent (signature & acknowledgment of in-person meeting)

IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

(For Office of Probation Use Only)

RECEIVED

JUN 27 2014 mlf

OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

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(for period May 29, 2014 through June 30, 2014)

Final Report Due: May 29, 2016
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Or

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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

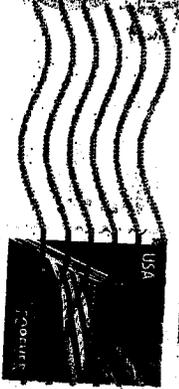
Date: 24 June 2014
(Date of actual signature)

Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

MARK D. KEEBLOGLE
301 S SIGNAL BUTTE RD
LOT 730
A. ACHE JUNCTION AZ 85120

JUN 27 2014

PHOENIX AZ 851
RECEIVED



OFFICE OF PROBATION



THE STATE OF CALIFORNIA
OFFICE OF PROBATION
MAY FERNANDEZ
845 SOUTH FIGUEROA ST
LOS ANGELES
5007251545

00036

IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

(For Office of Probation Use Only)

FILED

JUL 03 2014 mlf

**OFFICE OF PROBATION
LOS ANGELES**

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- I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 1 July, 2014
(Date of actual signature)

Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

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Office of Probation
Los Angeles, CA 90017-2515

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IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

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OCT 03 2014 mlf

OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

First Report Due: July 10, 2014
(for period May 29, 2014 through June 30, 2014)

Final Report Due: May 29, 2016
(for period April 1, 2016 through May 29, 2016)

Due: January 10, 20__ April 10, 20__ July 10, 20__ October 10, 2014
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules; and Report on SBC Proceedings

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

_____ (attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Current Address

Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

Suspension

I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

State Bar Ethics School

- I have registered for the State Bar Ethics School course given on _____.
- I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

- I have registered for the MPRE given on _____.
- I have taken the MPRE given on _____ and am awaiting the results.
- I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.
- I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

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- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 1 OCT 2014
(Date of actual signature)

Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

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FROM: MARK REPLOGLÉ
301 S. Signal Butte Rd, # 730
Apache Junction, AZ 85120
TO: State Bar of California
ATTN: Office of Probation
845 S. Figueroa Street
Los Angeles, CA 90017-2515

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IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

(For Office of Probation Use Only)

FILED

JAN 08 2015 mlf

OFFICE OF PROBATION
LOS ANGELES

QUARTERLY REPORT

First Report Due: July 10, 2014
(for period May 29, 2014 through June 30, 2014)

Final Report Due: May 29, 2016
(for period April 1, 2016 through May 29, 2016)

Due: **January 10, 2015** **April 10, 20__** **July 10, 20__** **October 10, 20__**
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules; and Report on SBC Proceedings

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

(attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Current Address

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Suspension

- I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 5 Jan 2015
(Date of actual signature)

Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

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FROM:

MARK REPLOGLE
301 S. Signal Butte Rd, # 730
Apache Junction, AZ 85120

TO:

State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA 90017-2515



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January 3, 2015

The State Bar of California
Attn: Probation Unit
845 South Figueroa Street
Los Angeles, California 90017-2515

Re: Respondent Mark P. Replogle
Case Number 13-O-11836
CSF File Number 13F-12994

Dear Sir:

I am writing to obtain information on the respondent referenced above in which a stipulation was issued by the State Bar on December 19, 2013. Mr. Replogle is to pay restitution to me on the principal amount of \$3,200 plus interest at the rate of 10% per annum from January 20, 2012. (Copy of letter enclosed.)

I filed an application to the Client Security Fund (CSF) directly to CSF on May 14, 2013. **The CSF file number is 13F-12994.**

I am 76 years old and continue to patiently await the filing of the Disciplinary Order by the State Supreme Court which I am certain should be determined very soon, considering the vast amount of time that has passed since I first filed my complaint and application for my funds taken under false pretenses. Surely, my funds should be returned soon!

Thank you for your timely attention to this overdue solution.

Very truly yours,



Jacquelyn Vaughn McCants
88-1 Highgrove Court
Pawleys Island, South Carolina 29585

Cc: Sue Hong
Deputy Trial Counsel

enc

00053



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

Jayne Kim, Chief Trial Counsel

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

TELEPHONE: (213) 765-1000

FAX: (213) 765-1318

<http://www.calbar.ca.gov>

DIRECT DIAL: (213) 765-1161

December 2, 2014

Ms. Jacquelyn Vaughn-McCants
88-1 Highgrove Court
Pawleys Island, South Carolina 29585

Re: Respondent: Mark B. Replogle
Case Number: 13-O-11836

Dear Ms. Vaughn-McCants:

The State Bar of California has been actively prosecuting Mark B. Replogle in the above-captioned matter in which you are the complainant.

We are writing to advise you that on December 5, 2013, the State Bar entered into a Stipulation as to Facts and Disposition with respondent in order to resolve this matter. In the Stipulation, respondent stipulated to committing acts of professional misconduct by agreeing to represent you in a state where he was not licensed to practice law (South Carolina Rules of Professional Conduct, rule 5.5 and Rules of Professional Conduct, rule 1-300(B)); and by entering into an agreement, charging and collecting a fee of \$3,495 from you to perform unlawful legal services because Mr. Replogle was not licensed in South Carolina, Mr. Replogle charged an illegal fee, in willful violation of Rules of Professional Conduct rule 4-200(A). Mr. Replogle is to pay restitution to you on the principal amount of \$3,200.00 plus interest at the rate of 10% per annum from January 20, 2012.

On December 19, 2013, the State Bar Court issued its Order Regarding Stipulation.

The State Bar Court recommended to the California Supreme Court that respondent be suspended from the practice of law for one year, that execution of suspension be stayed, and that respondent be placed on probation for two years subject to the conditions of probation, including actual suspension.

If you wish to obtain further information about restitution, please write to the attention of the Probation Unit of the State Bar Court at the address on the letterhead above.

California lawyers have established the Client Security Fund ("CSF") to reimburse certain monetary losses due to attorney dishonesty. Please note that the Office of Chief Trial Counsel does not review or consider CSF applications for reimbursement. Applications for reimbursement must be submitted directly to CSF and related questions should be directed to CSF at (213) 765-1140. You may obtain additional information about CSF and/or a CSF application from the State Bar's official website at www.calbar.org or by going directly to the internet address of:

<http://calbar.ca.gov/Attorneys/LawyerRegulation/ClientSecurityFund>

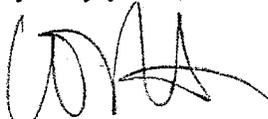
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Jacquelyn Vaughn-McCants
September 2, 2014
Page 2

Please note that CSF cannot begin to take action on an application for reimbursement until after the disciplinary recommendation has been accepted by the California Supreme Court. I anticipate that the Supreme Court will file its Disciplinary Order in the next several months. Thereafter, however, CSF may take several months to conduct the necessary legal proceedings that will result in a determination of your application. CSF has a very large volume of applications; please wait until after the discipline is final for further information from CSF.

Thank you for your invaluable assistance throughout this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sue Hong', with a stylized flourish extending to the right.

Sue Hong
Deputy Trial Counsel

SH/cc

00055

FILED

(For Office of Probation Use Only)

APR 08 2015 mlf

**OFFICE OF PROBATION
LOS ANGELES**

**IN THE MATTER OF
Mark B. Replogle**

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

QUARTERLY REPORT

First Report Due: July 10, 2014
(for period May 29, 2014 through June 30, 2014)

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(for period April 1, 2016 through May 29, 2016)

Due: January 10, 20__ April 10, 20__ July 10, 20__ October 10, 20__
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules; and Report on SBC Proceedings

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- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 6 Apr 2015
(Date of actual signature)

Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

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Mark DeLoyle
301 S. Signal Butte Rd
Lot 730
AJ A2 85120

TO:

State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA ~~90017-2515~~

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**THE STATE BAR
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845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

http://www.calbar.ca.gov

May Ling Fernandez: (213) 765-1035

May.Fernandez@calbar.ca.gov

**OFFICE OF PROBATION
ADDRESS VERIFIED**

June 1, 2015

June 1, 2015

BY: mlf

Mark B. Replogle
301 S Signal Butte Rd
Lot 730
Apache Junction, AZ 85120

Sent via email and mail.

In re: **S216723 (13-O-11836, et al.)**

In the Matter of **Mark B. Replogle**

Dear Mark B. Replogle:

On May 13, 2014, this office sent to you a letter (copy enclosed) for the purpose of reminding you of the terms and conditions of your probation imposed by the Supreme Court which became effective May 29, 2014.

The following chart summarizes your compliance and non-compliance with the conditions of your probation to date:

Condition	Due Date	Completion Date	Comments
Schedule Req'd. Mtg.	6/28/14	3/13/14	
Hold Required Mtg.	As Scheduled	6/26/14	
Rule 9.20	10/6/14	6/27/14	
Quarterly Reports	7/10/14	7/3/14	
	10/10/14	10/3/14	
	1/10/15	1/8/15	
	4/10/15	4/8/15	
Ethics School	5/29/15		Please file proof of completion immediately.

You are not in compliance with the terms and conditions of your probation, and you may face a non-compliance referral which may result in the imposition of additional discipline and attendant costs (see attached). Even if you contact the Office of Probation, a referral may still be prepared. The Office of Probation will not send any further reminder letters regarding the aforementioned non-compliance or any future compliance due dates or lack of receipt of compliance documentation.

