

FILED

JUL 10 2018

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 17-H-06392-YDR
)	
)	
KEITH BYRON BARDELLINI,)	DECISION
)	
)	
<u>A Member of the State Bar, No. 75762.</u>)	

Introduction

In this reproval violation proceeding, respondent Keith Byron Bardellini (Respondent) is found culpable, by clear and convincing evidence, of two separate violations of the conditions which were attached to a private reproval that was imposed on him in 2016 in State Bar Court case number 15-O-14760 (*Bardellini I*). Respondent's reproval violations are disciplinable as willful breaches of State Bar Rules of Professional Conduct, rule 1-110.¹ (Cal. Rules of Court, rule 9.19(b).)

In view of Respondent's two reproval violations, the aggravating circumstances, and the absence of any substantial mitigating circumstances, this court recommends that Respondent be

¹ Except where otherwise indicated, all further references to rules to the State Bar Rules of Professional Conduct. Rule 1-110 provides that attorneys must "comply with conditions attached to public or private reprovals or other discipline administered by the State Bar pursuant to Business and Professions Code sections 6077 and 6078 and rule 9.19, California Rules of Court."

suspended for one year, that the execution of the one-year suspension be stayed, and that Respondent be placed on probation for two years, subject to certain conditions, including that he be suspended for the first thirty days of his probation.

Significant Procedural History

The Office of Chief Trial Counsel of the State Bar of California (OCTC) initiated this proceeding on December 11, 2017, by filing a one-count notice of disciplinary charges (NDC) against Respondent. Respondent filed a response to the NDC on March 22, 2018.

The trial took place on April 16, 2018, and the court took the matter under submission for decision later that same day after the trial concluded. OCTC was represented by Patrice Vallier-Glass, Esq. Respondent represented himself.

Findings of Fact and Conclusions of Law

The following findings of fact are based on Respondent's response to the NDC and on the documentary and testimonial evidence admitted at trial. All of the findings of culpability are based on clear and convincing evidence. (Rules Proc. of State Bar, rule 5.103.)

Respondent was admitted to the practice of law in California on December 21, 1977, and he has been licensed to practice law in this state since that time.

Facts

In *Bardellini I*, Respondent and OCTC entered into a stipulation regarding facts, conclusions of law, and disposition in August 2016 (Stipulation). The Stipulation contains a statement of the agreed upon facts and acts of misconduct and the agreed upon discipline. The agreed upon discipline was a private reproof with specified conditions attached for a period of one year. On September 16, 2016, the State Bar Court filed an order approving the Stipulation and imposing the stipulated discipline on Respondent. The State Bar Court's order in *Bardellini I* became final on October 7, 2016. (Rules Proc. of State Bar, rules 5.28(A), 5.58(F).)

Accordingly, Respondent's one-year, reprobation-condition period began on October 7, 2016, and ended on October 7, 2017. Respondent is charged with violating reprobation condition numbers 5, 8, and 10, which provide as follows:

- (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 condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

. . .

- (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.

. . .

- (10) 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 within one year of the effective date of the reprobation.

Specifically, Respondent is charged with violating the foregoing reprobation conditions by failing to timely submit to the Office of Probation (Probation): (1) his first quarterly report; (2) his final report, (3) proof of his attendance and successful completion of Ethics School; and (4) proof of his passage of the Multistate Professional Responsibility Examination.

On October 14, 2016, Probation sent a letter to Respondent, which he received, outlining the conditions attached to his private reprobation and setting forth the deadlines for complying with

each of the conditions. In that letter, Probation unequivocally notified Respondent that he was **“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.”** (Ex. 5 at p. 3, original bolding and underlining.)

In its October 14, 2016, letter to Respondent, Probation also unequivocally notified Respondent that “the Office of Probation **does not** have the authority to extend compliance due dates or modify the terms and conditions of the reprobation. **Request for extension of time or modification of the terms and conditions** of the reprobation must be filed with the State Bar Court Hearing Department. See, Rules of Procedure of the State Bar of California, rules 5.128 and 5.300 et seq. A copy of the motion must be served upon the Office of Probation.” (Ex. 5 at p. 3, original bolding.)

