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| <p align="center">State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION</p> | | |
| <p>Counsel for the State Bar</p> <p>Eli D. Morgenstern Senior Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213)765-1334</p> <p>Bar # 190560</p> | <p>Case Number(s): SBC-19-0-30116</p> | <p>For Court use only</p> <p align="center">PUBLIC MATTER</p> <p align="center">FILED  APR - 2 2019 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> |
| <p>In Pro Per Respondent</p> <p>Arthur Mark Feuerborn 355 North Lantana Street Suite 777 Camarillo, CA 93010 (805) 484-5404</p> <p>Bar # 213866</p> | <p>kwiktag® 241 071 991</p>  <p>OCTC No. : 17-O-01307</p> | |
| <p>In the Matter of: ARTHUR MARK FEUERBORN</p> <p>Bar # 213866</p> <p>A Member of the State Bar of California (Respondent)</p> | <p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 5, 2001**.
- (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. It is recommended that (check one option only):
- ☐ Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
- ☒ Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with Respondent's membership fees for each of the following years: 2020, 2021, 2022.
- If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance will be due and payable immediately.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs."
- ☐ Costs are entirely waived.

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

- (1) ☐ **Prior record of discipline:**
- (a) ☐ State Bar Court case # of prior case:
- (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.

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- (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 page 16.**
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See 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 [Standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of Respondent's misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of Respondent's misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced Respondent.
- (7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.

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- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct, Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (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 record of discipline. See page 16.

Profiling Stipulation. See page 16

Good character. See page 16.

D. Recommended Discipline:

- (1) ☒ **Actual Suspension:**

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

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

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

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

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

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

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

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

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

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

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

| <i>Payee</i> | <i>Principal Amount</i> | <i>Interest Accrues From</i> |
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- b. Respondent provides proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

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

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

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

Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and,

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

(6) ☐ **Actual Suspension "And Until" Restitution (Multiple Payees) with Conditional Std. 1.2(c)(1) Requirement:**

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

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

| <i>Payee</i> | <i>Principal Amount</i> | <i>Interest Accrues From</i> |
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- b. If Respondent remains suspended for two years or longer, Respondent must provide proof to the State Bar Court of Respondent's rehabilitation, fitness to practice, and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

(7) ☐ **Actual Suspension with Credit for Interim Suspension:**

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

- Respondent is suspended from the practice of law for the first _____ of probation (with credit given for the period of interim suspension which commenced on _____).

E. Additional Conditions of Probation:

- (1) ☒ **Review Rules of Professional Conduct:** Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's

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

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

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

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

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

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

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

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

- (1) ☒ **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension:** Respondent must take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter or during the period of Respondent's actual suspension, whichever is longer, and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this stipulation but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward Respondent's duty to comply with this requirement.
- (2) ☐ **Multistate Professional Responsibility Examination Requirement Not Recommended:** It is not recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination because
- (3) ☒ **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the

date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

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

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

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

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ARTHUR MARK FEUERBORN

CASE NUMBER: 17-O-01307

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes.

Case No. 17-O-01307 (Complainant: Deborah Menotte)

FACTS:

1. On August 22, 2012, the bankruptcy case titled *In Re: CLSF III IV, Inc. et. al.*, United States Bankruptcy Court, Southern District of Florida, West Palm Beach Division, case no. 12-30081-BKC-EPK ("bankruptcy case") was commenced with the filing of an involuntary petition under chapter 7 of the Bankruptcy Code. The bankruptcy case involved an insolvent and fraudulent investment scheme concerning the sale to investors in Europe of indirect interests in life insurance policies insuring the lives of American individuals.

2. By mid-2013, Deborah Menotte ("Trustee"), the Trustee in the bankruptcy case, began investigating Sunstar Financial, LLC ("Sunstar"), an entity owned and operated by debtor Reed Collingwood ("Collingwood"), in connection with their involvement in the debtor's fraudulent investment scheme.

3. Collingwood and Sunstar did not cooperate in the investigation. Consequently, between January 9, 2014, and December 8, 2014, the date of the entry of final judgment against Collingwood and Sunstar (see next paragraph re: Sunstar /Collingwood Adversary Proceeding), the bankruptcy court sanctioned Collingwood and Sunstar a total of \$40,902.50.