00063

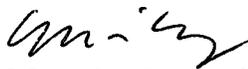
Mark B. Replogle
June 1, 2015
Page 2

Please be reminded that LATE completion, submission, or filing of proof/documents, does not mean you are in compliance. You will never be in compliance because being even one day late means that you are not in compliance with the terms and conditions of your probation.

If for any reason, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at may.fernandez@calbar.ca.gov.

Sincerely,



May Ling Fernandez
Probation Deputy

/mlf

Enclosure(s)

00064

Discipline Costs – 2015

Effective January 1, 2015.

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index¹ with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations². For 2015, the adjustment is an increase of 2.47%.

For matters filed on or after January 1, 2015, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,451
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$3,066
Matters that Settle during first 120 days of proceeding	\$3,584
Matters that Settle before Pretrial Statement is filed	\$5,680
Matters that Settle before trial but after Pretrial Statement is filed	\$7,431
Matters that proceed to a One-day trial	\$7,431
Matters that proceed to a Multi-day trial	\$16,758
Matters that proceed to the Review Department	\$20,499

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$3,003
Matters that Settle during the first 120 days of proceeding	\$2,507
Matters that Settle before Pretrial Statement is filed	\$5,378
Matters that Settle before trial but after Pretrial Statement is filed	\$7,059
Matters that proceed to a One-day trial	\$7,059
Matters that proceed into a Multi-day trial	\$12,854
Matters that proceed to the Review Department	\$18,375

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,401
Rule 9.20 Proceedings	\$2,549

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$978
Each resignation	\$137
Consolidation cost equal to the minimum cost for the consolidated case type	
Transcript costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(1))	
Taxable costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(2))	

¹ Specifically, the December-to-December change in U.S. Bureau of Labor Statistics series CUURA422SA0.

² Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU20100001000001.



**THE STATE BAR
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

May Fernandez: (213) 765-1035

May 13, 2014

**OFFICE OF PROBATION
ADDRESS VERIFIED
May 13, 2014**

Mark Replogle
PO Box 7958
Apache Junction, AZ 85178

BY: mlf

In re: **S216723 (13-O-11836 et al.)**

In the Matter of **Mark Replogle**

Dear Mark Replogle:

This reminder letter is sent to you as a courtesy and based upon information that you are not currently represented by counsel in this matter—the enforcement of your probation terms and conditions. If this is incorrect, please complete the Notice of Counsel Representation form and submit the original to the Office of Probation within five days so that future communications may be directed to your counsel.

As you know, on April 29, 2014, the Supreme Court of California filed an Order, effective May 29, 2014, suspending you from the practice of law for a period of one (1) year, staying execution and placing you on probation upon certain conditions for a period of two (2) years. Further, pursuant to the Order of the Court, you have been placed on actual suspension for a period of thirty (30) days, and until you make restitution and provide satisfactory proof thereof to the Office of Probation. If you remain actually suspended for two (2) years or more, you will remain suspended until you comply with Standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.¹

Please take notice that attorneys are not relieved of MCLE requirements during the pendency of their disciplinary period.

Rule of Professional Conduct 1-311 requires that a firm or attorney who employs an attorney who is disbarred, resigned, suspended or involuntarily enrolled inactive, provide certain notices to the State Bar and to clients. While there is no prescribed form, in order to assist attorneys to comply with the rule, the State Bar has created notices for the employer's use. If you are or become employed by an attorney or a law firm, please remind your employer of this requirement. Forms are available at the State Bar website under Attorney Forms/Reportable Actions or you may contact the Intake Unit, Office of the Chief Trial Counsel, at (213) 765-1000.

You must also schedule a meeting with me to discuss the terms and conditions of your discipline within 30 days from the effective date of discipline.

¹ Please review your stipulation or decision carefully. You may have been ordered to remain on actual suspension until you have fully paid the costs imposed as a result of your discipline. The Office of Probation does NOT monitor costs. If you have questions, contact Membership Billing at (415) 538-2360.

If you remain actually suspended for ninety (90) days or more, the Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **October 6, 2014**. Do NOT submit your original affidavit to the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation **within one (1) year of effective date or during actual suspension, whichever period is longer**. Please ensure to select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that for all conditions, **being even one day late** means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

Condition

Deadline(s)

- | | |
|---|---|
| 1. Contact Probation Deputy & Schedule Required Meeting | June 28, 2014 |
| 2. Quarterly Reports | Quarterly; beginning July 10, 2014 |
| 3. Rule 9.20 | October 6, 2014, if actually suspended for 90 |

- | | |
|----------------------------|---|
| | days or more |
| 4. State Bar Ethics School | May 29, 2015 |
| 5. MPRE | May 29, 2015 or during actual suspension,
whichever period is longer |
| 6. Restitution | You will remain suspended until you provide
proof of full repayment |
| 7. Final Report | May 29, 2016 |

You are reminded that all Quarterly Reports are due **on or before the 10th day** after the end of each quarter. **If the 10th falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend.** Your Final Report is due on or before **May 29, 2016.**

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely** submit reports or any other proof of compliance **may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rules 5.400-5.411 - Standard 1.4(c)(ii) Rules of Procedure, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit form, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof

Mark Replogle
May 13, 2014
Page 4

of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



May Fernandez
Probation Deputy

/el
Enclosures

00069

APR 23 2014

(State Bar Court Nos. 13-O-11836 (13-O-16674))

Frank A. McGuire Clerk

S216723

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MARK BRYSON REPLOGLE on Discipline

The court orders that Mark Bryson Replogle, State Bar Number 151200, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Mark Bryson Replogle is suspended from the practice of law for a minimum of the first 30 days of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Jacquelyn McCants in the amount of \$3,200 plus 10 percent interest per year from January 20, 2012; and
 - (2) Nathan Huss in the amount of \$1,747.50 plus 10 percent interest per year from April 6, 2012.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).); and

- iii. If he remains suspended for 90 days or more, he must also comply with rule 9.20 of the 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 this order. Failure to do so may result in disbarment or suspension.
2. Mark Bryson Replogle must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2013.
3. At the expiration of the period of probation, if Mark Bryson Replogle has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Mark Bryson Replogle must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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.

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-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Mark Bryson Replogle 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.

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 APR 29 2014
Clerk
By: [Signature]
Deputy

CANTIL-SAKAUYE

Chief Justice

(Do not write above this line.)

- (13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment at page 10.

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of one year.

- 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 1.4(c)(ii) 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 30 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 1.4(c)(ii), 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 1.4(c)(ii), 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

(Do not write above this line.)

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.
- In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.
- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" 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.

(Do not write above this line.)

- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

In the Matter of:
MARK BRYSON REPLOGLE

Case Number(s):
13-O-11836; 13-O-16674

Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
JACQUELYN MCCANTS	\$3,200.00	January 20, 2012
NATHAN HUSS	\$1,747.50	April 6, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

Respondent will remain actually suspended until restitution is paid in full.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- (D) **Permitted Disclosure.** Despite subsection (C), the Court may provide the Office of Probation and the Client Security Fund with documents necessary to help the Office of Probation monitor the member's compliance with the Lawyer Assistance Program and this Program requirements and to help the Client Security Fund process any claim for reimbursement made against the Fund.

Rule 5.389 Review

- (A) **Decisions and Orders.** The following decisions and orders of the Program Judge may be reviewed by the Review Department:
- (1) The Program Judge's decision to grant or deny the member admittance to the Program. The issues that may be raised on review may include, but are not limited to:
 - (a) whether the member meets the eligibility requirements for admittance to the Program, and
 - (b) the appropriate disposition or recommendation for the level of discipline.
 - (2) The Program Judge's decision to terminate a member from the Program or to deny the State Bar's motion to terminate the member from the Program.
- (B) **Procedure.** The procedure in rule 5.150 applies, except that the Review Department will:
- (1) independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the Program Judge;
 - (2) decide matters before it under this rule en banc, but two judges of the Review Department will constitute a quorum; and
 - (3) file its opinion or order within 60 days after the matter is submitted.

Division 7. Regulatory Proceedings

Chapter 1. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law according to Standard 1.4(c)(ii)

Rule 5.400 Scope and Expedited Nature of Proceeding

- (A) **Scope.** These rules apply when a petitioner seeks relief from actual suspension under a disciplinary order that requires compliance with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (B) **Expedition; Service.** Proceedings under these rules will be expedited. The petition and all pleadings, decisions and other documents must be served by personal delivery or by overnight mail.

Rule 5.401 Petition for Relief from Actual Suspension

- (A) **Verification; Statements.** The petitioner must verify the petition for relief and state with particularity the facts alleged to demonstrate the petitioner's rehabilitation, present fitness to practice, and present learning and ability in the general law.
- (B) **Attachments.** The petition must be supported by declarations, exhibits, or requests for judicial notice to establish the alleged facts.
- (C) **Filing and Service.** No filing fee will be charged to file the petition. The petitioner must serve a copy of the verified petition and supporting documents on the Office of the Chief Trial Counsel by personal delivery or overnight mail.

Rule 5.402 Earliest Time for Filing

The earliest a petition may be filed is six months before the actual suspension may be terminated. If a prior petition was denied, a subsequent petition may be filed six months after the order is final, unless the Court orders a shorter period for good cause.

