

FILED

DEC 19 2018

*HL*

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-O-04805-YDR
	)	
BROOKE LEE BUTNER,	)	DECISION AND ORDER OF PUBLIC
	)	REPROVAL
A Member of the State Bar, No. 307688.	)	
_____	)	

### Introduction<sup>1</sup>

In this contested disciplinary proceeding, respondent Brooke Lee Butner (Respondent) is charged with two counts of misconduct: (1) engaging in the unauthorized practice of law (UPL); and (2) committing an act of moral turpitude. This court finds, by clear and convincing evidence, that Respondent is culpable of the charged misconduct.

In view of her misconduct, as well as the compelling evidence in mitigation, Respondent is hereby publicly reprovved with attached conditions.

### Significant Procedural History

The Office of Chief Trial Counsel of the State Bar of California (OCTC) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) on May 9, 2018. Respondent filed a response to the NDC on June 4, 2018.

<sup>1</sup> Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct that were operative until October 31, 2018. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.



The parties filed a Stipulation as to Facts on July 16, 2018 (stipulation). Trial took place on September 6, 2018. Deputy Trial Counsel Timothy G. Byer and Andrew J. Vasicek represented the OCTC; Respondent represented herself. Both parties filed closing argument briefs on September 20, 2018, and the matter was submitted for decision on that date.

### **Findings of Fact and Conclusions of Law**

Respondent was admitted to the practice of law in California on December 10, 2015, and has been a member of the State Bar of California at all times since that date.

The following findings of fact are based on Respondent's stipulation and the testimony and evidence admitted at trial.

#### **Case No. 17-O-04805 – The Unauthorized Practice of Law Matter**

##### **Facts**

##### *Failure to Pay 2016 Membership Fees*

On December 17, 2015, Respondent's first fee statement was mailed by Member Records & Compliance, showing her fees were due by February 1, 2016.

On December 29, 2015, a courtesy email was sent by Member Records & Compliance to Respondent regarding the fact that her first fee statement had been mailed. On February 29, 2016, Member Records & Compliance mailed a final notice advising Respondent that she would be placed on the State Bar's delinquent membership fee list (delinquent list), for failure to pay her membership fees. Due to Respondent's failure to pay her fees by May 12, 2016, she was placed on the fee payment delinquent list.

Member Records & Compliance sent Respondent a courtesy email, dated May 23, 2016, to advise Respondent of her duty to pay her outstanding fees by June 30, 2016.

*Suspension for Non-payment of Fees*

On May 25, 2016, the California Supreme Court ordered Respondent suspended for non-payment of fees, effective July 1, 2016. The Supreme Court's order explicitly stated that Respondent was precluded from practicing as an attorney at law, or an attorney or agent of another, in and before all the courts, commissions, and tribunals of California and from holding herself out to the public as an attorney or counselor at law.

On June 3, 2016, Dina DiLoreto of Member Records & Compliance forwarded a letter to Respondent which stated that her license to practice law would be suspended on July 1, 2016, if Respondent failed to pay her membership fees.

Due to her failure to pay her membership fees, Respondent's license to practice law in California was suspended on July 1, 2016. On August 5, 2016, the State Bar sent a letter to Respondent notifying her of the steps required in order for Respondent to reinstate her license.

All correspondence sent to Respondent from Member Records & Compliance was forwarded to Respondent at her official membership address or email and none of these communications were returned as undeliverable. Respondent received each of the above-referenced communications.

*Unauthorized Practice of Law in 2017*

Two of Respondent's friends, Steven Fowler and Kari Miller, approached Respondent for legal assistance in February 2017. Respondent informed Fowler and Miller that Respondent had allowed her California law license to lapse for failure to pay fees and that she was not authorized to practice law in California.

Fowler and Miller informed Respondent that they were unable to secure alternate counsel and asked Respondent to send a demand letter for them arising from their involvement in a

contractual dispute. Respondent assented and on a pro bono basis, Respondent drafted a demand letter on behalf of Fowler and Miller.

On June 7, 2017, Respondent sent a demand letter to Pren'tis Knight, Steve Brent, and Paul Hoare, d/b/a Z-TEK, LLC, regarding the contractual payment dispute involving Fowler and Miller, d/b/a Agency of One, Inc., and KLM, Inc., respectively (demand letter). Respondent simultaneously sent the demand letter to Z-TEK by mail and to Knight, Brent, and Hoare by email.

The demand letter was on Respondent's legal letterhead and referred to Respondent as "Attorney at Law," and referred to Fowler and Miller as her clients. The demand letter did not disclose that Respondent was not authorized to practice law in California. Respondent sent a follow-up email to Knight, Brent, and Hoare on June 9, 2017. Respondent's June 9, 2017 email did not disclose that she was not authorized to practice law in California.