4. On August 21, 2014, the Trustee in the bankruptcy case filed an adversary proceeding against Collingwood and Sunstar, Adversary Case No. 14-01595-EPK ("Sunstar/Collingwood Adversary Proceeding"), seeking to avoid \$1.4 million in fraudulent transfers and unauthorized post-petition transfers.

5. Beginning in 2012 and continuing through 2015, respondent, on 16 separate occasions, acted as an escrow agent in the sale of life insurance policies to retail investors in which Collingwood acted as a broker. In a typical transaction, investors transferred between \$10,000 and \$75,000 to respondent's client trust account at Union Bank ("respondent's client trust account") in order to compensate Collingwood for his brokerage fee and purported due diligence work with respect to the relevant insurance policy or policies. Thereafter, respondent transferred funds from respondent's client trust account to Collingwood at his direction.

6. At all relevant times, respondent had actual knowledge that the Trustee: (i) was investigating Sunstar and Collingwood since December 5, 2013; and (ii) filed an adversary proceeding against Sunstar and Collingwood since August 2014.

7. On December 8, 2014, the Court entered a final default judgment in favor of the Trustee and against Sunstar in the amount of \$1.6 million in the Sunstar/Collingwood Adversary. On February 3, 2015, the Court entered a final default judgment in favor of the Trustee and against Collingwood ("Collingwood Judgment") in the amount of \$1.6 million in the Sunstar/Collingwood Adversary. The Trustee has been unable to collect on the Collingwood and Sunstar Judgments and sanctions.

8. On July 31, 2015, the Trustee in the bankruptcy case issued a subpoena ("Subpoena") to respondent commanding the production of various documents. Among other things, the Subpoena covered documents in respondent's "possession, care, custody or control" relating to any real, tangible, and/or intangible property held or owned by Collingwood or Sunstar. Respondent was properly served with and received the Subpoena.

9. On August 24, 2015, respondent served the Trustee in the bankruptcy case with his Response and Objection to the Trustee's Subpoena ("Response"). In his Response, respondent stated that he had no documents pertaining to any real, tangible, and/or intangible property held or owned by Sunstar or Collingwood.

10. On August 24, 2015, respondent knew that his Response to the Trustee's Subpoena was false and misleading, because, in fact, at the time of his Response, respondent had in his possession documents which were responsive to the Subpoena, including: (i) bank records from respondent's client trust account reflecting that between January 8, 2014, and July 22, 2015, respondent sent monthly wire transfers totaling more than \$230,000 to a checking account at Bank of America belonging to Collingwood and Associates, an entity under the direct control of Collingwood; (ii) escrow agreements related to the life insurance policy transactions; and (iii) email correspondence between respondent and Collingwood concerning wire transfers from respondent's client trust account.

11. Between January 8, 2014, and November 15, 2015, respondent held nearly \$300,000 on Collingwood's behalf in respondent's client trust account, which he paid to Collingwood during the same period.

12. On October 7, 2015, the Trustee moved to compel compliance with the Subpoena. Respondent was properly served with and received the motion.

13. After respondent received the motion, he retained counsel in Florida to represent him in the bankruptcy case.

14. On October 30, 2015, the Court in the bankruptcy case entered an order compelling respondent's compliance with the Subpoena ("Order Granting Motion to Compel"). The Order Granting Motion to Compel required respondent to produce documents related to transfers to Collingwood and Sunstar. The Court also ordered sanctions against respondent in an amount of more than \$4,000 for his failure to respond to the Subpoena, and required payment to the Trustee in 14 days.

15. Respondent had actual notice of the Order Granting Motion to Compel since the date of the Order; however, respondent did not comply with that order, by failing to timely produce the requested documents to the Trustee and pay the sanctions.

16. Consequently, on November 17, 2015, the Trustee in the bankruptcy case moved for an order to show cause why respondent should not be held in contempt and subject to additional sanctions ("Motion for Order to Show Cause").

17. Respondent had actual notice of the Motion for Order to Show Cause since the date of the Order, as well as the notice of hearing scheduling the hearing for December 2, 2015; however, respondent did not appear at the December 2, 2015 hearing. Respondent did not appear at the December 2, 2015, hearing because his attorney advised him, incorrectly, that the Court in the bankruptcy case had taken the matter off calendar.