Rule 5.403 Response; Request for Hearing

- (A) **Timing of Response.** Within 45 days after the petition is served, the Office of the Chief Trial Counsel must file and serve a response, which may be accompanied by declarations, exhibits, and requests for judicial notice.
- (B) **Position Taken.** The response will:
 - (1) oppose the petition;
 - (2) state that the Office of the Chief Trial Counsel does not oppose the petition; or
 - (3) state that the Office of the Chief Trial Counsel does not possess sufficient facts to determine whether or not it opposes the petition.
- (C) **Hearing.** A hearing will be set within 35 days after the response is served, and 15 days' notice will be given, under the following circumstances:
 - (1) the Office of the Chief Trial Counsel opposes the petition or states that it does not possess sufficient facts to determine whether or not it opposes the petition;
 - (2) any party requests a hearing; or
 - (3) the Court is considering denying the petition.
- (D) **No Hearing.** If the Office of the Chief Trial Counsel's response states that it does not oppose the petition, the Court may consider and grant the petition without a hearing.
- (E) **Withdrawal of Petition.** The petitioner may elect to withdraw the petition without prejudice at any time before the matter is submitted.

Rule 5.404 Burden of Proof

The petitioner has the burden of proving by a preponderance of the evidence that the petitioner has satisfied the conditions of standard 1.4(c)(ii).

Rule 5.405 Discovery

- (A) **Deposition.** The Office of the Chief Trial Counsel may take the petitioner's deposition promptly after the petition is filed. Unless the Court orders an extension for good cause, the timing of the deposition will not extend any time limits required under these rules. A petitioner for reinstatement who does not reside in California must be given 30 days' written notice of the time and place of the deposition, and must appear for it in California at his or her own expense.
- (B) **Other Discovery.** No other discovery will be allowed unless ordered by the Court for good cause. The Court's order will set forth the permitted extent and conditions for additional discovery.

Rule 5.406 Documentary Evidence

Except on Court order for good cause, no party may submit documentary evidence other than that filed with the application or the response. A request to submit additional documentary evidence must be written, have a copy of the proposed documentary evidence attached, and be filed and served at least 10 days before the hearing.

Rule 5.407 Testimonial Evidence

- (A) **Petitioner; Rebuttal.** The petitioner may testify at the hearing. Any party may present oral testimony to rebut oral testimony presented by the opposing party.
- (B) **Other Oral Testimony.** Other oral testimony is not permitted unless ordered by the Court for good cause shown. A party who wants to present oral testimony for purposes other than rebuttal must file a written statement summarizing the proposed testimony and stating the reasons why the testimony cannot be presented by declaration. The statement must be filed and served at least 10 days before the hearing.

Rule 5.408 Decision

Unless the petitioner waives the time or additional time is otherwise justified by the circumstances, the Court will file its decision within 15 days after the hearing ends, if no hearing is held, the Court will file its decision within 15 days after the Office of the Chief Trial Counsel files its response, or if none was filed, within 15 days from the date the response was due. The decision granting or denying the petition must contain findings of fact and conclusions of law.

Rule 5.409 Review

A decision is reviewable under rule 5.150. The Review Department's decision must be filed within 30 days after the matter is submitted.

Rule 5.410 Termination of Actual Suspension

While the petition is pending before the Court, the petitioner will remain on actual suspension. If the petition is granted, the petitioner will remain on actual suspension until the actual suspension period expires, and until the petitioner satisfies any other requirements for terminating actual suspension under the disciplinary order.

Rule 5.411 Applicable Rules

- (A) **Inapplicable Rules.** The following rules do not apply to proceedings on a petition for relief from actual suspension under standard 1.4(c)(II):
- (1) rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
 - (2) rules 5.80-5.100 (default; obligation to appear at trial) and rules 5.151-5.157 (review).
- (B) **Conditionally Applicable.** All other rules apply, except that:
- (1) Rules 5.25 (service of initial pleading) and 5.26 (service of subsequent pleadings) apply subject to the provisions of rule 5.400(B), and
 - (2) Rules 5.65-5.71 (discovery) apply only if and to the extent that the Court permits discovery.

Chapter 2. Resignation Proceedings

Rule 5.420 Resignation with Charges Pending

California Rules of Court, rule 9.21, governs resignations with charges pending. A resignation must be in the form required by rule 9.21(b). Charges are pending when the member is the subject of an investigation by the Office of Investigations or a disciplinary proceeding under these rules, or when the member is the subject of a criminal charge or investigation, or has been convicted of a felony or misdemeanor.

Rule 5.421 Perpetuation of Evidence

When a resignation is filed with the State Bar Court, the Office of the Chief Trial Counsel may perpetuate testimony and documentary evidence about the member's conduct that is pertinent to any future inquiry into the member's conduct or qualification to practice law.



2014 California Rules of Court

Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

(a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbarring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)

Division 6. Special Proceedings
Chapter 1. Rule 9.20 Proceedings

Rule 5.330 Nature of Proceeding

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

Rule 5.331 Definitions

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

Rule 5.332 Filing and Service of Declarations of Compliance

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of A Member of the State Bar of California	RULE 9.20 COMPLIANCE DECLARATION	

I, _____, State Bar member number _____, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1. I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2. I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3. I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4. I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5. In the future, communications may be directed to me at the following address: _____

[If this is not your current State Bar membership address, this declaration will change your membership address. See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at _____, California, on _____.

Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

[Signature]

(Print Name)

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2014 Examination Schedule and Information

This document was created at a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does **NOT** administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

National Conference of Bar Examiners ("NCBE")

Website: www.ncbex.org

Registration for the 2014 test dates opens on December 16, 2013

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 29, 2014	February 4, 2014	February 20, 2014	May 3, 2014
Saturday, August 9, 2014	June 17, 2014	July 3, 2014	September 18, 2014
Saturday, November 1, 2014	September 10, 2014	September 25, 2014	December 6, 2014

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation ***on or before your due date***. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

00083

**Information may change, please check the NCBE's website for the most current information.*

Revised 10/31/13

<p>IN THE MATTER OF Mark B. Replogle</p> <p>CASE NO(s): S216723 (13-O-11836 et al.)</p> <p>Probation</p>	<p><i>(For Office of Probation Use Only)</i></p>
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QUARTERLY REPORT

First Report Due: July 10, 2014
 (for period May 29, 2014 through June 30, 2014)

Final Report Due: May 29, 2016
 (for period April 1, 2016 through May 29, 2016)

Due: **January 10, 20__** **April 10, 20__** **July 10, 20__** **October 10, 20__**
 (for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules; and Report on SBC Proceedings

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

_____ (attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Current Address

___ Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

Suspension

___ I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

State Bar Ethics School

___ I have registered for the State Bar Ethics School course given on _____.

___ I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

___ I have registered for the MPRE given on _____.

___ I have taken the MPRE given on _____ and am awaiting the results.

___ I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.

___ I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.

- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration **(must include amount and date paid)** from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: _____
(Date of actual signature)

Signature: _____
Mark B. Replogle
(Please sign in blue ink)

QUARTERLY REPORT INSTRUCTIONS

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions.** The report form is provided as a courtesy only, and you are not required to use it.
2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS.** In the future, one additional copy **may** be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.
3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.
4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

Your original signed and dated report must be physically **received in the Office of Probation** on or before the tenth of January, April, July, and October. If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day **before** the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days. State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being **even one day late** means that you are **not** in compliance.

The report must contain an **original signature** in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.

Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.

The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.

The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all your deadlines to ensure timely receipt by the Office of Probation.

Each report is to be a perpetual document and is to reflect past and/or current status or compliance.

Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

If you have any questions regarding this information, please contact May Fernandez in the Office of Probation at (213)765-35.

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Office of Probation
PROOF OF PAYMENT INFORMATION

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

- A. Copy of the negotiated check (front and back); or
- B. An original declaration signed by the payee, which must specify the amount received, the date it was received, and which should include current contact information for the payee, including a valid telephone number.

2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even one day late, you are not in compliance.

3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.

4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.

6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.

7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.

8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.

9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).

10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

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NOTICE OF COUNSEL REPRESENTATION

Respondent: Mark Replogle

State Bar Case #: S216723 (13-O-11836 et al.)

Member Number: 151200

Counsel Name: _____

Firm Name: _____

Address: _____

Bar Number: _____

Phone Number: _____

Respondent Signature: _____

Date: _____

Counsel Signature: _____

Date: _____

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



THE STATE BAR
OF CALIFORNIA

845 South Figueroa Street, Los Angeles, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California

2014 Ethics/Client Trust Accounting ("CTA") School Schedule

LOS ANGELES			
845 S. Figueroa St., Los Angeles			
Class	Day	Date	Time
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/1	9a - 4p
CTA	Fri	05/2	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

SAN FRANCISCO			
180 Howard St., San Francisco			
Class	Day	Date	Time
Ethics	Thurs	03/13	9a - 4 p
CTA	Fri	03/14	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	09/18	9a - 4 p
CTA	Fri	09/19	9a - 12p
Ethics	Thurs	12/04	9a - 4p
CTA	Fri	12/05	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: **Home > Attorneys > Lawyer Regulation > Ethics Schools**, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. *You are NOT registered until your payment is received.* If you have any questions, please contact Letty Ramos at (213) 765-1309.