#### *License Reinstated*

On July 12, 2017, Respondent paid her outstanding membership fees of \$1,142 and on July 14, 2017, the State Bar reinstated respondent's license to practice law in California.

On July 21, 2017, the same day that Respondent sent a second demand letter on behalf of Fowler and Miller, Z-TEK's Chief Administrative Officer reviewed the State Bar website and discovered that Respondent was not entitled to practice law in California from July 1, 2016, to July 14, 2017. On July 26, 2017, Parker Stanbury LLP, on behalf of Z-TEK, sent Respondent a response to her demand letter.

#### **Conclusions of Law**

***Count One – (§§ 6068, Subd. (a) [Attorney's Duty to Support Constitution and Laws of United States and California], 6125 and 6126 [Unauthorized Practice of Law])***

Section 6068, subdivision (a), provides that a member of the State Bar has the duty to support the Constitution and laws of the United States and of the State of California.

Section 6125 provides that no person shall practice law in California unless he or she is an active member of the State Bar. Section 6126, subdivision (b), provides that any person who has been involuntarily enrolled as an inactive member of the State Bar or who has been suspended from practice and thereafter practices or attempts to practice law, advertises or holds himself out as practicing or otherwise entitled to practice law is guilty of a crime.

The State Bar charged that Respondent violated section 6068, subdivision (a), by improperly holding herself out as entitled to engage in the practice of law and actually practicing law when she knew she was not an active member of the State Bar, by sending the demand letter on June 7, 2017, and follow-up email to Z-TEK on June 9, 2017, in willful violation of sections 6125 and 6126.

Charging an attorney with a violation of the duty to support the constitution and laws, by reason of the attorney's violation of the statutes prohibiting practicing law while suspended, provides the basis for imposition of discipline for the UPL. (*In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 574-575; *In the Matter of Tady* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 121, 126.)

Respondent admitted, and the court so finds, that by sending a demand letter on her letterhead, with reference to herself as "Attorney at Law," and by email to Z-TEK, Knight, Brent, and Hoare on June 7 and 9, 2017, on behalf of Fowler and Miller, Respondent held herself out as entitled to practice law and actually practiced law when she was not an active member of the State Bar of California, in willful violation of sections 6125 and 6126, and thereby failed to support the laws of the State of California, in willful violation of section 6068, subdivision (a).

***Count Two – (§ 6106 [Moral Turpitude])***

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment.

The State Bar charged that Respondent committed an act involving moral turpitude by holding herself out as entitled to practice law and by actually practicing law when Respondent knew that she was not entitled to practice law, in violation of section 6106.

Respondent argued, among other things, that her clients were never misled as to her status with the bar and thus her act of UPL did not constitute moral turpitude. She further asserted that a "UPL violation is not in and of itself an act of moral turpitude," citing to *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896. The court finds Respondent's arguments lack merit.

In *Wells*, the review department found that there was no clear and convincing evidence of ill will or dishonesty because the attorney alerted opposing counsel and her clients about her status as a California attorney, she thought she was giving adequate notice to the public that she was not entitled to practice law in South Carolina by stating on her stationery "Out of State Administrative Office," and she associated herself with local counsel, thus believing that she was entitled to practice on a *pro hac vice* basis in South Carolina.

Unlike *Wells*, even though Respondent knew that she was suspended from the practice of law from July 1, 2016, through July 13, 2017, she never advised opposing parties about her inactive status as an attorney. She knew that she misrepresented her status to Z-TEK and others when she claimed to be representing Fowler and Miller as her clients and used the notation, "Attorney at law," on her letterhead. Indeed, she presented a false impression that she was an attorney entitled to practice law. An attorney simply "cannot expressly or impliedly create or leave undisturbed the false impression that he or she has the present ... ability to practice law." (*In the Matter of Wyrick* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 83, 91.)

Regardless of how well-meaning Respondent's intentions were and her earnest desire to address what she perceived to be a travesty inflicted upon her friends, Fowler and Miller, by Z-

TEK, Respondent "displayed an indifferent disregard of [her] duty to comply with the [suspension] order." (*In re Cadwell* (1975) 15 Cal.3d 762, 771-772 [attorney's indifferent disregard of duty to comply with suspension order, coupled with deception, sufficient to constitute moral turpitude].)

Thus, there is clear and convincing evidence that Respondent is culpable of acts of moral turpitude in willful violation of section 6106. (*In the Matter of Wells, supra*, 4 Cal. State Bar Ct. Rptr. 896, 910 [moral turpitude "includes creating a false impression by concealment as well as affirmative misrepresentations [citation]"]; see *Grove v. State Bar* (1965) 63 Cal.2d 312, 315 [for purposes of moral turpitude, no distinction between concealment, half-truth, and false statement of fact].) Respondent knowingly and intentionally committed these acts. (*In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639, 642 [where attorney knows of suspension order and commits UPL, moral turpitude is willful].)