On November 17, 2016, Respondent “met” by telephone with his assigned State Bar probation deputy, Maricruz Farfan. According to her notes, Farfan explained to Respondent the conditions of his reprobation and the applicable deadlines and again reminded Respondent that any modifications or extensions of time to comply with his reprobation conditions had to be sought from the State Bar Court, and not from Probation.

Respondent admitted at trial that he submitted his first quarterly report late (i.e., after the January 10, 2017, deadline/due date). On February 15, 2017, Probation mailed Respondent a letter advising him that he was not in compliance with the conditions attached to his reprobation because he failed to submit his first quarterly report. In that February 15, 2017, letter, Probation also clearly advised Respondent as follows: “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 5.128 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.”

On April 6, 2017, Respondent faxed, to Probation, his first and second quarterly reports, which were due January 10, 2017, and April 10, 2017, respectively. Probation considered both of those reports to be non-compliant because they each covered more than one reporting period. Thereafter, Respondent corrected and resubmitted those two reports on April 10, 2017. In short, Respondent submitted his first quarterly report 90 days late on April 10, 2017. Moreover, Respondent has not offered any plausible explanation for submitting his first report 90 days late. Respondent claims to have no recollection of any events that would justify the late filing of his first report.

Respondent’s final report was due by October 7, 2017. Respondent mailed his final report to Probation on October 6, 2017. In his final report, Respondent noted that he had registered for and attended the October 4, 2017, session of Ethics School and that results of the test given at the end of that session had not yet been released. Respondent’s references to an October 4, 2017, session of Ethics School are incorrect. There was no such session. Respondent actually registered for and attended the October 3, 2017, session of Ethics School. In his final report, Respondent did not report whether he had ever registered for, taken, or passed the MPRE.

Probation considers Respondent’s final report to be non-compliant (1) because Probation received the report after October 7, 2017; (2) because Respondent incorrectly indicated that he signed the report on October 7, 2017 (the envelope in which Respondent mailed the report to Probation was postmarked October 6, 2017); and (3) because the report apparently indicates that it covers a greater time period than required.

On October 11, 2017, OCTC mailed Respondent a certificate of completion certifying that Respondent had successfully completed the October 3, 2017, session of Ethics School. The cover letter for that certificate notified Respondent that he passed the October 3, 2017, Ethics School test with a perfect score of 100 percent (Respondent answered all of the 20 exam questions correctly). Respondent thereafter promptly mailed the certificate to Probation on October 19, 2017, and Probation received the certificate on October 23, 2017. According to Probation, the certificate is non-compliant proof because Probation received it after Respondent's one-year, reprobation-condition period ended on October 7, 2017.

On April 10, 2018, Respondent submitted or resubmitted several reports in which he acknowledges that he has still not taken the MPRE and reports that he is registered to take the August 11, 2018, MPRE.² Respondent claims that he tried to sign-up for the summer 2017 administration of the MPRE (i.e., the August 12, 2017, MPRE) but that, at some point, he learned the test was full. Respondent, however, presented no evidence to support his claim. Moreover, Respondent's claim differs from, but is not inconsistent with, his April 12, 2018, trial brief in which he states: "In the summer of 2017, Bardellini attempted to sign up for the MPRE, only to learn that the next available date was November 2017, after the time required for completion in accordance with the Stipulation."

Conclusions

Count One – Rule 1-110 [Failure to Comply with Conditions of Reprobation]

As noted above in footnote number 1, rule 1-110 requires that an attorney comply with the conditions attached to a reprobation. When a reprobation becomes final, the conditions attached to

² It is not entirely clear why Respondent filed these reports on April 10, 2018. In any event, the reports are not the subject of any of additional charged misconduct.

it are presumed valid. (*In the Matter of Pyle* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 929, 933.)

First Quarterly Report

The record clearly establishes that Respondent willfully violated his duty, under rule 1-110, to comply with the conditions attached to his 2016 private reprobation by failing to timely submit his first quarterly report to Probation. Respondent submitted his first report 90 days late on April 10, 2017.