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

LOS ANGELES
845 S. Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is \$150.00. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is \$100.00.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will NOT receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is not required by a Decision or Order of the State Bar court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is not required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos
Administrative Secretary

Enc.

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THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Application Enrollment Form

DATE: _____
 APPLICANT'S NAME: _____ SBN: _____
 APPLICANT'S ADDRESS: _____
 CITY, STATE, ZIP: _____
 PHONE: _____ FAX: _____
 E-MAIL ADDRESS: _____

LOS ANGELES
845 South Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: _____ LOCATION (LA OR SF): _____
 CTA (\$100) DATE OF CLASS: _____ LOCATION (LA OR SF): _____

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, Attention: Letty Ramos, Office of the Chief Trial Counsel, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: Home > Attorneys > Lawyer Regulation > Ethics Schools, go to end of section and click on Register Now, or click on Class Schedule and Registration. You are **NOT** registered until your payment is received. If you have any questions, please contact Letty Ramos at (213) 765-1309.

Fernandez, May

From: Fernandez, May
Sent: Monday, June 01, 2015 12:45 PM
To: 'mark@kingofprayer.com'
Subject: Non-Compliance with your Probation
Attachments: Non-Compliance Letter.pdf

Please see the attached document.

--
May Ling Fernandez | Probation Deputy
Office of Probation
The State Bar of California | 845 S. Figueroa St. | Los Angeles, CA 90017
213.765.1035 | May.Fernandez@calbar.ca.gov

This message may contain confidential information that may also be privileged. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose the message in whole or in part. If you have received this message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you.



**THE STATE BAR
OF CALIFORNIA**

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

OFFICE OF PROBATION

Terrie Goldade, Supervising Attorney (213) 765-1494

TELEPHONE: (213) 765-1000

FAX: (213) 765-1439

<http://www.calbar.ca.gov>

May Ling Fernandez: (213) 765-1035

May.Fernandez@calbar.ca.gov

**OFFICE OF PROBATION
ADDRESS VERIFIED**

June 1, 2015

June 1, 2015

BY: mlf

Mark B. Replogle
301 S Signal Butte Rd
Lot 730
Apache Junction, AZ 85120

Sent via email and mail.

In re: **S216723 (13-O-11836, et al.)**

In the Matter of **Mark B. Replogle**

Dear Mark B. Replogle:

On May 13, 2014, this office sent to you a letter (copy enclosed) for the purpose of reminding you of the terms and conditions of your probation imposed by the Supreme Court which became effective May 29, 2014.

The following chart summarizes your compliance and non-compliance with the conditions of your probation to date:

Condition	Due Date	Completion Date	Comments
Schedule Req'd. Mtg.	6/28/14	3/13/14	
Hold Required Mtg.	As Scheduled	6/26/14	
Rule 9.20	10/6/14	6/27/14	
Quarterly Reports	7/10/14	7/3/14	
	10/10/14	10/3/14	
	1/10/15	1/8/15	
	4/10/15	4/8/15	
Ethics School	5/29/15		Please file proof of completion immediately.

You are not in compliance with the terms and conditions of your probation, and you may face a non-compliance referral which may result in the imposition of additional discipline and attendant costs (see attached). Even if you contact the Office of Probation, a referral may still be prepared. The Office of Probation will not send any further reminder letters regarding the aforementioned non-compliance or any future compliance due dates or lack of receipt of compliance documentation.

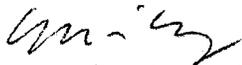
Mark B. Replogle
June 1, 2015
Page 2

Please be reminded that LATE completion, submission, or filing of proof/documents, does not mean you are in compliance. You will never be in compliance because being even one day late means that you are not in compliance with the terms and conditions of your probation.

If for any reason, you cannot *timely* comply with the terms and conditions of the discipline imposed, and to avoid a non-compliance referral, *you must* file a motion with the State Bar Court. See rules 5.162 and 5.300, et seq., Rules of Procedure of the State Bar of California. A copy of the motion must be served upon the Office of Probation. *The Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of your probation.*

Please note that even if you are referred, you are **STILL REQUIRED TO TIMELY COMPLY** with all probation conditions in this matter. Additional violations may be subject to a separate non-compliance referral. If you have any questions regarding this matter, please contact me at may.fernandez@calbar.ca.gov.

Sincerely,



May Ling Fernandez
Probation Deputy

/mlf

Enclosure(s)

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Discipline Costs - 2015

Effective January 1, 2015.

Pursuant to action by the State Bar's governing board in January 2011 and May 2012, the costs assessed for disciplinary matters are adjusted annually to account for changes in labor and other resource costs. The adjustment is calculated by combining 40% of the year-on-year percentage change in the Consumer Price Index¹ with 60% of the annual percentage change in the Employment Cost Index for Management, Professional and Related Occupations². For 2015, the adjustment is an increase of 2.47%.

For matters filed on or after January 1, 2015, the costs assessed are as follows:

Original Proceedings (Stage at which the matter settles)	Cost Assessment
Matters that go in Default	\$4,451
Matters that Settle Prior to Filing of a Notice of Disciplinary Charges	\$3,066
Matters that Settle during first 120 days of proceeding	\$3,584
Matters that Settle before Pretrial Statement is filed	\$5,680
Matters that Settle before trial but after Pretrial Statement is filed	\$7,431
Matters that proceed to a One-day trial	\$7,431
Matters that proceed to a Multi-day trial	\$16,758
Matters that proceed to the Review Department	\$20,499

Conviction Referrals (Stage at which the matter settles)	Cost Assessment
Matters that go into Default	\$3,003
Matters that Settle during the first 120 days of proceeding	\$2,507
Matters that Settle before Pretrial Statement is filed	\$5,378
Matters that Settle before trial but after Pretrial Statement is filed	\$7,059
Matters that proceed to a One-day trial	\$7,059
Matters that proceed into a Multi-day trial	\$12,854
Matters that proceed to the Review Department	\$18,375

Other Matters	Cost Assessment
Probation Revocation Proceedings	\$2,401
Rule 9.20 Proceedings	\$2,549

Additional Costs (as appropriate)	Cost Assessment
Each investigation matter over one	\$978
Each resignation	\$137
Consolidation cost equal to the minimum cost for the consolidated case type	
Transcript costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(1))	
Taxable costs incurred by the Office of the Chief Trial Counsel (BPC § 6086.10(b)(2))	

¹ Specifically, the December-to-December change in U.S. Bureau of Labor Statistics series CUURA422SA0.

² Specifically, the Q4-to-Q4 change in U.S. Bureau of Labor Statistics series CIU20100001000001.

If you remain actually suspended for ninety (90) days or more, the Court has also ordered you to comply with the provisions of Rule 9.20, California Rules of Court. Your affidavit must be timely filed with the State Bar Court by no later than **October 6, 2014**. Do NOT submit your original affidavit to the Office of Probation.

Additionally, by court order, you must take and provide proof of successful passage of the Multi-State Professional Responsibility Examination (MPRE) to the Office of Probation **within one (1) year of effective date or during actual suspension, whichever period is longer**. Please ensure to select "California" as the jurisdiction to receive your score report during registration. It is important that you plan to take this examination well in advance of the due date so that you can re-take the examination if you do not receive a passing score. The passing scaled score is 86. The MPRE is only offered three (3) times a year, but you may not have three chances to take the MPRE by your particular deadline. Failure to provide proof of passage of this examination by the due date may result in your indefinite suspension until you provide proof that you have passed the examination. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.)

In order to comply with the terms and conditions of your probation, you must report the status of your compliance, in each and every respect, by letter with any attachments, executed under penalty of perjury, and addressed to the Office of Probation. As a courtesy, the Office of Probation has prepared a Quarterly Report form for your use. Should you happen to lose your Quarterly Report form, you must submit your request for a copy in writing explaining why you could not maintain a copy for yourself.

Each of your reports must be a clear and unequivocal statement of compliance. See *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

Please read the Instructions and review the Quarterly Report carefully to determine whether you believe that it accurately reflects the required terms and conditions. If you believe there is an error, or if there are any questions, please notify me immediately. **You are responsible for timely complying with each and every term and condition whether or not it is reflected in this letter and/or the Quarterly Report form.** You are reminded that for all conditions, **being even one day late** means that you are **NOT** in compliance.

The conditions of your probation with compliance due dates are outlined below. Please note this summary **only** reflects those conditions and compliance due dates that require submission of proof of compliance to the Office of Probation. For a thorough review of all conditions, please refer to the enclosed copy of that portion of the disciplinary order setting forth the conditions of probation.

Condition

Deadline(s)

- | | |
|---|---|
| 1. Contact Probation Deputy & Schedule Required Meeting | June 28, 2014 |
| 2. Quarterly Reports | Quarterly; beginning July 10, 2014 |
| 3. Rule 9.20 | October 6, 2014, if actually suspended for 90 |

- | | |
|----------------------------|---|
| | days or more |
| 4. State Bar Ethics School | May 29, 2015 |
| 5. MPRE | May 29, 2015 or during actual suspension,
whichever period is longer |
| 6. Restitution | You will remain suspended until you provide
proof of full repayment |
| 7. Final Report | May 29, 2016 |

You are reminded that all Quarterly Reports are due **on or before the 10th day** after the end of each quarter. **If the 10th falls on a holiday or a weekend, the report must be received by the Office of Probation prior to that holiday or weekend.** Your Final Report is due on or before **May 29, 2016.**

You are to make good faith efforts to acquire resources to pay restitution, and your failure to make restitution will reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to modify the restitution condition). *Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 302, 312-313.

