ORIGINAL

(Do not write above this line.)

State Bar Court of California
Hearing Department
Los Angeles
DISBARMENT

Counsel For The State Bar **Desiree Fairly** **Deputy Trial Counsel** **845 South Figueroa Street** **Los Angeles, CA 90017** **(213) 765-1038** Bar # **307991**	Case Number(s): **17-O-07620-DFM** **17-N-06898**	For Court use only PUBLIC MATTER FILED APR 26 2018 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent **John Michael Harmata** **8020 S Rainbow Blvd Ste 100-183** **Las Vegas, NV 89139** **(760) 917-2650** Bar # **131668**	Submitted to: **Settlement Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT **DISBARMENT** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter of: **JOHN MICHAEL HARMATA** Bar # **131668** 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 14, 1987**.

(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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (**10**) pages, not including the order.

(4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."

(5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."

(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):

☒ Costs to be awarded to the State Bar.
☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
☐ Costs are entirely waived.

(9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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

(1) ☒ **Prior record of discipline**

(a) ☒ State Bar Court case # of prior case **15-O-15656 et. al. See pages 7-8 and Exhibit 1, 27 pages.**

(b) ☒ Date prior discipline effective **August 12, 2017**

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-100(A), 3-700(D)(1), 3-700(D)(2), 4-100(A), 4-100(B)(1), 4-100(B)(4)/ Business and Professions Code section 6068(i), 6068(m), 6106**

(d) ☒ Degree of prior discipline **2 year actual suspension and until respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law, three-year stayed suspension, three-year probation**

(e) ☐ If respondent has two or more incidents of prior discipline, use space provided below:

(2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.

(3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.

(4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.

(5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.

(6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.

(7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.

(9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

(10) ☐ **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.

(11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 8.

(12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.

(13) ☐ **Restitution:** Respondent failed to make restitution.

(14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.

(15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

(1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.

(2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.

(3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.

(4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.

(5) ☐ **Restitution:** Respondent paid $ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.

(6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.

(7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

(8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

(11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.

(13) ☒ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline: Disbarment.

E. Additional Requirements:

(1) **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.

(2) ☐ **Restitution:** Respondent must make restitution to in the amount of $ plus 10 percent interest per year from . If the Client Security Fund has reimbursed for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than days from the effective date of the Supreme Court order in this case.

(3) ☐ **Other:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JOHN MICHAEL HARMATA

CASE NUMBER: 17-O-07620-DFM; 17-N-06898

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. 17-N-06898 (State Bar Investigation)

FACTS:

1. Effective August 12, 2017, pursuant to the Supreme Court order in case S241618 (State Bar case no. 15-O-15656), respondent was placed on a period of disciplinary probation and ordered to comply with certain disciplinary requirements.

2. Respondent's disciplinary requirements included that he comply with California Rules of Court, rule 9.20 and that he submit an affidavit of compliance with rule 9.20(c) by the deadline of September 21, 2017.

3. On September 11, 2017 during a telephonic meeting, a State Bar probation deputy verified with respondent that respondent had received a copy of the Supreme Court order and was aware of all requirements and deadlines associated with the imposed discipline.

4. On September 25, 2017, respondent filed an untimely and defective rule 9.20 affidavit with the State Bar Court. The affidavit was untimely due to its submission four days after the deadline. It was defective because respondent's hand-written interlineations on the form made it impossible to determine whether respondent complied with rule 9.20.

5. On September 26, 2017, the Office of Probation notified respondent via letter that his 9.20 affidavit was rejected as noncompliant. The letter instructed respondent to resubmit a compliant affidavit and stated in bold font, "If your original affidavit is sent to the Office of Probation, it has NOT been filed with the State Bar Court and it will NOT be filed on your behalf."

6. Respondent emailed the Office of Probation a revised 9.20 affidavit on October 10, 2017 and did not file the affidavit with the State Bar Court.

7. On November 15, 2017, the Office of Probation emailed respondent informing him that he was not in compliance with rule 9.20 because he failed to properly file his affidavit with the State Bar Court.

8. Respondent has made no further attempts to file a 9.20 affidavit.

CONCLUSIONS OF LAW:

9. By failing to submit an affidavit of compliance with California Rules of Court, rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar Court by September 21, 2017, as required by Supreme Court Order in case no. S241618, respondent willfully violated California Rules of Court, rule 9.20.

Case No. 17-O-07620 (State Bar Investigation)

FACTS:

10. Pursuant to the Supreme Court order in case S241618 (State Bar case no. 15-O-15656), respondent was required to:

- submit his first Quarterly Report by the due date on October 10, 2017;
- submit a Protection of Client Funds Report by the due date on October 10, 2017;
- and provide proof of restitution by the due date on December 18, 2017.