Final Report

The rule 1-110 violation based on Respondent's final report charges only that Respondent failed to submit the report to Probation no later than the last day of the one-year, reprobation condition period. The record establishes that Respondent mailed his final report to Probation on October 6, 2017, which was before the last day of the period. Accordingly, the report was timely. The portion of count one charging Respondent with failing to timely submit his final report is DISMISSED with prejudice.

Ethics School

The record fails to clearly establish that Respondent willfully violated rule 1-110 by failing to timely provide Probation with satisfactory proof of his attendance at a session of Ethics School and of his passage of the test given at the end of that session. Respondent submitted satisfactory proof of his attendance at the October 3, 2017, session of Ethics School when he reported his attendance under penalty of perjury in his final report. Respondent was precluded from providing proof of his passage of the October 3, 2017, Ethics School test when he submitted his final report because OCTC did not release the scores on that exam until October 11, 2017. Once Respondent received the certificate of completion that OCTC mailed to him on October 11, 2017, Respondent promptly forwarded the certificate to Probation. No willful

violation of rule 1-110 has been proved by clear and convincing evidence with respect to Respondent's Ethics School reprobation condition. Accordingly, the portion of count one that charges Respondent with a violation of his Ethics School condition is DISMISSED with prejudice.

MPRE

Respondent admits that he failed to comply with his MPRE reprobation condition because he failed to take and pass the MPRE within one year after the effective date of his private reprobation. Nonetheless, Respondent contends that he cannot be disciplined for his failure to comply because his failure was not willful. Respondent claims that he lacked the capacity to comply with his MPRE condition. According to Respondent, he was disabled, both physically and mentally, during the last quarter of 2017 by ammonia poisoning, which was caused by an undiagnosed liver dysfunction. Respondent's testimony concerning his disability was vague and conclusory. In addition, his testimony was corroborated only by a brief letter from his doctor, (only 4 or 5 lines long) which contains very few specifics. Even assuming, arguendo, that Respondent's testimony regarding his disability is true, his testimony and his doctor's letter fail to establish that Respondent's disability precluded Respondent from taking and passing the MPRE within the prescribed time period.

Even if Respondent did not or could not register for the August 12, 2017, exam because it was "full" as he claims, it is clear that Respondent knew in the summer of 2017 that the next time the MPRE was offered was in November 2017, which was not within the time prescribed time period. Thus, it is equally clear that Respondent knew in the summer of 2017 that he could not take and pass the MPRE within the prescribed time period. Even with that knowledge, Respondent never filed a motion to extend the time in which he was required to take and pass the MPRE.

When Probation sent Respondent the letter outlining Respondent's reprobation conditions on October 14, 2016, Probation included an MPRE schedule, which sets forth the dates the exam is given, the regular registration deadline for each exam, and the late registration deadline for each exam. Thus, Respondent was not precluded from taking and passing the MPRE within the prescribed time period by his disability. Instead, Respondent was precluded from taking and passing the MPRE timely by his failure to timely register for the MPRE and by his failure to file a motion to extend the time for him take and pass the exam.

Any assertion that Respondent lacked the capacity to file such a motion before the expiration of the prescribed time period on October 7, 2017, is meritless in light of the facts (1) that Respondent drove himself to Los Angeles and attended the October 3, 2017, all-day session of Ethics School and passed the test given at the end of that session with a perfect score of 100 percent; (2) that Respondent prepared and mailed, apparently on his own, his final report to Probation on October 6, 2017; and (3) that Respondent mailed, apparently on his own, his Ethics School certificate to Probation on October 19, 2017.

To the extent that Respondent claims that he was never advised of his right to seek an extension of time, the claim is meritless. As the record clearly establishes, Probation repeatedly notified Respondent that he was required file any request for an extension of time or for modification of his reprobation conditions in the State Bar Court. Furthermore, each time Probation provided such notice to Respondent, it cited to the specific Rules of Procedure that govern such requests.