You are required to report, and in no event in more than ten (10) days, to the Membership Records Office of the State Bar and the Office of Probation, all changes of information including current name, office address and telephone number, or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code. The Office of Probation will only send documents to your official membership records address.

Further, please be advised that the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the discipline order. **Request for extension of time or modification of the terms and conditions of the discipline order must be filed with the State Bar Court Hearing Department or Review Department.** See, Rules of Procedure of the State Bar of California, rules 5.162 and 5.300, et seq. A copy of the motion must be served upon the Office of Probation. **Failure to timely** submit reports or any other proof of compliance **may result in a non-compliance referral** which may lead to the imposition of additional discipline.

Enclosed are copies of the Supreme Court Order and conditions of probation, which you have already received from the Courts or your counsel, Rules 5.400-5.411 - Standard 1.4(c)(ii) Rules of Procedure, Rule 9.20 - California Rules of Court, Rules 5.330 and 5.332 - Rules of Procedure, Affidavit form, Multi-State Professional Responsibility Examination schedule, Quarterly Report with instructions, Proof

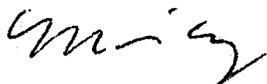
Mark Replogle
May 13, 2014
Page 4

of Payment instructions, and Notice of Counsel Representation form. Also enclosed is scheduling and enrollment information for the State Bar's Ethics School.

It is recommended that you maintain a file containing all orders as well as communication between the Office of Probation and yourself. Keep your file in a convenient location so that if you have contact with the Office of Probation, any question can be quickly addressed. It is further recommended that you sign all original documents in blue so that the Office of Probation will immediately be able to ascertain whether you have provided the required original(s).

Please note that the Court has determined that the repeated need of the State Bar to actively intervene to seek compliance with disciplinary terms and conditions is inconsistent with the self-governing nature of probation as a rehabilitative part of the attorney discipline system. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567, 573.

Sincerely,



May Fernandez
Probation Deputy

/el
Enclosures

00100

APR 23 2014

(State Bar Court Nos. 13-O-11836 (13-O-16674))

Frank A. McGuire Clerk

S216723

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MARK BRYSON REPLOGLE on Discipline

The court orders that Mark Bryson Replogle, State Bar Number 151200, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. Mark Bryson Replogle is suspended from the practice of law for a minimum of the first 30 days of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Jacquelyn McCants in the amount of \$3,200 plus 10 percent interest per year from January 20, 2012; and
 - (2) Nathan Huss in the amount of \$1,747.50 plus 10 percent interest per year from April 6, 2012.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).); and

- iii. If he remains suspended for 90 days or more, he must also comply with rule 9.20 of the 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 this order. Failure to do so may result in disbarment or suspension.
2. Mark Bryson Replogle must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2013.
3. At the expiration of the period of probation, if Mark Bryson Replogle has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Mark Bryson Replogle must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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.

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-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If Mark Bryson Replogle 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.

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 APR 29 2014 20
Clerk
By: [Signature]
Deputy

CANTIL-SAKAUYE

Chief Justice

- (13) No mitigating circumstances are involved.

Additional mitigating circumstances:

See Attachment at page 10.

D. Discipline:

- (1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of one year.

- 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 1.4(c)(ii) 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 30 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 1.4(c)(ii), 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 1.4(c)(ii), 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

(Do not write above this line.)

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

(Do not write above this line.)

- No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

(Do not write above this line.)

In the Matter of: MARK BRYSON REPLOGLE	Case Number(s): 13-O-11836; 13-O-16674
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
JACQUELYN MCCANTS	\$3,200.00	January 20, 2012
NATHAN HUSS	\$1,747.50	April 6, 2012

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

Respondent will remain actually suspended until restitution is paid in full.

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- 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.

c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- (D) **Permitted Disclosure.** Despite subsection (C), the Court may provide the Office of Probation and the Client Security Fund with documents necessary to help the Office of Probation monitor the member's compliance with the Lawyer Assistance Program and this Program requirements and to help the Client Security Fund process any claim for reimbursement made against the Fund.

Rule 5.389 Review

- (A) **Decisions and Orders.** The following decisions and orders of the Program Judge may be reviewed by the Review Department:
- (1) The Program Judge's decision to grant or deny the member admittance to the Program. The issues that may be raised on review may include, but are not limited to:
 - (a) whether the member meets the eligibility requirements for admittance to the Program, and
 - (b) the appropriate disposition or recommendation for the level of discipline.
 - (2) The Program Judge's decision to terminate a member from the Program or to deny the State Bar's motion to terminate the member from the Program.
- (B) **Procedure.** The procedure in rule 5.150 applies, except that the Review Department will:
- (1) independently review the record and may adopt findings, conclusions, and a decision or recommendation different from those of the Program Judge;
 - (2) decide matters before it under this rule en banc, but two judges of the Review Department will constitute a quorum; and
 - (3) file its opinion or order within 60 days after the matter is submitted.

Division 7. Regulatory Proceedings

Chapter 1. Proceedings to Demonstrate Rehabilitation, Present Fitness, and Learning and Ability in the Law according to Standard 1.4(c)(ii)

Rule 5.400 Scope and Expedited Nature of Proceeding

- (A) **Scope.** These rules apply when a petitioner seeks relief from actual suspension under a disciplinary order that requires compliance with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (B) **Expedition; Service.** Proceedings under these rules will be expedited. The petition and all pleadings, decisions and other documents must be served by personal delivery or by overnight mail.

Rule 5.401 Petition for Relief from Actual Suspension

- (A) **Verification; Statements.** The petitioner must verify the petition for relief and state with particularity the facts alleged to demonstrate the petitioner's rehabilitation, present fitness to practice, and present learning and ability in the general law.
- (B) **Attachments.** The petition must be supported by declarations, exhibits, or requests for judicial notice to establish the alleged facts.
- (C) **Filing and Service.** No filing fee will be charged to file the petition. The petitioner must serve a copy of the verified petition and supporting documents on the Office of the Chief Trial Counsel by personal delivery or overnight mail.

Rule 5.402 Earliest Time for Filing

The earliest a petition may be filed is six months before the actual suspension may be terminated. If a prior petition was denied, a subsequent petition may be filed six months after the order is final, unless the Court orders a shorter period for good cause.

Rule 5.403 Response; Request for Hearing

- (A) **Timing of Response.** Within 45 days after the petition is served, the Office of the Chief Trial Counsel must file and serve a response, which may be accompanied by declarations, exhibits, and requests for judicial notice.
- (B) **Position Taken.** The response will:
 - (1) oppose the petition;
 - (2) state that the Office of the Chief Trial Counsel does not oppose the petition; or
 - (3) state that the Office of the Chief Trial Counsel does not possess sufficient facts to determine whether or not it opposes the petition.
- (C) **Hearing.** A hearing will be set within 35 days after the response is served, and 15 days' notice will be given, under the following circumstances:
 - (1) the Office of the Chief Trial Counsel opposes the petition or states that it does not possess sufficient facts to determine whether or not it opposes the petition;
 - (2) any party requests a hearing; or
 - (3) the Court is considering denying the petition.
- (D) **No Hearing.** If the Office of the Chief Trial Counsel's response states that it does not oppose the petition, the Court may consider and grant the petition without a hearing.
- (E) **Withdrawal of Petition.** The petitioner may elect to withdraw the petition without prejudice at any time before the matter is submitted.

Rule 5.404 Burden of Proof

The petitioner has the burden of proving by a preponderance of the evidence that the petitioner has satisfied the conditions of standard 1.4(c)(ii).

Rule 5.405 Discovery

- (A) **Deposition.** The Office of the Chief Trial Counsel may take the petitioner's deposition promptly after the petition is filed. Unless the Court orders an extension for good cause, the timing of the deposition will not extend any time limits required under these rules. A petitioner for reinstatement who does not reside in California must be given 30 days' written notice of the time and place of the deposition, and must appear for it in California at his or her own expense.
- (B) **Other Discovery.** No other discovery will be allowed unless ordered by the Court for good cause. The Court's order will set forth the permitted extent and conditions for additional discovery.

Rule 5.406 Documentary Evidence

Except on Court order for good cause, no party may submit documentary evidence other than that filed with the application or the response. A request to submit additional documentary evidence must be written, have a copy of the proposed documentary evidence attached, and be filed and served at least 10 days before the hearing.

Rule 5.407 Testimonial Evidence

- (A) **Petitioner; Rebuttal.** The petitioner may testify at the hearing. Any party may present oral testimony to rebut oral testimony presented by the opposing party.
- (B) **Other Oral Testimony.** Other oral testimony is not permitted unless ordered by the Court for good cause shown. A party who wants to present oral testimony for purposes other than rebuttal must file a written statement summarizing the proposed testimony and stating the reasons why the testimony cannot be presented by declaration. The statement must be filed and served at least 10 days before the hearing.

Rule 5.408 Decision

Unless the petitioner waives the time or additional time is otherwise justified by the circumstances, the Court will file its decision within 15 days after the hearing ends. If no hearing is held, the Court will file its decision within 15 days after the Office of the Chief Trial Counsel files its response, or if none was filed, within 15 days from the date the response was due. The decision granting or denying the petition must contain findings of fact and conclusions of law.