11. Respondent did not submit his first Quarterly Report or Protection of Client Funds Report until January 18, 2018.

12. Respondent did not provide proof of restitution until January 11, 2018.

CONCLUSIONS OF LAW:

13. By failing to submit a Quarterly Report and a Protection of Client Funds Report by the due date of October 10, 2017 and failing to submit proof of restitution by the due date on December 18, 2017, respondent failed to comply with conditions attached to the disciplinary probation in State Bar case no. 15-O-15656, in willful violation of Business and Professions Code, section 6068(k).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Effective August 12, 2017, respondent was disciplined for misconduct stemming from four separate cases consolidated in case no. 15-O-15656. Specifically, respondent received an actual suspension for two years and until he demonstrates rehabilitation and fitness to practice, a three-year stayed suspension, and probation for three years. In each of the four consolidated cases, respondent failed to cooperate in the State Bar investigation, resulting in culpability of four counts of Business and Professions Code, section 6068(i). Additionally, respondent misappropriated $5,141.99 of his client's settlement funds, failed to maintain $5,250 on behalf of his client in respondent's client trust account, failed to notify his client of settlement checks received on the client's behalf, and failed to respond to reasonable status inquiries made by the client, violating Business and Professions Code, sections 6106 and 6068(m), and Rules of Professional Conduct, rules 4-100(A), 4-100(B)(1), and 4-100(B)(4). In another case, respondent violated rule 3-110(A) when he failed to file all of the necessary paperwork to incorporate his client's business and then unilaterally withdrew from employment. In the same case, he also failed to refund $1,200 in unearned fees and to respond to reasonable status inquiries, in violation of rule 3-700(D)(2) and section 6068(m), respectively. In the fourth case, respondent failed to release his client's file upon request in violation of rule 3-700(D)(1). In aggravation, respondent committed multiple acts of wrongdoing, caused significant harm to clients, and exhibited indifference to rectification or atonement of the consequence of his misconduct. In mitigation,

respondent had no prior record of discipline in more than twenty years of practice and entered into a pretrial stipulation.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent violated rule 9.20 as well as three separate conditions of his probationary requirements.

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

In this case, respondent admits to committing two acts of professional misconduct. Standard 2.12(a) applies to respondent's violation of the Supreme Court order imposing probation requirements and presumes that "disbarment or actual suspension" is the sanction for violation of a court order related to the member's practice of law. Furthermore, rule 9.20 itself sets forth the range of discipline appropriate for its violation. As rule 9.20 states, "[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."

The Supreme Court stated that a rule 9.20 violation is deemed a serious ethical breach for which disbarment is generally considered the appropriate discipline. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.) In this case, respondent made two attempts to file a rule 9.20 affidavit, but both attempts are marked by carelessness, especially given the numerous reminders that respondent received from the Office of Probation regarding how to properly file the affidavit. The violation is further compounded by respondent's failure to timely comply with probation requirements, which demonstrates repeated indifference to the disciplinary process. Accordingly, discipline at the higher end of the applicable range contemplated by Standard 2.12(a) and rule 9.20 is appropriate; disbarment is warranted.

In addition, Standard 1.8(a) provides that if a respondent has a prior record of discipline, the discipline imposed for the current misconduct must be greater than the discipline previously imposed unless the prior discipline is remote in time or the misconduct was of minimal severity. As set forth above, respondent has one prior record of discipline consisting of a two-year actual suspension and until he proves rehabilitation and fitness. That order of discipline became effective on August 12, 2017 and was imposed for multiple acts of misconduct including misappropriation of significant sums of client funds. Further, respondent displays a history of acting derelict in his duties to the State Bar because his prior misconduct includes failure to cooperate with multiple State Bar investigations. (*See In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 443–444 [similarities between prior and current misconduct render previous discipline more serious as they indicate prior discipline did not rehabilitate].) Accordingly, because respondent's prior discipline is neither remote in time nor minimal in severity, progressive discipline is appropriate under the Standards.

Decisional law on violations of rule 9.20 coupled with probation violations also supports disbarment. The court in *In the Matter of Esau* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 131 held that "the finding that respondent willfully violated a court order requiring his compliance with rule 9.20 is sufficient grounds for disbarment when … the evidence in mitigation is not compelling." In that case, though the violation of rule 9.20 was sufficient for disbarment, the court also stated that the violation was compounded by repeated failure to comply with the terms of probation, such as filing quarterly probation reports late. (*Id.* at p. 131.) Here, respondent initially made two attempts to file a compliant rule 9.20 affidavit. However, after the Probation Department explained the reasons why the affidavit was defective and how to remedy those defects, respondent abandoned further efforts to comply. Like *Matter of Esau*, the rule 9.20 violation is compounded because respondent has also failed to comply with probation by failing to timely submit the required reports. As in *Matter of Esau*, such conduct demonstrates a respondent's "apparent lack of concern for his license" and that he is an "unsuitable candidate for further disciplinary probation." (*Id.* at p. 133.) Finally, respondent has not presented any mitigating circumstances. Given respondent's failure to file the affidavit, coupled with his probation violation, disbarment is the appropriate level of discipline in this case.

COSTS OF DISCIPLINARY PROCEEDINGS.

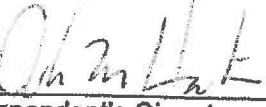
Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 20, 2018, the discipline costs in this matter are $2,673. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings

(Do not write above this line.)

In the Matter of:	Case number(s):
JOHN MICHAEL HARMATA	17-O-07620-DFM 17-N-06898

SIGNATURE OF THE PARTIES

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

4/5/2018 Date	 Respondent's Signature	John Michael Harmata Print Name
Date	Respondent's Counsel Signature	Print Name
4/12/2018 Date	 Deputy Trial Counsel's Signature	Desiree Fairly Print Name

(Do not write above this line.)