18. On December 11, 2015, the Court in the bankruptcy case entered its Order to Show Cause against respondent awarding an additional \$4,367 in sanctions and requiring him to appear at a hearing on January 21, 2016 to show cause why he should not be held in contempt of court.

19. Respondent had actual notice of the December 11, 2015 Order granting the Motion for Order to Show Cause ("December 11, 2015 Sanction Order") since the date of the Order.

20. Respondent did not report the imposition of the \$4,367 sanction against him to the State Bar, in writing, within 30 days of the time that he had knowledge of the December 11, 2015 Sanction Order.

21. On December 28, 2015, the Trustee filed a motion for sanctions against respondent ("Sanctions Motion"). In the Sanctions Motion, the Trustee alleged that during the period that the Trustee was seeking and obtaining judgments against Collingwood and Sunstar, respondent tendered untruthful responses to the Subpoena and concealed that he was holding money for Collingwood and Sunstar, thereby permitting Collingwood and his entity to evade collection by the Trustee.

22. Respondent had actual knowledge of the Sanctions Motion since the date of the Order.

23. On January 21, 2016, the Court in the bankruptcy case conducted the Order to Show Cause hearing, at which both respondent and his attorney were present. At the hearing, respondent, his attorney, and the Trustee indicated that they had agreed to a form order by which respondent would cooperate with the Trustee's investigation.

24. On February 8, 2016, the Court in the bankruptcy case entered its Order on Order to Show Cause against respondent (the "Agreed Order"), reflecting the agreement of the parties. The Agreed Order required respondent to produce, by no later than February 15, 2016, all bank records, escrow agreements, trust account ledgers, email and other correspondence, wire transfer records, and any other documents relating to Collingwood or Sunstar.

25. Respondent had actual notice of the Agreed Order since the date of the Order; however, respondent did not comply with the Agreed Order, by failing to timely produce the requested documents to the Trustee.

26. On February 22, 2016, the Trustee filed a motion for an order holding respondent in contempt of court for violation of the Agreed Order ("Contempt Motion"). In the Contempt Motion, the Trustee requested that the Court in the bankruptcy case hold respondent in contempt for violating the Agreed Order, and that the Court direct respondent to pay the Trustee's attorney's fees and costs in addressing respondent's noncompliance.

27. Respondent and his counsel had actual knowledge of the Contempt Motion; however, neither respondent nor his counsel filed a written response to the Contempt Motion.

28. On March 10, 2016, respondent produced some documents to the Trustee which were responsive to the Subpoena and the Agreed Order. These documents included a list of 16 transactions involving Collingwood and Sunstar in which respondent said he was involved. Respondent also provided copies of six escrow agreements relating to some of those transactions. In addition, respondent provided emails documenting requests for some of the wire transfers to Collingwood.

29. On March 15, 2016, respondent provided all other documents in his possession which were responsive to the Subpoena and the Agreed Order.

30. On March 15, 2016, and April 8, 2016, the Court in the bankruptcy case conducted evidentiary hearings in connection with the Trustee's Sanctions Motion and Contempt Motion.

31. On May 9, 2016, the Court in the bankruptcy case issued its Order granting the Trustee's Sanctions Motions and holding respondent in contempt. In its Order, the Court found that respondent failed to comply with the Agreed Order by tendering only some of the documents he agreed to provide, and in any case, providing them after the deadline. Accordingly, the Court held respondent in contempt of court.

32. In its May 9, 2016 Sanction Order, the Court in the bankruptcy case also determined that respondent failed to comply with his legal obligations in the bankruptcy case, and instead tendered intentionally untruthful responses to the Trustee's Subpoena. Accordingly, the Court in the bankruptcy case granted the Trustee's Sanctions Motions, and sanctioned respondent \$260,214.50.

33. The Court in the bankruptcy case determined the sanction as follows. The Court noted that between January 9, 2014, and December 8, 2014, the Court in the bankruptcy case sanctioned Collingwood and Sunstar a total of \$40,902.50. During that period, respondent held in his client trust account, and paid to Collingwood, an amount in excess of \$71,000. The Court reasoned that all of these funds would have been available to the Trustee to satisfy the obligations (i.e. \$40,902.50 in sanctions) of Sunstar and Collingwood. Accordingly, the Court reasoned that between January and December 2014, respondent caused the loss of \$40,902.50 to the estate in the bankruptcy case.