Rule 5.409 Review

A decision is reviewable under rule 5.150. The Review Department's decision must be filed within 30 days after the matter is submitted.

Rule 5.410 Termination of Actual Suspension

While the petition is pending before the Court, the petitioner will remain on actual suspension. If the petition is granted, the petitioner will remain on actual suspension until the actual suspension period expires, and until the petitioner satisfies any other requirements for terminating actual suspension under the disciplinary order.

Rule 5.411 Applicable Rules

- (A) **Inapplicable Rules.** The following rules do not apply to proceedings on a petition for relief from actual suspension under standard 1.4(c)(II):
- (1) rules that by their terms apply only to disciplinary proceedings or to other specific proceedings, and
 - (2) rules 5.80-5.100 (default; obligation to appear at trial) and rules 5.151-5.157 (review).
- (B) **Conditionally Applicable.** All other rules apply, except that:
- (1) Rules 5.25 (service of initial pleading) and 5.26 (service of subsequent pleadings) apply subject to the provisions of rule 5.400(B), and
 - (2) Rules 5.65-5.71 (discovery) apply only if and to the extent that the Court permits discovery.

Chapter 2. Resignation Proceedings

Rule 5.420 Resignation with Charges Pending

California Rules of Court, rule 9.21, governs resignations with charges pending. A resignation must be in the form required by rule 9.21(b). Charges are pending when the member is the subject of an investigation by the Office of Investigations or a disciplinary proceeding under these rules, or when the member is the subject of a criminal charge or investigation, or has been convicted of a felony or misdemeanor.

Rule 5.421 Perpetuation of Evidence

When a resignation is filed with the State Bar Court, the Office of the Chief Trial Counsel may perpetuate testimony and documentary evidence about the member's conduct that is pertinent to any future inquiry into the member's conduct or qualification to practice law.



2014 California Rules of Court

Rule 9.20. Duties of disbarred, resigned, or suspended attorneys

(a) Disbarment, suspension, and resignation orders

The Supreme Court may include in an order disbarring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member must, within such time limits as the Supreme Court may prescribe:

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

(Subd (a) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(b) Notices to clients, co-counsel, opposing counsel, and adverse parties

All notices required by an order of the Supreme Court or the State Bar Court under this rule must be given by registered or certified mail, return receipt requested, and must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

(Subd (b) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(c) Filing proof of compliance

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered under this rule. The affidavit must also specify an address where communications may be directed to the disbarred, suspended, or resigned member.

(Subd (c) amended effective January 1, 2007; previously amended effective December 1, 1990.)

(d) Sanctions for failure to comply

A disbarred or resigned member's willful failure to comply with the provisions of this rule is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

(Subd (d) amended effective January 1, 2007; previously relettered and amended effective December 1, 1990.)

Division 6. Special Proceedings
Chapter 1. Rule 9.20 Proceedings

Rule 5.330 Nature of Proceeding

A rule 9.20 proceeding is one in which the member is charged with failing to comply with rule 9.20 of the California Rules of Court as ordered by the Supreme Court. These rules apply to rule 9.20 proceedings.

Rule 5.331 Definitions

- (A) **Rule 9.20.** As used in these rules, "rule 9.20" refers to rule 9.20 of the California Rules of Court, and "rule 9.20 order" means an order requiring a member to comply with rule 9.20 of the California Rules of Court.
- (B) **"Declaration of Compliance" Defined.** A declaration signed by a member to comply or attempt to comply with a rule 9.20 order.

Rule 5.332 Filing and Service of Declarations of Compliance

- (A) **Proof of Service.** All declarations of compliance must be accompanied by proof of service on the Office of Probation.
- (B) **Mandatory Filing.** The Clerk of the State Bar Court must file all declarations of compliance, regardless of their form or the date submitted.
- (C) **No Proof of Service.** If the Clerk of the State Bar Court receives a declaration that is not accompanied by proof of service on the Office of Probation, the Clerk will file the declaration and serve it on the Office of Probation.

Rule 5.333 Time for Filing Proceeding Based on Untimely or Formally Defective Declaration

- (A) **Untimely or Defective Filing.** Any notice of disciplinary charges alleging that a declaration of compliance was untimely filed or was defective in form must be filed within 90 days after the declaration is served on the Office of Probation, unless the Court permits a later filing for good cause shown.
- (B) **Time Limit Inapplicable.** This time limit does not apply to a notice of disciplinary charges alleging a substantive defect in a declaration of compliance or alleging failure to file any declaration of compliance.
- (C) **Defects in Substance.** For purposes of this rule, if a declaration of compliance fails to state that the member fully complied with the requirements of rule 9.20(a), the failure is a defect in substance and not a defect in form covered by this rule.

State Bar Court

Counsel for Respondent:	Case Number(s):	For Court's Use Only:
In the Matter of A Member of the State Bar of California	RULE 9.20 COMPLIANCE DECLARATION	

I, _____, State Bar member number _____, have been ordered to comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, as part of a suspension ordered by the State Bar Court or Supreme Court, or an order of disbarment or an order accepting my resignation by the Supreme Court.

[Answer each question by checking one box per question. If neither option is correct, attach a declaration under penalty of perjury explaining your situation.]

Within 30 days of the effective date of the order of suspension/disbarment/acceptance of resignation ("effective date"): (See rule 9.18(a), California Rules of Court):

1. I notified all clients and co-counsel, in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my consequent disqualification to act as an attorney after the effective date of the order of suspension/disbarment, and in those cases where I had no co-counsel, I urged the clients to seek legal advice elsewhere, calling attention to any urgency in seeking another attorney.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no clients.
2. I delivered to all clients any papers or other property to which the clients were entitled, or notified clients and co-counsel, if any, of a suitable time and place where the papers or other property could be obtained, and called attention to any urgency for obtaining the papers or other property.
- As of the date upon which the order to comply with rule 9.20 was filed, I had no papers or other property to which clients were entitled.
3. I refunded fees paid, any part of which had not been earned.
- As of the date upon which the order to comply with rule 9.20 was filed, I had earned all fees paid to me.
4. I notified all opposing counsel or adverse parties not represented by counsel in matters that were pending on the date upon which the order to comply with rule 9.20 was filed by certified or registered mail, return receipt requested, of my disqualification to act as an attorney after the effective date of my suspension, disbarment, or the Supreme Court's acceptance of my resignation, and filed a copy of my notice to opposing counsel/adverse parties with the court, agency or tribunal before which litigation was pending for inclusion in its files.
- As of the date upon which the order to comply with rule 9.20 was filed, I did not represent any clients in pending matters.
5. In the future, communications may be directed to me at the following address: _____

[If this is not your current State Bar membership address, this declaration will change your membership address.
See Bus. & Prof. Code §6002.1(b)]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at _____, California, on _____.

Wilful failure to comply with the provisions of rule 9.20 may result in revocation of probation; suspension; disbarment; denial of reinstatement; or, contempt or conviction.

[Signature]

(Print Name)

MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION ("MPRE")

2014 Examination Schedule and Information

This document was created at a courtesy by the State Bar of California, Office of Probation.

The State Bar of California does NOT administer the MPRE.
**TO REGISTER AND FOR THE MOST RECENT INFORMATION REGARDING MPRE TEST
DATES, DEADLINES, RESOURCES, ETC., YOU MUST CONTACT:**

National Conference of Bar Examiners ("NCBE")

Website: www.ncbex.org

Registration for the 2014 test dates opens on December 16, 2013

Test Dates*	Regular Registration Deadline (\$80)*	Late Registration Deadline (\$160)*	Scores Tentatively Released by
Saturday, March 29, 2014	February 4, 2014	February 20, 2014	May 8, 2014
Saturday, August 9, 2014	June 17, 2014	July 3, 2014	September 13, 2014
Saturday, November 1, 2014	September 10, 2014	September 25, 2014	December 6, 2014

1. The MPRE fee for applications received on or before the regular receipt deadline is \$80. The MPRE fee for applications received after the regular receipt deadline but before the late receipt deadline is \$160.
2. To provide proof of successful passage of the MPRE to the Office of Probation, you **MUST**: a) during registration, select California as the jurisdiction to receive your score report; and b) send a copy of your score release to the Office of Probation on or before your due date. Failure to comply with these requirements will delay confirming your passage of the MPRE, and it may result in an automatic suspension in probation matters or a non-compliance referral in all other matters.
3. Requests for special accommodations during the examination must be made to the National Conference of Bar Examiners in advance of the examination.

Passing scaled score 86

00114

**Information may change, please check the NCBE's website for the most current information.*

Revised 10/31/13

IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

(For Office of Probation Use Only)

QUARTERLY REPORT

First Report Due: July 10, 2014
(for period May 29, 2014 through June 30, 2014)

Final Report Due: May 29, 2016
(for period April 1, 2016 through May 29, 2016)

Due: January 10, 20__ April 10, 20__ July 10, 20__ October 10, 20__
(for period 10/1 through 12/31) (for period 01/01 through 3/31) (for period 4/1 through 6/30) (for period 7/1 through 9/30)

Make sufficient copies of this form for future use and mail reports to State Bar of California, Attn: Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.