In sum, the record clearly establishes that Respondent willfully violated rule 1-110 by failing to take and pass the MPRE within one year after the effective date of his private reprobation.

Aggravation³

Prior Record of Discipline (Std. 1.5(a).)

Respondent has one prior record of discipline, which is the private reproof that was imposed on him in *Bardellini I* in accordance with the Stipulation. In *Bardellini I*, Respondent stipulated to committing the three acts of misconduct while representing pro bono an incarcerated client on a petition for writ of habeas corpus. Specifically, Respondent stipulated to (1) withdrawing from employment in a proceeding before a tribunal without first obtaining the tribunal's permission in willful violation of rule 3-700(A)(1); (2) withdrawing from representation without notifying the client and without taking any other steps to prevent reasonably foreseeable prejudice to the client in willful violation of rule 3-700(A)(2); and (3) failing to keep the client reasonably informed of significant developments in the client's habeas corpus matter in willful violation of Business and Professions Code section 6068, subdivision (m). In *Bardellini I*, Respondent's multiple acts of misconduct were aggravating circumstances. Respondent's 34 years of practice without a prior record of discipline and Respondent's entering into the Stipulation admitting culpability were mitigating circumstances.

The court assigns moderate weight to Respondent's prior record of discipline.

Mitigation

Physical /Mental Disability (Std. 1.6(d).)

Under standard 1.6(d), extreme emotional difficulties or physical or mental disabilities suffered by a respondent at the time of the misconduct may be found to be a mitigating circumstance provided that the difficulties or disabilities are established by expert testimony as being directly responsible for the misconduct and that the respondent established by clear and

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

convincing evidence that the difficulties or disabilities no longer pose a risk that the respondent will commit misconduct.

Respondent has failed to establish that his alleged disability from ammonia poisoning is a mitigating circumstance under standard 1.6(d). At best, Respondent's testimony, if true, and the letter from Respondent's doctor might be sufficient to establish that Respondent became disabled in late October 2017 when he was bedridden. But any such disability would be irrelevant in the present proceeding because all of the misconduct found in this proceeding occurred no later than October 7, 2017, when the one-year, reprobation-condition period ended.

Lack of Clerical Support/Busy Trial Schedule

Even though Respondent claims to have no recollection of any events that would justify or explain his filing his first quarterly report 90 days late, Respondent requests the court to consider, as mitigating circumstances, that he is a sole practitioner without any kind of clerical help and that, during the relevant time period, he was busy either preparing for trial or in trial. The court denies Respondent's request.

When Respondent voluntarily entered into the Stipulation with OCTC in August 2016, Respondent agreed to each of the conditions attached to his private reprobation, including the condition requiring him to timely submit quarterly reports to Probation. When Respondent entered into the Stipulation, he knew that he did not have any employees or clerical assistance and that the practice of law routinely requires many hours of hard work in excess of 40 hours a week. In short, Respondent's failure to timely file his first quarterly report is not excused or mitigated by Respondent's lack of clerical assistance or by his busy trial schedule. Respondent's request for mitigating credit based on such factors is clearly inappropriate and suggests that Respondent fails to appreciate his duty to *strictly* comply with the disciplinary obligations that

the State Bar Court imposed on him to rehabilitate him from the multiple acts of misconduct to which he stipulated in *Bardellini I*.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession, and to maintain the highest possible professional standards for attorneys. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d. 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d. 1016, 1025.) As illustrated above, Respondent failed to maintain those professional standards. Respondent willfully violated his duty, under rule 1-110, to comply with the conditions attached to his private reproof by failing to timely submit his first quarterly report and proof of his passage of the MPRE to Probation.

For guidance in determining the appropriate level of discipline, the court first looks to the sanction standards. (*In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The applicable sanction standards in the instant matter are (1) standard 2.14, which provides that actual suspension is the presumed sanction for failing to comply with a condition of discipline, and (2) standard 1.8(a), which provides that, when an attorney has a prior record of discipline, "the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust."