In the Matter of:	Case Number(s):
JOHN MICHAEL HARMATA	17-O-07620-DFM 17-N-06898

DISBARMENT ORDER

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

☒ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.

☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

☐ All Hearing dates are vacated.

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

Respondent John Michael Harmata is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

April 26, 2018
Date

Cynthia Valenzuela
CYNTHIA VALENZUELA
Judge of the State Bar Court

(State Bar Court Nos. 15-O-15656 (15-O-15667; 15-O-15900; 16-O-12063)

S241618

IN THE SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED
JUL 13 2017
Jorge Navarrete Clerk
Deputy

En Banc

In re JOHN MICHAEL HARMATA on Discipline

The court orders that John Michael Harmata, State Bar Number 131668, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. John Michael Harmata is suspended from the practice of law for a minimum of the first two years of probation and he will remain suspended until the following conditions are satisfied:

   i. He makes restitution to Glenda Rolle in the amount of $1,200 plus 10 percent interest per year from July 30, 2015 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Glenda Rolle, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and

   ii. John Michael Harmata provides proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. John Michael Harmata must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 9, 2017.

3. At the expiration of the period of probation, if John Michael Harmata has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

John Michael Harmata must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

John Michael Harmata must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or 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 2018, 2019, and 2020. If John Michael Harmata fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

CANTIL-SAKAUYE

Chief Justice

I, Jorge Navarrete, 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 JUL 13 2017 20____
Month

By: _____
Deputy

(State Bar Court Nos. 15-O-15656 (15-O-15667; 15-O-15900; 16-O-12063))

S241618

IN THE SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED
OCT 19 2017
Jorge Navarrete Clerk
Deputy

En Banc

In re JOHN MICHAEL HARMATA on Discipline

Due to clerical error on the part of the State Bar of California. The order of this court filed July 13, 2017 is hereby modified to read in its entirety:

"The court orders that John Michael Harmata, State Bar Number 131668, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. John Michael Harmata is suspended from the practice of law for a minimum of the first two years of probation and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. John Michael Harmata must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 9, 2017, except for restitution. The condition of probation regarding restitution is set forth in numbered paragraph 3 of this order.

3. Respondent must make restitution to Glenda Rolle in the amount of $1,200 plus 10 percent interest per year from July 30, 2015 (or reimburse the Client Security Fund, to the extent of any payment from the Fund to Glenda Rolle, in accordance with Business and Professions Code section 6140.5) and furnish satisfactory proof to the State Bar's Office of Probation in Los Angeles no later than 30 days after the effective date of this order; and

4. At the expiration of the period of probation, if John Michael Harmata has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

John Michael Harmata must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

John Michael Harmata must also comply with California Rules of Court, rule 9.20, 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 this order. Failure to do so may result in disbarment or 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 2018, 2019, and 2020. If John Michael Harmata 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.

All provisions of this order are entered nunc pro tunc to July 13, 2017, with the exception of restitution, which must be paid in accordance with the terms of this order."

I, Jorge Navarrete, 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
OCT 19 2017
day of _____ (Month) 20____
By: _____ Deputy

CANTIL-SAKAUYE
Chief Justice

(Do not write above this line.)

ORIGINAL

State Bar Court of California
Hearing Department
Los Angeles
ACTUAL SUSPENSION

PUBLIC MATTER

Counsel For The State Bar	Case Number(s):	For Court use only
Kimberly G. Anderson **Senior Trial Counsel** **845 S. Figueroa Street** **Los Angeles, CA 90017** **(213) 765-1083** Bar # **150359**	**15-O-15656-YDR** **15-O-15667** **15-O-15900** **16-O-12063**	**FILED** MAR 09 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent **John Michael Harmata** **993 S. Santa Fe Ave.** **Ste C #265** **Vista, CA 92083-6995** **(760) 917-2650** Bar # **131668**	Submitted to: **Settlement Judge** STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING **ACTUAL SUSPENSION** ☐ PREVIOUS STIPULATION REJECTED	
In the Matter of: **JOHN MICHAEL HARMATA** Bar # **131668** A Member of the State Bar of California (Respondent)		

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A. Parties' Acknowledgments:

(1) Respondent is a member of the State Bar of California, admitted **December 14, 1987.**

(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 **20** pages, not including the order.

(4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(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: **for the three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".

☐ Costs are entirely waived.

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

(1) ☐ **Prior record of discipline**

(a) ☐ State Bar Court case # of prior case

(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) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.

(3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.

(4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.

(5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.

(6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.

(7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(8) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **See Stipulation Attachment at page 16.**

(9) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See Stipulation Attachment at page 16.**

(10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.

(11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Stipulation Attachment at page 16.

(12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.

(13) ☐ **Restitution:** Respondent failed to make restitution.

(14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.

(15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

(1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.

(2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.

(3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.

(4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.

(5) ☐ **Restitution:** Respondent paid $ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.

(6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.

(7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

(8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the

product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

(9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

(11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline: See Stipulation Attachment at page 16.
Pre-Trial Stipulation: See Stipulation Attachment at page 16.

D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of **three (3) years**.