Place an "X" before each of the statements below that applies to you:

Compliance with State Bar Act and Rules; and Report on SBC Proceedings

During the reporting period noted above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation; and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Or

During the reporting period above or portion thereof, I have complied with all provisions of the State Bar Act, Rules of Professional Conduct, and all conditions of probation except:

_____ (attach declaration under penalty of perjury if more space is needed); and during the preceding calendar quarter, there were no proceedings pending against me in the State Bar Court, or if there were, I have attached my declaration, signed under penalty of perjury, regarding my pending proceeding(s) in State Bar Court including the case number(s), and current status.

Current Address

- ___ Within 10 days of any change, I reported to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information including current name, office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code

Suspension

- ___ I did not practice law at any time during the reporting period noted above or applicable portion thereof during which I was suspended pursuant to the Supreme Court order in this case.

State Bar Ethics School

- ___ I have registered for the State Bar Ethics School course given on _____.
- ___ I have completed the State Bar Ethics School course given on _____.
A copy of my certificate of completion is attached if not previously submitted.

Multi-State Professional Responsibility Examination

- ___ I have registered for the MPRE given on _____.
- ___ I have taken the MPRE given on _____ and am awaiting the results.
- ___ I passed the MPRE given on _____. A copy of my results is attached if not previously submitted.
- ___ I did not pass the MPRE given on _____ and have re-scheduled to take the examination given on _____.

Restitution

- I have completed restitution, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

- I have made restitution payments, and attached are front/back copies of the cancelled checks or a declaration (**must include amount and date paid**) from the payee acknowledging receipt of the payment.

I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: _____
(Date of actual signature)

Signature: _____
Mark B. Replogle
(Please sign in blue ink)

**OFFICE OF PROBATION
QUARTERLY REPORT INSTRUCTIONS**

1. The enclosed Quarterly Report form has been tailored to reflect the conditions of your discipline that are to be reported to the Office of Probation. Please review it carefully. If you believe that it does not accurately reflect your conditions, immediately contact the Office of Probation. Note that even if the Office of Probation makes an error, **you are required to timely complete all of your ordered conditions**. The report form is provided as a courtesy only, and you are not required to use it.

2. The Office of Probation will **NOT** provide you with multiple copies of the courtesy Quarterly Report form. **YOU MUST MAKE ENOUGH COPIES TO USE FOR ALL FUTURE QUARTERLY AND FINAL REPORTS**. In the future, one additional copy may be provided if you make a written request with an explanation under penalty of perjury why you need such copy made.

3. For each quarter's report, mark the box for the correct reporting period and write in the correct year. Place an "X" in front of each condition that applies to your activities during each respective reporting period. Provide all required information.

4. Your report may be signed and mailed at the end of your business day on the last day of the month of each calendar quarter (i.e., March 31st, June 30th, September 30th and December 31st). **YOUR REPORT WILL BE REJECTED IF YOU DATE, SIGN, AND/OR SEND IT BEFORE THE LAST DAY OF THE LAST MONTH OF EACH CALENDAR QUARTER.**

REPORTING PERIOD	REPORT TO BE RECEIVED IN THE OFFICE OF PROBATION BY
January 1 - March 31	April 10
April 1 - June 30	July 10
July 1 - September 30	October 10
October 1 - December 31	January 10

Your original signed and dated report must be physically received in the Office of Probation on or before the tenth of January, April, July, and October. If the tenth falls on a weekend or holiday, you must send your report so that it is received no later than the last State Bar business day before the 10th; The State Bar is not open on weekends or holidays and does not receive mail on those days. State Bar observed holidays include among others, New Year's day, Cesar Chavez Day, Independence Day, and Columbus day. For all conditions, being even one day late means that you are not in compliance.

The report must contain an original signature in order to be filed with the Office of Probation. It is recommended that you sign each report using blue ink. Because your report must be made under penalty of perjury, you must date it the date you sign it and not pre-date it or post-date it. See, Code of Civil Procedure section 2015.5.

Because it is your responsibility to have an original, compliant report in to the Office of Probation by the tenth, and because some Respondents have claimed that their reports were lost in the mail, you may choose to send your reports in a manner that provides you with proof of delivery.

The Office of Probation files your report as of the date it is received, and **NOT** the date you mail it.

The Office of Probation will **NOT** contact you before and/or after each quarterly report is due. You must calendar all your deadlines to ensure timely receipt by the Office of Probation.

Each report is to be a perpetual document and is to reflect past and/or current status or compliance.

Each of your reports must be a clear and unequivocal statement of your compliance. See *In the Matter of Carr* (review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 244. If it is not, it can be rejected for filing.

If you have any questions regarding this information, please contact May Fernandez in the Office of Probation at (213)765-1155.

Office of Probation
PROOF OF PAYMENT INFORMATION

1. **THERE ARE ONLY TWO METHODS OF PROOF ACCEPTED:**

- A. Copy of the negotiated check (front and back); or
- B. An original declaration signed by the payee, which must specify the amount received, the date it was received, and which should include current contact information for the payee, including a valid telephone number.

2. Generally, proof of receipt of payment is required by the deadline, NOT just sending of the payment. If you are even one day late, you are not in compliance.

3. It is possible to obtain copies of the backs of negotiated cashier's checks. However, it generally costs more money and takes more time than obtaining the backs of business or personal checks.

4. If you are relying upon the payee to sign a declaration, it is recommended that you provide with each payment a declaration for the payees to use as well as a stamped envelope addressed to:

The State Bar of California
Attn: Office of Probation
845 South Figueroa Street
Los Angeles, CA 90017-2515

5. Sometimes payees move and do not provide the State Bar or you with updated contact information. If this happens, you still must comply with your order to make restitution. To do so, you may need to prove that you made good faith efforts to locate the payee(s) through internet searches, hiring an investigator, etc. Keep track of all of your efforts. If you do not eventually locate the payee, you may choose to file a motion to modify your restitution condition so that you are permitted to pay the funds to the Client Security Fund ("CSF") instead of to the payee; if/when the payee contacts the State Bar, the money will then be transferred.

6. If CSF pays out on a matter, it is recommended that you pay the individual payee(s) first. If CSF makes a payment, you may owe money directly to the payee(s) as well as money to CSF. For example, if you are to pay \$5,000 principal to a payee with 10% interest accruing annually from January 1, 2001, and CSF pays the payee \$5,000 on January 1, 2006, you must pay the payee the interest on the \$5,000 from January 1, 2001 through January 1, 2006. You will owe CSF the \$5,000 in principal, plus interest from January 1, 2006, plus processing costs. Contact CSF for the exact amount owed to it.

7. If you have many payees, or will not start restitution immediately, it is recommended that you contact all of the payees IMMEDIATELY to let them know that you have been ordered to pay them and to request that they keep you and the Office of Probation updated as to any change in their contact information. It is also recommended that you provide them with your Probation Deputy's name and telephone number in case they have any questions that you cannot answer for them.

8. Keep track of your payments. When you get close to paying off a payee, contact the Office of Probation so that the exact amount owed to the payee as of the date you plan to make the final payment can be accurately calculated.

9. Keep copies of everything you send to the Office of Probation so that if questions arise they may be easily addressed. Do not send multiple copies of the same payments unless specifically requested to do so (e.g. if there is something illegible on the copies you previously sent).

10. Good faith efforts must be made to acquire resources to pay restitution. Any failure to make restitution may reflect adversely on your rehabilitation. *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138; *In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525. Financial difficulties may be considered in mitigation, not culpability, if they are extreme and result from circumstances that are not reasonably foreseeable or that were beyond your control; your entire financial condition, not just income, is to be considered. *In the Matter of Taggart* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. at 311. Because restitution is a measure of rehabilitation, you are to pay the amount ordered even if at a later date a separate agreement is obtained such that the payee will accept less (or file a motion to obtain an order modifying the restitution condition). *Id.*

00119

Revised 11/01/13

NOTICE OF COUNSEL REPRESENTATION

Respondent: Mark Replogle

State Bar Case #: S216723 (13-O-11836 et al.)

Member Number: 151200

Counsel Name: _____

Firm Name: _____

Address: _____

Bar Number: _____

Phone Number: _____

Respondent Signature: _____

Date: _____

Counsel Signature: _____

Date: _____

Please complete and return this form to the Office of Probation, 845 South Figueroa Street, Los Angeles, California 90017-2515.



THE STATE BAR
OF CALIFORNIA

845 South Figueroa Street, Los Angeles, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California

2014 Ethics/Client Trust Accounting ("CTA") School Schedule

LOS ANGELES			
845 S. Figueroa St., Los Angeles			
Class	Day	Date	Time
Ethics	Thurs	02/20	9a - 4p
CTA	Fri	02/21	9a - 12p
Ethics	Thurs	05/1	9a - 4p
CTA	Fri	05/2	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	08/21	9a - 4p
CTA	Fri	08/22	9a - 12p
Ethics	Thurs	10/23	9a - 4p
CTA	Fri	10/24	9a - 12p
Ethics	Thurs	12/18	9a - 4p
CTA	Fri	12/19	9a - 12p

SAN FRANCISCO			
180 Howard St., San Francisco			
Class	Day	Date	Time
Ethics	Thurs	03/13	9a - 4 p
CTA	Fri	03/14	9a - 12p
Ethics	Thurs	06/19	9a - 4p
CTA	Fri	06/20	9a - 12p
Ethics	Thurs	09/18	9a - 4 p
CTA	Fri	09/19	9a - 12p
Ethics	Thurs	12/04	9a - 4p
CTA	Fri	12/05	9a - 12p

You can register for Ethics School and/or Client Trust Accounting School by: 1) mailing application form with payment to the address on the form; or 2) going online at www.calbar.ca.gov: **Home > Attorneys > Lawyer Regulation > Ethics Schools**, go to end of section and click on **Register Now**, or click on **Class Schedule and Registration**. *You are NOT registered until your payment is received.* If you have any questions, please contact Letty Ramos at (213) 765-1309.