### **Aggravation<sup>2</sup>**

The State Bar bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds no aggravating circumstances.

### **Mitigation**

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

#### **No Prior Record of Discipline (Std. 1.6(a).)**

Respondent practiced law for less than two years at the time of her misconduct. Thus, her lack of a disciplinary record is not a mitigating factor. (*In the Matter of Hertz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 456 [where an attorney had practiced for only four years prior to his misconduct, his lack of prior discipline was not mitigating].)

---

<sup>2</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

**Candor/Cooperation to Victims/State Bar (Std. 1.6(e).)**

The court assigns significant mitigation credit for Respondent's cooperation because she stipulated to relevant facts establishing her culpability. (See *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive weight in mitigation accorded those who admit culpability as well as facts].)

**Good Character (Std. 1.6(f).)**

Extraordinary good character, attested to by a wide range of references in the legal and general communities who are aware of the full extent of the misconduct, is entitled to mitigation credit. Respondent presented credible good character evidence from 19 character witnesses, three of whom by testimony and the others by letters. Several of the witnesses are attorneys, many of whom are from her home state, Oklahoma, and one from her current employer. Favorable character testimony from employers and attorneys are entitled to considerable weight. (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.) Because judges and attorneys have a "strong interest in maintaining the honest administration of justice" (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319), "[t]estimony of members of the bar . . . is entitled to great consideration." (*Tardiff v. State Bar* (1980) 27 Cal.3d 395, 403.) The other character witnesses consisted of friends, a former teacher, and colleagues in the film industry; many of whom have known Respondent for at least 10 years.

They all praised Respondent's trustworthiness, integrity, honesty, thoughtfulness, passion for justice, helping the underdog, and caring for people.

One witness said that Respondent made an honest mistake and that her misconduct was not done in malice. Another wrote that "her zealous passion was never motivated [by] monetary gain, but, instead, her absolute contempt for bullies and abusers of power" and that she "is an

inspiration and source of pride for our hometown." "[M]y estimation of Brooke's fundamental decency remains as high as ever," wrote another.

For more than 17 years, Respondent has dedicated hundreds of hours to volunteer at Meals on Wheels, which provides meals to the ill, disabled, and elderly. Her community service work is entitled to considerable weight. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.)

Based on the above, the court affords Respondent significant mitigating weight for her good character and pro bono work.

### 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. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1025; Std. 1.1.)

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The Supreme Court gives the standards "great weight" and will reject a recommendation consistent with the standards only where the court entertains "grave doubts" as to its propriety. (*In re Silvertown* (2005) 36 Cal.4th 81, 91-92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

Standard 1.7 provides that if aggravating or mitigating circumstances are found, they should be considered alone and in balance with any other aggravating or mitigating factors. And, if two or more acts of professional misconduct are found in a single disciplinary

proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.7(a).) Standards 2.10(b) and 2.11 are applicable in this case.

Standard 2.10(b) provides that "Suspension or reproof is the presumed sanction when a member engages in the practice of law or holds himself or herself out as entitled to practice law when he or she is on inactive status or actual suspension for non-disciplinary reasons, such as non-payment of fees or MCLE non-compliance. The degree of sanction depends on whether the member knowingly engaged in the unauthorized practice of law."

Standard 2.11 provides that "[d]isbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member's practice of law."

The OCTC contends that the appropriate level of discipline is two years' stayed suspension and two years' probation, including an actual suspension of 90 days, citing *In the Matter of Mason* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 639 in support of its recommendation.

With respect to the UPL charge, Respondent admits to culpability. But she does not believe that her misconduct constituted moral turpitude, urging that a private reproof would suffice, as she noted, "I am truly sorry, and I guarantee your honor will never see me in this position again."

In *Mason*, the attorney made a court appearance and signed and served a trial brief during a 75-day suspension ordered by the Supreme Court. He did not inform either the court or opposing counsel that he was suspended from the practice of law. He was found culpable of

moral turpitude in practicing law while suspended. In mitigation, he was given credit for pro bono work. In aggravation, he committed multiple acts of wrongdoing and had a prior record of discipline, involving commingling, failing to pay out client funds, failing to promptly provide an accounting, and failing to cooperate with the State Bar in an investigation. The review department concluded that the imposition of greater discipline in this matter than was given in the prior matter would be just under current standard 1.8(a). As a result, he was actually suspended for 90 days with three years' stayed suspension and three years' probation.

In another relevant case, *In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, the attorney was actually suspended for 30 days with two years' stayed suspension and two years' probation for accepting employment from a client and appearing in a bankruptcy court while suspended for nonpayment of State Bar dues. Moral turpitude was not found. The attorney had three prior records with compelling mitigation, including mental impairment.