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

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

iii. ☐ and until Respondent does the following:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of **three (3) 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 **two (2) years.**

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

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

iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

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

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

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

(4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

(5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

(6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

(7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

(8) ☒ 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:

☐ Substance Abuse Conditions ☐ Law Office Management Conditions

☐ Medical Conditions ☒ Financial Conditions

F. Other Conditions Negotiated by the Parties:

(1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

☐ No MPRE recommended. Reason:

(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:**

In the Matter of:	Case Number(s):
JOHN MICHAEL HARMATA	**15-O-15656-YDR, 15-O-15667, 15-O-15900 and 16-O-12063**

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
Glenda Rolle	$1,200	July 30, 2015

☒ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **30 days after the effective date of discipline herein.**

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 reproval), 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:

a. 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";

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: JOHN MICHAEL HARMATA

CASE NUMBERS: 15-O-15656-YDR, 15-O-15667, 15-O-15900 and 16-O-12063

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. 15-O-15656 (Complainant: Elizabeth Smith Chavez)

FACTS:

1. On November 5, 2015, the State Bar opened an investigation in Case No. 15-O-15656 based upon allegations of professional misconduct made by Elizabeth Smith Chavez ("Chavez") who was Respondent's opposing counsel in the case entitled *Seligson v. Park Row Community Association, et al.*, San Diego County Superior Court Case No. 37-2014-00023896-CU-MC-CTL.

2. On December 15, 2015, a State Bar Investigator caused a letter to be mailed to Respondent at his State Bar Membership Records address of record requesting a substantive written response to Chavez's allegations. The letter was not returned as undeliverable by the U.S. Postal Service and Respondent did not respond to it. Respondent received the letter.

3. On January 6, 2016, the State Bar Investigator caused a follow up letter to be mailed to Respondent at his State Bar Membership Records address of record requesting a substantive written response to Chavez's allegations. The letter was not returned as undeliverable by the US Postal Service and Respondent did not respond to it. Respondent received the letter.

4. On January 11, 2016, when Respondent had not responded to the December 15, 2015 and January 6, 2016 letters, the State Bar Investigator emailed Respondent at his State Bar Membership Records email address of record asking him to contact the State Bar. The same day, Respondent replied to the State Bar Investigator's email from a different email address. In his email, Respondent did not provide a substantive written response to the allegations, but he provided his cell phone telephone number and asked that the State Bar Investigator contact him at that telephone number.

5. On January 12, 2016, the State Bar Investigator contacted Respondent at his cell telephone number and spoke with him. During the conversation, Respondent admitted he received mail at his State Bar Membership Records address of record, but he stated that he had closed his office and had been out of town. Therefore, Respondent denied receiving the State Bar's December 15, 2015 and January 6, 2016 letters. During the conversation, the State Bar Investigator stated she would provide Respondent with copies of the December 15, 2015 and January 6, 2016 letters by email.

6. On January 13, 2016, the State Bar Investigator emailed Respondent copies of the December 15, 2015 and January 6, 2016 letters. Respondent received the email and the letters. Between January 13, 2016 and March 24, 2016, the State Bar Investigator and Respondent exchanged the following emails where Respondent continued to make excuses and ask for extensions of time to provide a substantive response to the allegations in this investigation.

- On January 20, 2016, Respondent emailed the State Bar Investigator confirming his receipt of the December 15, 2015 and January 6, 2016 letters and requesting an extension of time to respond to them until the following Monday January 25, 2016. Respondent did not respond to the letters by January 25, 2016.

- On January 27, 2016, Respondent emailed the State Bar Investigator stating he was having trouble locating his file, but expected to have a response to the State Bar's letters by later that week. Respondent did not respond to the letters that week.

- On February 11, 2016, the State Bar Investigator emailed Respondent again requesting his response to the December 15, 2015 and January 6, 2016 letters.

- On February 11, 2016, Respondent emailed the State Bar Investigator stating that his father had a heart attack.

- On February 24, 2016, the State Bar Investigator emailed Respondent again and asked him when the State Bar could expect his written responses to the letters.

- On February 26, 2016, Respondent emailed the State Bar Investigator and stated that his response to the letters would be sent the next week. Respondent did not respond to the letters.

- On March 8, 2016, the State Bar Investigator emailed Respondent again asking for his written response to the letters.

- On March 9, 2016, Respondent emailed the State Bar Investigator and stated he would provide his written response to the letters that week. Respondent did not respond to the letters.

- On March 22, 2016, the State Bar Investigator sent Respondent another email indicating that she had still not received his responses to the letters and asking the Respondent to let her know if and when he would be submitting a response to the letters.

- On March 24, 2016, which was his last email to the State Bar Investigator, Respondent stated he still intended to provide a response to her letters, but he did not provide any date certain by which he would do so.

7. To date, Respondent has not provided the State Bar with any written response to the allegations.

CONCLUSIONS OF LAW:

8. By failing to provide a substantive response to the State Bar Investigator's December 15, 2016 and January 6, 2016 letters and to the Investigator's multiple emails requesting a response to Chavez's allegations in State Bar investigation no. 15-O-15656, Respondent willfully failed to cooperate in a State Bar disciplinary investigation in violation of Business and Professions Code section 6068(i).