Next, the court looks to case law for guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310 1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) Citing *In the Matter of Meyer* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 697,⁴ OCTC

⁴ OCTC acknowledges that the level of discipline here should be lower than that imposed in *Meyer*, where the attorney had two prior reprovals and a pattern of failing to comply with the attached reproof probation conditions.

contends that the appropriate level of discipline in this proceeding is one year's stayed suspension and one year's probation with conditions, including sixty days' actual suspension.

However, here, this court finds the case of *Conroy v. State Bar* (1990) 51 Cal.3d 799, as instructive on the issue of discipline. In *Conroy*, the attorney was placed on one year's stayed suspension and one year's probation on conditions, including that the attorney be suspended during the first sixty days of his probation.

In *Conroy*, the attorney had previously been privately reprovved for committing three unrelated acts of misconduct. A condition attached to that reprovval required the attorney to take and pass the Professional Responsibility Examination (PRE) within one year. The attorney, however, failed to do so. The single mitigating factor was that the attorney took and passed the PRE at the next available opportunity. The three aggravating circumstances in that case were: (1) the attorney's prior private reprovval; (2) the attorney's default in the State Bar Court; and (3) the attorney's lack of remorse and failure to acknowledge the wrongfulness of his actions. The Supreme Court was "extremely troubled by [the attorney's] failure 'to appreciate the seriousness of the charges in the instant proceeding or to comprehend the importance of participating in the disciplinary proceedings.' [Citation.] Despite numerous efforts by State Bar personnel to notify him of impending events and the consequences of nonappearance, [the attorney] remained unresponsive, totally ignoring his obligation to attend the hearing and explain his actions. [Citations.]" (*Conroy v. State Bar, supra*, 51 Cal.3d at pp. 805-806.)

Here, Respondent, unlike the attorney in *Conroy*, has appeared and participated in this proceeding. Even though Respondent has not yet taken and passed the MPRE, he has registered to take the August 2018 MPRE. In the present matter there is no mitigation, and in *Conroy* there was very limited mitigation.

Considering the lack of any mitigation, little justification exists to deviate from standard 2.14. On balance, the court finds that the appropriate level of discipline is one year stayed suspension and two years' probation with conditions, including that Respondent be suspended from the practice of law during the first thirty days of his probation.⁵

Recommendations

This court recommends that respondent **Keith Byron Bardellini**, State Bar Number 75762, be suspended from the practice of law in California for one year, that execution of the one-year suspension be stayed, and that Respondent be placed on probation for two years with the following conditions.

Conditions of Probation

Actual Suspension

Respondent must be suspended from the practice of law for the first 30 days of Respondent's probation.

Review Rules of Professional Conduct

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126 and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

⁵ In light of Respondent's successful completion of the October 3, 2017, session of Ethics School, the court does not recommend that Respondent again be required to attend and successfully complete Ethics School. (Rules Proc. of State Bar, rule 5.135(A).)

Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions

Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.

Maintain Valid Official Membership Address and Other Required Contact Information

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.

Meet and Cooperate with Office of Probation

Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court

During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this

period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

Quarterly and Final Reports

a. Deadlines for Reports. Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.

b. Contents of Reports. Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.

c. Submission of Reports. All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return

receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

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

Commencement of Probation

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

Professional Responsibility Examination

It is further recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this decision, but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward his duty to comply with this requirement.

Costs

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that the costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

Dated: July 10, 2018.



YVETTE D. ROLAND
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 10, 2018, I deposited a true copy of the following document(s):

DECISION

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

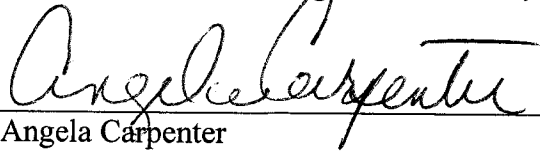
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

KEITH BYRON BARDELLINI
LAW OFFICES OF KEITH B BARDELLINI
78690 DARRELL DR
BERMUDA DUNES, CA 92203

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

Patrice N. Vallier-Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 10, 2018.



Angela Carpenter
Court Specialist
State Bar Court