34. In addition, the Court noted that on December 8, 2014, the Court entered final judgment against Sunstar in an amount in excess of \$1,600,000, which amount soon thereafter became collectible also against Collingwood. And, between December 8, 2014, and November 6, 2015, respondent held in his client trust account, and paid to Collingwood the aggregate sum of \$213,312. In addition, respondent paid \$6,000 to himself as compensation for his fees as an escrow agent. The Court reasoned that all of these funds, i.e., \$219,312, would have been available to the Trustee to satisfy the obligations of Sunstar and Collingwood, i.e., the \$1,600,000 judgment. Accordingly, the Court reasoned that between December, 2014, and November, 2015, respondent caused the loss of \$219,312 to the estate in the bankruptcy case. In total, the Court in the bankruptcy case sanctioned respondent \$260,214.50.

35. Respondent had actual notice of the May 9, 2016 Sanction Order since the date of the Order.

36. Respondent did not report the imposition of the \$260,214.50 sanction against him to the State Bar, in writing, within 30 days of the time that he had knowledge of the May 9, 2016 Order.

37. On June 3, 2016, the Court in the bankruptcy case also ordered respondent to pay an additional sanction in the amount of \$54,670.50 reflecting the Trustee's attorney's fees and costs incurred in preparation and prosecution of the Sanctions Motion and Contempt Motion, as well as a third motion to compel respondent's compliance with a Production Request served on respondent by the Trustee seeking respondent's personal financial information.

38. Respondent had actual knowledge of the June 3, 2016 Order since the date of the Order.

39. Respondent did not report the imposition of the \$54,670.50 sanction against him to the State Bar, in writing, within 30 days of the time that he had knowledge of the June 3, 2016 Order.

40. On August 30, 2017, respondent reached a settlement with the Trustee to pay \$120,000 in order to resolve all of the outstanding sanctions. On or about September 20, 2017, respondent paid the \$120,000 to the Trustee.

CONCLUSIONS OF LAW:

41. By failing to comply with the October 30, 2015, December 11, 2015, and February 8, 2016, Orders issued by the Court in the bankruptcy case, respondent failed to maintain the respect due to the courts, in willful violation of Business and Professions Code section 6068(b).

42. By knowingly making false and misleading statements to the Trustee in his Response to the Subpoena, respondent committed acts involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code section 6106.

43. By failing to report the imposition of the \$4,367 sanction against him to the State Bar, in writing, within 30 days of the time that he had knowledge of the December 11, 2015 Sanction Order, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time of the he had knowledge of the imposition of judicial sanctions against him, in willful violation of Business and Professions Code section 6068(o)(3).

44. By failing to report the imposition of the \$260,214.50 sanction against him to the State Bar, in writing, within 30 days of the time that he had knowledge of the May 9, 2016 Sanction Order, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time of the he had knowledge of the imposition of judicial sanctions against him, in willful violation of Business and Professions Code section 6068(o)(3).

45. By failing to report the imposition of the \$54,670.50 sanction against him to the State Bar, in writing, within 30 days of the time that he had knowledge of the June 3, 2016 Sanction Order, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time of the he had knowledge of the imposition of judicial sanctions against him, in willful violation of Business and Professions Code section 6068(o)(3).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): In connection with the bankruptcy case, respondent: (i) made untrue statements in his Response to the Subpoena; (ii) failed to maintain the respect due to the Court in the bankruptcy case by failing to comply with the Subpoena and three court orders; and (iii) failed to report three separate, judicial sanctions to the State Bar. Respondent's multiple acts of misconduct are a serious aggravating factor.