Case No. 15-O-15667 (Complainant: Brian Wilson)

FACTS:

9. Respondent and his sister, attorney Dianne Karen Harmata ("Dianne"), are both former law partners at a law firm known as Harmata & Associates, A Professional Law Corporation. The partnership dissolved in September 2015. At all times between June 2012 and September 2015, Respondent and Dianne jointly owned and maintained a client trust account no. xxxxx1705 at U.S. Bank ("CTA"). Dianne assumed primary responsibility for maintaining the CTA, and for depositing funds and issuing checks from the CTA. The State Bar has filed a separate case against Dianne, State Bar Court Case No. 16-O-13794, which was consolidated with the cases against Respondent, and which is subject to a separate Stipulation Re Facts, Conclusions of Law and Order Approving to be filed concurrently with this Stipulation.

10. In June 2012, Brian Wilson ("Wilson") hired Respondent to handle a civil dispute with his former business partner, A.L. Respondent orally agreed that Wilson would pay $300 per hour for his legal services. There was no written fee agreement.

11. On April 3, 2013, Respondent settled the civil dispute and A.L. agreed to pay Wilson $90,000 as follows: $10,000 initial payment; $50,000 subsequent payment; and $30,000 payable in twelve (12) monthly installment payments of $2,500 plus 5% interest ($2,625). Respondent caused to be deposited the initial and subsequent payments totaling $60,000 into the CTA in April and May 2013. In June 2013, Respondent caused a check to be issued from the CTA for $46,269 to Wilson after deducting his fees from the $60,000 and he provided Wilson with a statement showing a zero balance due.

12. Beginning in July 2013, A.L. issued the first of the twelve monthly installment checks to Wilson in payment of the remaining $30,000 balance of the settlement. A.L. sent the first three monthly checks of $2,625 each to Respondent in July, August and September 2013, and Respondent caused them to be deposited into the CTA. A.L. sent the remaining nine monthly installment checks directly to Wilson.

13. In August 2013, Wilson contacted Respondent because he had not received any of his monthly checks. Respondent admitted to Wilson that he mistakenly received one check from A.L. in August, 2013, and he issued a CTA check to Wilson for $2,625 on August 26, 2013. But Respondent did not tell Wilson that he had in fact also received another check directly from A.L. in the amount of $2,625 on July 1, 2013 because he did not maintain a proper client ledger for Wilson, which would have reflected Respondent's receipt of the additional check he had deposited on July 1, 2013. Respondent also failed to tell Dianne that the $2,625 check he had received from A.L. on July 1, 2013 was for settlement funds that belonged to Wilson, and instead told her he believed the check was for his fees.

14. On September 2, 2013, Respondent received another monthly installment check for Wilson in the amount of $2,625 directly from A.L. Respondent caused the check to be deposited into the CTA, but he did not tell Wilson he had received the check deposited into his CTA on September 2, 2013. Respondent failed to recognize that the check he deposited into his CTA for $2,625 was actually funds that belonged to Wilson because Respondent failed to maintain a proper client ledger for Wilson. Respondent also failed to tell Dianne that the $2,625 check he had received from A.L. on September 2, 2013 was for settlement funds that belonged to Wilson, and instead told her he believed the check was for his fees.

15. During the time Respondent was supposed to be holding the $5,250 that belonged to Wilson, the CTA balance dipped to $108.01 on March 31, 2014 because Dianne had relied on Respondent's representations that the two checks in the amount of $2,625, which he received on July 1, 2013 and September 2, 2013, were for fees, when in fact, they were not for fees. Dianne, believing the Respondent had provided her with accurate information about the two checks totaling $5,250, issued checks which caused the CTA balance to dip to $108.01.

16. In June 2014, Wilson discovered he was missing two monthly checks from A.L. since he had only received ten payments of the twelve monthly installment payments. Wilson contacted Respondent and Respondent told Wilson he would investigate the matter. Respondent did not report back to Wilson at any time between June 2014 and May 21, 2015. Because Respondent was grossly negligent in failing to maintain proper CTA records, including specifically a proper client ledger for Wilson, and because Respondent did not properly reconcile his trust accounting records on a monthly basis, Respondent failed to recognize that he had in fact received the two checks totaling $5,250 that belonged to Wilson.

17. On May 21, 2015, Wilson filed a small claims action against A.L. for the amount of two missing checks ($5,250). However, A.L. appeared in small claims court and presented evidence that he had paid all twelve installment payments, and that the two missing payments had been deposited into Respondent's CTA in July and September 2013. Therefore, the small claims case was dismissed against A.L.

18. On August 27, 2015, Wilson contacted Respondent by email about the two missing payments. Respondent acknowledged that his office received a total of three checks for $2,625 from A.L. in July, August and September 2013, and that he had previously issued one check to Wilson. Wilson demanded payment from Respondent for the other two checks. However, Respondent then told Wilson for the first time, that the funds from the two additional checks were applied toward his outstanding attorney fees. Respondent did not provide Wilson with any documents to support an accounting for those fees.

19. On or about November 9, 2015, the State Bar opened an investigation against Respondent in Case No. 15-O-15667 based upon allegations of professional misconduct made by Wilson. Respondent failed to cooperate in the investigation by failing to provide a written substantive response to the investigator's letters despite the fact that he received the letters and made many promises to provide a response.