Information may change, please check the State Bar website for the most current information.

00121



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Information

Ethics and Client Trust Accounting classes are given throughout the year at the State Bar offices:

LOS ANGELES
845 S. Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

Ethics School is all day (9:00 a.m. to 4:00 p.m.), with a lunch break. The fee for the course is \$150.00. Client Trust Account School is held for three (3) hours, (9:00 a.m. to 12:00 Noon). The fee for the course is \$100.00.

Please note that pursuant to Rules of Procedure of the State Bar of California, rule 3201, you will **NOT** receive Minimum Continuing Legal Education credit if your attendance at Ethics School or Client Trust Accounting School is required by a Decision or Order of the State Bar Court or Supreme Court.

If your attendance at Ethics School is not required by a Decision or Order of the State Bar court or Supreme Court, you may receive six (6) hours of Minimum Continuing Legal Education credit upon successful completion of the class. If your attendance at CTA School is not required by a Decision or Order of the State Bar Court or Supreme Court, you may receive three (3) hours of Minimum Continuing Legal Education credit upon successful completion of the class.

An application form and a schedule of classes are enclosed for your convenience. Fees **MUST** be submitted with the application in order to secure a seat in the class. Classes for some dates may fill up quickly. Payment for classes must be in the form of a personal check, money order or cashier's check. **CASH PAYMENTS WILL NOT BE ACCEPTED.**

Please indicate on the application form, by checking the appropriate space, whether you are attending the class as a result of a Decision of the Court after a hearing; as a result of a stipulated disposition; pursuant to an Agreement in Lieu of Discipline; voluntarily by letter agreement with the Office of Chief Trial Counsel or the Committee of Bar Examiners for Bar applicants, or voluntarily for some other reason.

If you have a question about probation, please direct your inquiries in writing to the State Bar of California, Attention: Office of Probation, 845 S. Figueroa Street, Los Angeles, CA 90017-2515.

OFFICE OF THE CHIEF TRIAL COUNSEL

Letty Ramos
Administrative Secretary

Enc.

00122



THE STATE BAR
OF CALIFORNIA

845 S. FIGUEROA STREET, LOS ANGELES, CA 90017-2515

OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT

TELEPHONE: (213) 765-1309
FAX: (213) 765-1029
TDD: (213) 765-1566
<http://www.calbar.ca.gov>

State Bar of California Ethics/CTA School Application Enrollment Form

DATE: _____
 APPLICANT'S NAME: _____ SBN: _____
 APPLICANT'S ADDRESS: _____
 CITY, STATE, ZIP: _____
 PHONE: _____ FAX: _____
 E-MAIL ADDRESS: _____

LOS ANGELES
845 South Figueroa Street
Los Angeles, CA 90017-2515

SAN FRANCISCO
180 Howard Street
San Francisco, CA 94105

ETHICS (\$150) DATE OF CLASS: _____ LOCATION (LA OR SF): _____
 CTA (\$100) DATE OF CLASS: _____ LOCATION (LA OR SF): _____

Return completed Application Enrollment Form with personal check, money order or cashier's check made payable to the State Bar of California, Attention: Letty Ramos, Office of the Chief Trial Counsel, 845 S. Figueroa Street, Los Angeles, CA, 90017-2515. Upon receipt of your application and payment, a confirming reservation letter will be mailed to you. If you have any questions, please contact Letty Ramos at (213) 765-1309 or by fax at (213) 765-1029.

Please indicate below the reason for your attendance:

- Supreme Court Order/State Bar Court Decision after hearing requiring attendance
- Supreme Court Order/State Bar Court Order following stipulated disposition requiring attendance
- Agreement in Lieu of Discipline
- Voluntary Agreement with the Office of the Chief Trial Counsel
- State Bar Applicant for Admission
- Voluntarily

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Fernandez, May

From: Microsoft Outlook
To: 'mark@kingofprayer.com'
Sent: Monday, June 01, 2015 12:46 PM
Subject: Relayed: Non-Compliance with your Probation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'mark@kingofprayer.com' (mark@kingofprayer.com) <<mailto:mark@kingofprayer.com>>

Subject: Non-Compliance with your Probation

Fernandez, May

From: Mail Delivery System <MAILER-DAEMON@p01c11o147.mxlogic.net>
Sent: Monday, June 01, 2015 12:46 PM
To: Fernandez, May
Subject: Mail delivery failed
Attachments: ATT00001.txt

This message was created automatically by mail delivery software.

A message that you have sent could not be delivered to one or more recipients. This is a permanent error. The following address failed:

<mark@kingofprayer.com>: 553 Cannot find OUTBOUND MX Records for domain (kingofprayer.com)

ATT00001.txt

Included is a copy of the message header:

Received: from unknown [67.97.90.154] (EHLO SFCAS01.calsb.org)
by p01c11o147.mxlogic.net(mx1_mta-8.4.0-1) over TLS secured channel
with ESMTTP id 656bc655.0.1168152.00-324.2977502.p01c11o147.mxlogic.net
(envelope-from <may.fernandez@calbar.ca.gov>);
Mon, 01 Jun 2015 13:45:27 -0600 (MDT)
X-MXL-Hash: 556cb65759b24333-62bcea4a93c80dc9a239d67ed529d318fd5ec6a7
Received: from SFMAIL05.calsb.org ([fe80::615f:744d:4b5:67be]) by
SFCAS01.calsb.org ([fe80::f05e:89d5:a272:b081%17]) with mapi id
14.03.0210.002; Mon, 1 Jun 2015 12:45:22 -0700
From: "Fernandez, May" <May.Fernandez@calbar.ca.gov>
To: "'mark@kingofprayer.com'" <mark@kingofprayer.com>
Subject: Non-Compliance with your Probation
Thread-Topic: Non-Compliance with your Probation
Thread-Index: AdCcozJKeyb1nbOWriWA+thzBveqww==
Disposition-Notification-To: "Fernandez, May" <May.Fernandez@calbar.ca.gov>
Return-Receipt-To: <May.Fernandez@calbar.ca.gov>
Date: Mon, 1 Jun 2015 19:45:21 +0000
Message-ID: <302A4449378E684385DBA605A6E2AB5E2179D059@SFMAIL05.calsb.org>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [172.15.16.45]
Content-Type: multipart/mixed;
boundary="_004_302A4449378E684385DBA605A6E2AB5E2179D059SFMAIL05calsbor_"
MIME-Version: 1.0

IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

(For Office of Probation Use Only)
COMPLIANT

JUL 08 2015 mlf

Office of Probation

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First Report Due: July 10, 2014
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00128

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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 6 July 2015
(Date of actual signature)

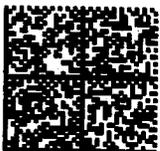
Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL

PRIORITY MAIL
POSTAGE REQUIRED

P



U.S. POSTAGE
\$5.75
PM 2-DAY
85120 0006
Date of sale
07/06/15
06 2S00
08310267

PRIORITY MAIL 2-DAY™

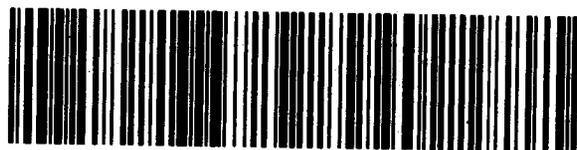
EXPECTED DELIVERY 07/08/2015

SHIP TO:

0006

LOS ANGELES CA 90017-2515

USPS TRACKING NUMBER



9505 5000 1027 5187 0001 04

FROM: MARK REPLOGLÉ
301 S. Signal Butte Rd
LOT 730
Apache Junction, AZ 85120

00131

TO:

State Bar of California
Attn: Office of Probation
845 South Figueroa St
Los Angeles, CA
OFFICE OF PROBATION
LOS ANGELES

RECEIVED

JUL 08 2015

OFFICE OF PROBATION
LOS ANGELES



UNITED STATES

IN THE MATTER OF
Mark B. Replogle

CASE NO(s): S216723 (13-O-11836 et al.)

Probation

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COMPLIANT

OCT 09 2015 mlf

Office of Probation

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I declare under penalty of perjury under the laws of the State of California that all of the information provided in this report is true and accurate.

Date: 7 October 2015
(Date of actual signature)

Signature: Mark B. Replogle
Mark B. Replogle
(Please sign in blue ink)

PLEASE PRESS FIRMLY

PLE



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State Bar of California
Attn: Office of Probation
845 South Figueroa St
Los Angeles, CA 90017-2515



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Office of Probation
ETHICS SCHOOL
VERIFICATION FORM

Case Name: Mark Replogle Member No.: 151200
Case Number: S216723 (13-O-11836 et al.) Compliance Date: May 29, 2015

According to the records maintained by the Office of Probation:

- Respondent has attended the State Bar Ethics School
- Respondent has **NOT** attended the State Bar Ethics School

Verified By: May Ling Fernandez Date: February 24, 2016

Comments: I checked the master roster of attendees and Respondent has only taken Ethics School once in 2001 (prior to effective date of probation).