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)): Between January 8, 2014, and November 15, 2015, respondent held in respondent's client trust account, and paid to Collingwood, nearly \$300,000. During this period, respondent knew that the Trustee had sanctioned Sunstar and Collingwood and instituted adversary proceedings them. After respondent received the Trustee's subpoena, respondent paid over \$65,000 to Collingwood between August 4, 2015, and November 15, 2015. In total, the Court in the bankruptcy case determined that respondent caused the loss of over \$260,000 to the estate in the bankruptcy case.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has been a member of the State Bar since June 5, 2001, and has no prior record of discipline. The misconduct in this matter first occurred in August 24, 2015, approximately 14 years after respondent was admitted to the State Bar. Even though respondent's misconduct is serious, he is entitled to mitigation for his 14 years of discipline-free practice. (See *In the Matter of Trillo* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 59, 69 [credit given for no prior history of discipline in fourteen years of practice where attorney converted client funds and deceived clients].)

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar Court 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].) In addition, respondent responded promptly to all State Bar inquiries and willingly provided any and all documentation requested. (See *Brown v. State Bar* (1995) 12 Cal.4th 205, 223 [Supreme Court afforded some mitigating weight for evidence that attorney was candid and cooperative during the disciplinary proceeding].)

Good Character: Respondent has provided the State Bar with over 60 character reference letters. The references are from former clients, business associates, friends, and fellow church members. Respondent also provided evidence of extensive pro bono work, including work on behalf of his church. In addition, respondent is a family law lawyer who often provides pro bono services to single mothers who otherwise would not be able to afford to pay an attorney. Pro bono work and community service are mitigating factors. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.) The evidence of respondent's good character and pro bono services also warrants significant mitigation. (See *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591–592 [significant weight given to testimony of character witnesses who had long-standing familiarity with attorney and broad knowledge of his good character, work habits, and professional skill].)

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 the following statutory violations: (1) Business and Professions Code section 6068(b) [Failure to Maintain Respect Due to the Courts]; (2) Business and Professions Code section 6106 [Moral Turpitude-Misrepresentation]; and (3) Business and Professions Code section 6068(o)(3) [Failure to Report Judicial Sanctions]. 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.”

Two equally severe sanctions are applicable to respondent’s misconduct. Standard 2.11 provides that disbarment or actual suspension is the presumed sanction for an act of dishonesty in violation of Business and Professions Code section 6106. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim; and the extent to which the misconduct related to the member’s practice of law.

Standard 2.12(a) provides that disbarment or actual suspension is the presumed sanction for failing to maintain the respect due to the courts, in violation of Business and Professions Code section 6068(b).

Here, respondent tendered untruthful responses to the Trustee’s Subpoena when he stated that he had no documents pertaining to property held or owned by Sunstar or Collingwood. Further, respondent initially failed to produce, and in essence, concealed, documents responsive to the Subpoena, which showed that respondent made payments to Collingwood from respondent’s client trust during a period of time when the Trustee was first investigating Sunstar and Collingwood, and then prosecuting them in the Sunstar/Collingwood Adversary Proceeding. Respondent’s acts of dishonesty constitute serious

misconduct. (See *Stanley v. State Bar* (1990) 50 Cal.3d 555, 567 [“dishonest conduct is inimical to both the high ethical standards of honesty and integrity required of members of the legal profession and to promoting confidence in the trustworthiness of members of the profession.”].) In addition, respondent failed to maintain the respect due to the Court in the bankruptcy case by failing to comply with the Court’s orders of October 30, 2015, December 11, 2015, and February 8, 2016, ordering respondent to produce the documents responsive to the Subpoena. Respondent’s disrespect of the court displayed through his repeated violation of court orders is also serious misconduct. (See *Barnum v. State Bar* (1990) 52 Cal.3d 104, 112 [“Other than outright deceit, it is difficult to imagine conduct more unbefitting an attorney” than willful violation of court orders].) The funds paid to Collingwood by respondent would have been available to the Trustee to satisfy the obligations of Sunstar and Collingwood, and thus respondent caused the estate in the bankruptcy case to suffer a significant economic loss, a serious factor in aggravation. Finally, respondent failed to report three judicial sanctions to the State Bar. Respondent’s multiple, statutory violations are a serious aggravating factor.

However, respondent’s 14 years of discipline-free practice, his strong evidence of good character and pro bono legal services, and his agreement to enter into this Stipulation are significant mitigating factors because they indicate that the misconduct in this matter is aberrational, and that respondent is not likely to be deceitful or disrespectful to law and the judicial system again. Thus, there is no evidence that a sanction short of disbarment is inadequate to deter future misconduct and protect the public.