20. On December 15, 2015 and again on January 6, 2016, the State Bar Investigator caused letters to be mailed to Respondent at his State Bar Membership Records Address requesting a substantive written response to Wilson's allegations. The letters were not returned as undeliverable by the U.S. Postal Service. Respondent received the letters.

21. When Respondent did not respond to the letters, the State Bar Investigator made additional efforts to locate Respondent via email and telephone. The Investigator was successful in locating Respondent, and the Investigator subsequently emailed copies of the December 15, 2015 and January 6, 2016 letters to Respondent on January 13, 2016 in this matter and in two other investigation matters.

22. Respondent sent emails acknowledging his receipt of the January 13, 2016 email from the Investigator and promising to provide responses to the December 15, 2015 and January 6, 2016 letters by various dates, but Respondent never followed through with providing any substantive written response. To date, Respondent has not provided the State Bar with any written response to the allegations.

23. On March 15, 2016, after Wilson had filed a State Bar complaint against Respondent, Respondent returned the $5,250 to Wilson via a cashier's check.

CONCLUSIONS OF LAW:

24. Between August 26, 2013 and March 31, 2014, Respondent grossly negligently misappropriated for Respondent's own purposes $5,141.99 that Respondent's client Wilson was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

25. Respondent failed to maintain a balance of $5,250 on behalf of the client in Respondent's client trust account, in willful violation of Rules of Professional Conduct, rule 4-100(A).

26. By failing to notify his client that he received the settlement checks on or about July 1, 2013, and on or about September 2, 2013, until on or about August 27, 2015, Respondent failed to promptly notify the client of Respondent's receipt of funds on the client's behalf, in willful violation of Rules of Professional Conduct, rule 4-100(B)(1).

27. By failing to return the client Wilson's funds to him from August 2015 until March 15, 2016, Respondent failed to pay promptly, as requested by Respondent's client, any portion of the $5,250 in Respondent's possession, which the client was entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

28. By failing to respond promptly to numerous email messages requesting reasonable status inquiries made by Respondent's client, Wilson, between June 2014 and October 2015, Respondent willfully violated Business and Professions Code, section 6068(m).

29. By failing to provide a substantive response to the State Bar Investigator's letters of December 15, 2015 and January 6, 2016, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-15667, Respondent failed to cooperate in a disciplinary investigation in willful violation of Business and Professions Code, section 6068(i).

Case No. 15-O-15900 (Complainant: Glenda Rolle)

FACTS:

30. On July 9, 2015, Glenda Rolle ("Rolle") hired Respondent to incorporate her business. There was no written retainer agreement. Pursuant to an oral agreement, Rolle paid Respondent $1,200 in advanced fees and two checks totaling $115 for filing fees with the Secretary of State. Respondent failed to complete the paperwork, failed to submit the completed incorporation paperwork and fees to the Secretary of State and failed to communicate with Rolle.

31. Between June 22, 2015 and October 1, 2015, Rolle repeatedly tried to contact Respondent via four text messages and thirteen emails to determine the status of the work and Respondent failed to respond. Respondent received the text messages and emails.

32. On September 1, 2015, Respondent closed his law office, but Respondent did not tell his client Rolle that he intended to close his law practice and terminate their attorney-client relationship.

33. Respondent did not perform any of the work to incorporate Rolle's business and he did not submit any of the paperwork or fees to the Secretary of State. Therefore, Respondent did not earn any portion of the $1,200 in advanced fees, and to date, he has not returned the unearned fees to Rolle. Rolle was able to stop payment on the two checks totaling $115 that she had given to Respondent to pay to the Secretary of State.

34. On November 25, 2015, Rolle filed a complaint against Respondent with the State Bar. Thereafter, the State Bar opened an investigation in Case No. 15-O-15900.

35. On January 8, 2016, a State Bar Investigator caused a letter to be mailed to Respondent at his State Bar Membership Records address of record requesting a substantive written response to Rolle's allegations. The letter was not returned as undeliverable by the U.S. Postal Service and Respondent did not respond to it. Respondent received the letter.

36. On January 11, 2016, when the State Bar Investigator received email correspondence from Respondent relating to Investigation Case No. 15-O-15656, she continued to communicate with Respondent via email. On January 13, 2016, the State Bar Investigator emailed Respondent a copy of the January 8, 2016 letter. Respondent sent multiple emails to the Investigator requesting extensions and making excuses for not providing a substantive response to the investigation, which is outlined in greater detail above. But Respondent never provided any substantive response to the allegations in this investigation matter.

CONCLUSIONS OF LAW:

37. By failing to perform legal services, namely to prepare and file all of the necessary paperwork with the California Secretary of State to incorporate Rolle's business, at any time between July 9, 2015 and the present, and by unilaterally terminating his employment by Rolle without telling her on September 1, 2015, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

38. By failing to refund promptly or at any time, upon Respondent's termination of employment on September 1, 2015, any portion of the $1,200 unearned fee to his client Rolle, Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

39. By failing to respond promptly to approximately 13 telephonic messages and four text messages seeking information about the status of her case made by Respondent's client, Rolle, between on or about June 22, 2015 and on or about October 1, 2015, Respondent willfully violated Business and Professions Code, section 6068(m).