Here, unlike the attorneys in *Trousil* and *Mason*, Respondent does not have a prior record of discipline. There is no indication of her inability to conform her conduct to ethical norms. (See *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602.) Respondent's UPL violation, based on a demand letter to opposing parties, was less serious than that of the attorney in *Mason*, who appeared in court and served a trial brief during his suspension. Respondent's reason for her misconduct was to help her financially distraught friends, albeit wrong and misguided. It is undisputed that Respondent's use of her law firm stationery created a false impression that she was entitled to practice law. But, Respondent does have compelling mitigation of good character, pro bono work, and cooperation with the State Bar. Moreover, her suspension was administrative, resulting from her failure to pay membership fees, and not disciplinary, as in *Mason* and *Trousil*. And, significantly, there are no factors in aggravation in

this matter. Therefore, her misconduct warrants discipline far less than that of *Mason* and *Trousil*.

Based on the short-lived infraction and compelling good character evidence, the court finds it appropriate to deviate from the presumed sanction under standard 2.11, which provides for disbarment or actual suspension for acts of moral turpitude. The magnitude of Respondent's misconduct is much less serious than in *Mason* or *Trousil*; and there is no clear and convincing evidence of the extent to which the misconduct harmed the opposing parties. Respondent is remorseful for her wrongdoing and has demonstrated to the court that she is willing and able to conform to ethical responsibilities. (See *In the Matter of Carver* (Review Dept. 2016) 5 Cal. State Bar Ct. Rptr. 427 [review department applying three-step analysis to depart from the presumptive discipline prescribed by the standards].) Her UPL occurred as the result of one demand letter and one email. There is no "continuing misconduct of increasing severity." (*In the Matter of Trousil, supra*, 1 Cal. State Bar Ct. Rptr. 229, 241.) Thus, this UPL case is an appropriate one for imposition of a very modest sanction. There is no need for a period of stayed or actual suspension to protect the public, the courts and the integrity of the legal profession. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302.)

In view of Respondent's misconduct, the case law, the impressive evidence in mitigation, and the standards, the court concludes that a public reproof with conditions is a proper disposition of this matter and will serve to underline to Respondent the seriousness of her duty to comply with her professional and ethical obligations.

#### **Disposition**

##### **Discipline – Public Reproof**

It is ordered that Brooke Lee Butner, State Bar Number 307688, is publicly reproofed. Pursuant to the provisions of rule 5.127(A) of the Rules of Procedure of the State Bar, this

reproval will be effective when this decision becomes final. Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 5.128 of the Rules of Procedure, the court finds that the protection of the public and the interests of Respondent will be served by the following conditions being attached to this reproval. Failure to comply with any condition attached to this reproval may constitute cause for a separate disciplinary proceeding for willful breach of rule 1-110 of the State Bar Rules of Professional Conduct. Respondent is ordered to comply with the following conditions attached to this reproval for one year following the effective date of the reproval.

### **Conditions of Reproval**

#### **1. Review Rules of Professional Conduct**

Within 30 days after the effective date of the 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.

#### **2. Comply with State Bar Act, Rules of Professional Conduct, and Reproval Conditions**

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

#### **3. Maintain Valid Official Membership Address and Other Required Contact Information**

Within 30 days after the effective date of the order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number.

If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR within ten (10) days after such change, in the manner required by that office.

**4. Meet and Cooperate with Office of Probation**

Within 30 days after the effective date of the 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 45 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 Repeal Conditions Period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

**5. State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court**

During Respondent's Repeal Conditions Period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with repeal conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

## **6. Quarterly and Final Reports**

**a. Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the Repeval Conditions Period. 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 Repeval Conditions Period and no later than the last day of the Repeval Conditions 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 the

Reproval Conditions Period has ended. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

**7. State Bar Ethics School**

Within one year after the effective date of the order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session.

**8. Multistate Professional Responsibility Examination Within One Year**

Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the order imposing discipline in this matter and 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).)

**Costs**

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.

Dated: December 18, 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 December 19, 2018, I deposited a true copy of the following document(s):

### DECISION AND ORDER OF PUBLIC REPROVAL

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

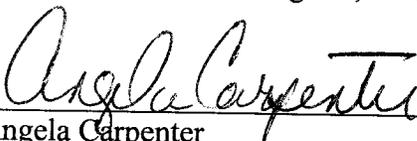
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BROOKE L. BUTNER  
230 1/2 N NEW HAMPSHIRE AVE  
LOS ANGELES, CA 90004

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

Andrew J. Vasicek, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 19, 2018.

  
\_\_\_\_\_  
Angela Carpenter  
Court Specialist  
State Bar Court