Further, disbarment for violation of court orders appears reserved for attorneys who are vexatious litigants. (See for e.g., *In the Matter of Verakin* (Review Dept. 1994) 3 Cal. State Bar. Ct. Rptr. 179 [disbarment for 30 year attorney sanctioned for filing frivolous motions and appeals over 12-year period].)

Nevertheless, given the seriousness of respondent’s misconduct, the presumed sanction of actual suspension delineated by standards 2.11 and 2.12(a) is still warranted.

Case law provides guidance as to the appropriate amount of actual suspension that respondent’s misconduct warrants. In *Maltaman v. State Bar* (1987) 43 Cal. 3d 924, the attorney, who had practiced law for approximately 30 years without a prior record of discipline, in one matter, ignored court orders directing him to surrender property in a probate matter in which he had been removed as an administrator due to a conflict of interest. The Supreme Court determined that the misconduct involved moral turpitude in violation of section 6106, and disrespect for the law and judicial system in violation of section 6068(b). In a second matter, the attorney deliberately prepared a false order for a judge’s signature that misstated everything the judge had ruled in violation of section 6106. In aggravation, the attorney displayed a “contemptuous attitude toward the disciplinary proceedings.” (*Id.* at p. 958.)

The Court in *Maltaman* described the attorney’s misconduct as “serious, involv[ing] moral turpitude, and is of the kind which undermines public confidence in the legal system.” (*Maltaman v. State Bar, supra*, 43 Cal.3d at p. 958.) However, the Court also noted that even where deceit is involved, the Court generally does not order disbarment except where there is other serious and habitual misconduct. (*Id.*) Further still, the Court observed that the attorney in *Maltaman* had no prior record of discipline, and thus there was no evidence before the Court that a sanction short of disbarment was inadequate to deter future misconduct and protect the public. (*Id.*) The Court ordered the attorney in *Maltaman* actually suspended for one year. (*Id.* at p. 959.)

Here, respondent’s misconduct, though serious, is not as diverse as that committed by the attorney in *Maltaman*, as respondent did not prepare a false order for a judge’s signature. And, given

respondent's prior, discipline-free record and evidence of good character, there is no evidence that the misconduct that he committed in this matter will recur. Further, respondent has not displayed a contemptuous attitude towards these disciplinary proceedings: the contrary is true. Respondent was at all times cooperative with the State Bar, and ultimately agreed to resolve this disciplinary matter at an early stage of the proceeding, *i.e.*, before the filing of a Notice of Disciplinary Charges. Thus, respondent's misconduct warrants a less severe discipline than that imposed by the Supreme Court against the attorney in *Maltaman*.

Under all the circumstances, a discipline consisting of a one-year suspension, stayed, two-year probation, with conditions including a 90 day actual suspension is warranted and will adequately serve the purposes of these proceedings.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of February 26, 2019, the discipline costs in this matter are \$3,300. 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:
ARTHUR MARK FEUERBORN

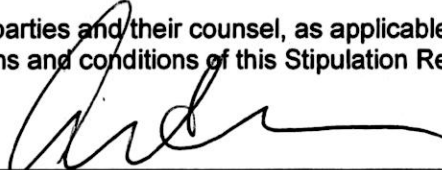
Case Number(s):
17-O-01307

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.

3/5/19

Date



Respondent's Signature

Arthur M. Feuerborn

Print Name

Date

3/15/19

Respondent's Counsel Signature



Print Name

Eli D. Morgenstern

Date

Deputy Trial Counsel's Signature

Print Name

(Do not write above this line.)

| | |
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| In the Matter of: ARTHUR MARK FEUERBORN | Case Number(s): SBC-19-O-30116 |
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ACTUAL SUSPENSION ORDER

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

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

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

April 2, 2019
Date

Rebecca Meyer Rosenberg
REBECCA MEYER ROSENBERG, JUDGE PRO TEM
~~Judge of the State Bar Court~~

CERTIFICATE OF SERVICE

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

I am a 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 2, 2019, I deposited a true copy of the following document(s):

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

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

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

ARTHUR MARK FEUERBORN
355 N LANTANA ST STE 777
CAMARILLO, CA 93010

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

ELI D. MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 2, 2019.



Marc Krause
Court Specialist
State Bar Court