40. By failing to inform his client Rolle that he had closed his law practice on September 1, 2015, and by failing to tell Rolle that he would no longer be performing work on her matter, Respondent failed to keep his client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

41. By failing to provide a substantive response to the State Bar Investigator's letter of January 8, 2016 and emails of January 13, 2016, February 11, 2016, February 24, 2016, March 8, 2016 and March 22, 2016, Respondent failed to cooperate in a State Bar disciplinary investigation in willful violation of Business and Professions Code, section 6068(i).

Case No. 16-O-12063 (Complainant: Victor Papiak)

FACTS:

42. Respondent represented Victor Papiak ("Papiak") in his capacity as a co-administrator of his deceased father's estate. Papiak and his brother had been co-administrators, but had a conflict, so they each hired separate counsel. Respondent substituted into the probate case on behalf of Papiak on September 9, 2013. Papiak did in fact receive a discharge as personal representative of the estate and the property was disbursed and the estate closed on August 18, 2015.

43. On August 18, 2015, Papiak asked Respondent to return his client file to him. Respondent received the request for return of the file, but he did not return it to Papiak at any time between August 18, 2015 and the present.

44. On March 11, 2016, the State Bar opened an investigation in Case No. 16-O-12063 based upon the allegations or professional misconduct made by Papiak.

45. On April 18, 2016, a State Bar Investigator caused a letter to be mailed to Respondent at his State Bar Membership Records address of record requesting a substantive written response to Papiak's allegations. The letter was not returned as undeliverable by the U.S. Postal Service. Respondent received the letter, but did not respond to it.

46. On June 14, 2016, the State Bar Investigator caused a follow up letter to be mailed to Respondent at his State Bar Membership Records address of record requesting a substantive written response to Papiak's allegations. The letter was not returned as undeliverable by the U.S. Postal Service. Respondent received the letter, but he did not respond to it.

47. On June 14, 2016, the State Bar Investigator also emailed copies of the April 18, 2016 and June 14, 2015 letters to Respondent at his State Bar Membership Records email address of record asking him to contact the State Bar. Respondent received the email, but did not respond to it.

48. At no time did Respondent provide a response to the State Bar Investigator's April 18 or June 14, 2016 letters. To date, Respondent has not sent Papiak his client file.

CONCLUSIONS OF LAW:

49. By failing to release Papiak's client papers to him at any time following his request for his file on August 18, 2015, to the present, Respondent failed to release promptly to his client all papers and property belonging to the client in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

50. By failing to provide a substantive response to the State Bar Investigator's letters of April 18, 2016 and June 14, 2016, and email of June 14, 2016, Respondent failed to cooperate in a State Bar disciplinary investigation in willful violation of Business and Professions Code, section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent has committed fourteen ethical violations in four separate matters. Specifically, he has failed to cooperate in four separate disciplinary investigations, engaged in multiple trust account violations pertaining to the Wilson matter, failed to perform competently, failed to communicate and failed to refund unearned fees in the Rolle matter, and failed to return the file to the client in the Papiak matter.

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)): Brian Wilson was deprived of $5,250 of his funds from July 2013 through March 2016. Wilson also sued A.L. in small claims court for funds A.L. had already sent to Respondent. Glenda Rolle has been deprived of the $1,200 she paid to Respondent in July 2015 and she continues to be deprived of her funds.

Indifference (Std. 1.5(k)): Respondent has exhibited indifference toward rectification or atonement of the consequences of his misconduct. To date, Respondent has still not refunded the $1,200 in unearned fees to Glenda Rolle, and to date, Respondent has still not returned the client file to Victor Papiak.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent had no prior record of discipline in more than twenty years of practice at the time the misconduct commenced. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr 41 [attorney credited with significant mitigation for serious misconduct where the attorney had practiced discipline-free for more than seventeen years].

Pretrial Stipulation: By entering into this stipulation, Respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

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

In this matter, respondent admits to committing fourteen acts of professional misconduct. Standard 1.7(a) requires that where a respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed."

The most severe sanction applicable to respondent's misconduct is found in standard 2.2(a), which applies to respondent's violation of rule 4-100(B)(4) of the Rules of Professional Conduct with respect to Brian Wilson's $5,250.

Standard 2.2(a) is the most serious standard as it provides that the presumed sanction involves at least a three-month actual suspension for failing to promptly pay out entrusted funds. It states:

> Actual suspension of three months is the presumed sanction for commingling or failure to promptly pay out entrusted funds.

Standard 2.1(b) also provides guidance, in that it states, "[a]ctual suspension is the presumed sanction for misappropriation involving gross negligence." Pursuant to standard 1.2(c)(1), "[a]ctual suspension is generally for a period of thirty days, sixty days, ninety days, six months, one year, eighteen months, to years, three years, or until specific conditions are met."

Based upon a consideration of standards 2.2(a) and 2.1(b), the range of discipline should fall somewhere between three months' actual suspension, which is the presumed sanction for failing to pay out entrusted funds, and three years' actual suspension, which is the high range of the sanction for an attorney who

engages in a grossly negligent misappropriation. Balancing the mitigating and aggravating factors, a level of discipline in the middle to higher range of the standards would appear appropriate to protect the public, the legal profession and to maintain high standards. A two-year actual suspension and until Respondent proves to the satisfaction of the State Bar Court his rehabilitation, fitness to practice and current learning and ability in the law pursuant to standard 1.2(c)(1) is appropriate and necessary. Case law further supports this disposition.

The California Supreme Court has repeatedly held that the "usual" discipline for willfully misappropriating a client's funds is disbarment. (*Edwards v. State Bar* (1990) 52 Cal.3d 28.) Misappropriation of client funds breaches the high duty of loyalty owed to a client, violates basic notions of honesty, and endangers public confidence in the legal profession. (*Kelly v. State Bar* (1988) 45 Cal.3d 649; *McKnight v. State Bar* (1991) 53 Cal.3d 1025.) Misappropriation generally warrants disbarment. (*Kelly, supra,* 45 Cal. 3d 649.) Intentional misappropriation of entrusted funds, even without a prior record of discipline, warrants disbarment in the absence of compelling mitigation. (*Kaplan v. State Bar* (1991) 52 Cal. 3d 1067, 1071-1073.) In *Kelly, supra* at pp. 656-657, the Court said the "most obvious" candidates for disbarment are those who have been found culpable of misappropriating large sums from several clients or who have misappropriated funds from a small number of clients committed along with "other misdeeds." (*Id.* at 656-657.)

However, the California Supreme Court has also stated that willful misappropriation "covers a broad range of conduct varying significantly in the degree of culpability." (*Edwards v. State Bar, supra*, 52 Cal.3d at p. 38.) Further still, the Supreme Court has indicated that in some misappropriation cases a discipline of less than disbarment is warranted where extenuating circumstances show that the misappropriation of entrusted funds is an isolated event involving a single client and other mitigating circumstances are present. In *Edwards, supra* at pp. 36-37, 39, the Supreme Court imposed a discipline consisting of a one year actual suspension for an attorney who willfully misappropriated a client's settlement funds totaling $3,000 in light of the attorney's good faith in refraining from acts of deceit of the client, making full repayment within three months after the misappropriation and before the attorney was aware of the complaint to the State Bar, cooperating candidly throughout the proceedings, and voluntarily taking steps to improve his management of entrusted funds.

Respondent's misconduct warrants greater than the one-year actual suspension the attorney received in *Edwards*. Respondent misappropriated $5,250, which is more than the attorney in *Edwards* had misappropriated. Respondent also committed fourteen ethical violations in four separate matters. Specifically, he has failed to cooperate in four separate disciplinary investigations, he has engaged in multiple trust account violations pertaining the Wilson matter, he has engaged in multiple violations involving the Rolle matter, and he has failed to return the file to the client in the Papiak matter.

In *Bledsoe v. State Bar* (1991) 52 Cal.3d 1074, the attorney failed to perform in four client matters and the conduct was coupled with failure to return unearned fees and failure to cooperate in a State Bar proceeding. The attorney in *Bledsoe* had practiced law for 17 years and the misconduct in four matters occurred over a five year period. The Court concluded disbarment was too severe stating, "Although a habitual disregard for clients' interests and the failure to communicate with clients may justify disbarment, decisions that have generally resulted in disbarment generally involve serious instances of misconduct over a prolonged period of time."

In *Bledsoe*, the Court concluded that the attorney's conduct warranted five years stayed suspension and two years actual suspension. While Respondent's misconduct involved four matters, not all of the

matters involved abandonment of clients. However, unlike the attorney's misconduct in *Bledsoe*, Respondent also misappropriated $5,250 in client funds.

Given the breadth of Respondent's misconduct in four separate matters, which included failure to cooperate in four separate State Bar investigations, abandonment of client Rolle, and a misappropriation of funds in excess of $5,000, the protection of the public, the courts and the legal profession, the preservation of public confidence in the legal profession, and the maintenance of high professional standards necessitate that Respondent be suspended for two years, and until he complies with standard 1.2(c)(1), and that he be placed on a three-year stayed suspension and three years' probation.

DISMISSALS.

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

Case No.	Count	Alleged Violation
15-O-15667	Seven	Business and Professions Code section 6068(m)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 8, 2017, the discipline costs in this matter are approximately $10,371. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School, State Bar Client Trust Accounting School, and/or any other educational course(s) to be ordered as a condition of reproval or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:	Case number(s):
JOHN MICHAEL HARMATA	**15-O-15656-YDR, 15-O-15667, 15-O-15900, and 16-O-12063**

SIGNATURE OF THE PARTIES

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

Date	Respondent's Signature	Print Name
2/17/2017		JOHN HARMATA
Date	Respondent's Counsel Signature	Print Name
2/21/17		KIMBERLY G. ANDERSON
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:	Case Number(s):
JOHN MICHAEL HARMATA	15-O-15656-YDR, 15-O-15667, 15-O-15900 and 16-O-12063

ACTUAL SUSPENSION ORDER

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

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

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

3/3/17
Date

DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 9, 2017, 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:

JOHN M. HARMATA
993 S SANTA FE AVE
STE C # 265
VISTA, CA 92083 - 6995

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

Kimberly G. Anderson, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 9, 2017.

Angela Carpenter
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 16, 2018
State Bar Court, State Bar of California,
Los Angeles

By _____
Clerk

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 26, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

JOHN M. HARMATA
8020 S RAINBOW BLVD
STE 100-183
LAS VEGAS, NV 89139

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

DESIREE M. FAIRLY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 26, 2018.

Marc Krause
Court Specialist
State Bar Court