


**ORIGINAL**

<p>Counsel for the State Bar THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT KEVIN B. TAYLOR, Bar No. 151715 1149 South Hill Street, 9th Floor Los Angeles, CA 90015-2299 Telephone: (213) 765-1000</p>	<p>Case number(s) 99-0-11217</p>	<p>(for Court's use)</p> <p><b>FILED</b></p> <p><b>JAN 15 2004</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent Robert Charles Moest 2530 Wilshire Blvd., 2nd Floor Santa Monica, CA 90403 Phone: (310) 915-6628</p>	<p><b>PUBLIC MATTER</b></p> <p>kwiktag® 035 115 436</p> 	
<p>In the Matter of JOSEPH FEDOROWSKY</p> <p>Bar # 133200</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> 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>	

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted February 5, 1988  
(date)
- (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 and order consist of 11 pages.
- (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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - ☐ until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
  - ☒ costs to be paid in equal amounts prior to February 1 for the following membership years:  
2005 and 2006  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - ☐ costs waived in part as set forth under "Partial Waiver of Costs"
  - ☐ costs entirely waived

**Note:** All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

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

(1) ☐ Prior record of discipline [see standard 1.2(f)]

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

(b) ☐ date prior discipline effective \_\_\_\_\_

(c) ☐ Rules of Professional Conduct/ State Bar Act violations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(d) ☐ degree of prior discipline \_\_\_\_\_

(e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(2) ☐ Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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

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

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

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

(7) ☐ Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.

(8) ☒ No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see Standard 1.2(e).] Facts supporting mitigating circumstances are required.

- (1) ☒ No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. Respondent had no record of prior discipline since being admitted to the State Bar of California on February 5, 1988.
- (2) ☐ No Harm: Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ Candor/Cooperation: Respondent displayed ~~spontaneous candor~~ and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ Restitution: Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ Good Faith: Respondent acted in good faith.
- (8) ☐ Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances:

See attached statement regarding mitigation.

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of Six (6) months

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: \_\_\_\_\_

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of Two (2) years, which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of Thirty (30) days

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of \_\_\_\_\_, plus 10% per annum accruing from \_\_\_\_\_, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: \_\_\_\_\_

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change \_\_\_\_\_ of the State Bar of California Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all

conditions of probation during the preceding calendar quarter. The first report would cover less than 30 days, that report shall be submitted on the next quarter date, and cover the extended period.

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

- (5) ☐ Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, respondent shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit ~~of the Office of the Chief Trial Counsel~~ and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended.
- (8) ☐ Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (9) ☐ The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |
- (10) ☐ Other conditions negotiated by the parties:
- ☒ Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit ~~of the Office of the Chief Trial Counsel~~ during the period of actual suspension or within one year, whichever period is longer. Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- ☐ No MPRE recommended.
- ☐ Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- ☐ Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- ☐ Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

In the Matter of

Joseph Federowsky

Case Number(s):

99-0-11217

A Member of the State Bar

### Financial Conditions

- a. ☐ Respondent shall pay restitution to \_\_\_\_\_ [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of \_\_\_\_\_, plus 10% interest per annum accruing from \_\_\_\_\_, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,
- ☐ no later than \_\_\_\_\_
- or
- ☐ on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b. ☐ 1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
  - b. respondent has kept and maintained the following:
    - i. a written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c. ☒ Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: JOSEPH FEDOROWSKY, State Bar No. 133200

CASE NUMBER(S): 99-O-11217

**FACTS AND CONCLUSIONS OF LAW**

Respondent was admitted to the practice of law in the State of California on February 5, 1988.

In or about June 1997, Hans Kary employed Respondent to represent him as a defendant in a California state court charitable trust matter entitled *Bhaktivedanta Book Trust International Inc et al v. Hans Kary et al* BC 170617 (BBTI case).

The BBTI case concerned the right to publish certain sacred scriptures that are central to the beliefs of the Hare Krishna movement founded in the 1960's. These scriptures had been translated and extensively interpreted by the Founder/Acarya of the Hare Krishna movement, His Divine Grace A.C. Bhaktivedanta Swami Prabhupada (Srila Prabhupada).

Respondent was uniquely qualified to be involved in the complex BBTI case because he had been personally involved with the Hare Krishna religious movement for thirty years. Moreover, Respondent knew the people involved in the dispute and was keenly aware of the importance placed on the right to publish the scriptures by those involved in the Hare Krishna religion.

As Respondent explains the underlying litigation, plaintiff BBTI claimed exclusive ownership and publication rights to the spiritual texts. Those works had originally been placed in a California charitable trust - the *Bhaktivedanta Book Trust* - by Srila Prabhupada. However, BBTI, which is a California nonprofit corporation, not a trust, later claimed ownership. In response to Kary's claim in defense of a Singapore copyright infringement action that he was still a trustee of the original BBT trust which owned the works, the BBTI filed suit in California to determine the validity of that trust, and, in turn, clarify ownership and control over the copyrighted works.

Kary did not have a personal financial interest in the trust *res*, which consists of the intellectual property rights to the Hare Krishna scriptures and books authored by Srila Prabhupada.

In an effort to assist Kary in the payment of Respondent's legal fees, Kary's associate and disciple, Chan Hoe Beng, entered into an investment contract with Respondent whereby Chan Hoe Beng provided Respondent \$100,000 to be managed and invested by Respondent in currency markets through a company controlled by Respondent called International Currency Exchange Group. Under the investment contract, a specified portion of any profit earned by the investment of Chan Hoe Beng's \$100,000 was to be paid to Respondent as a partial payment of legal fees owed by Kary. The investment contract allowed Chan Hoe Beng to terminate the use of profits to pay Respondent's legal fees at any time. The investment contract also assured Chan Hoe Beng that the \$100,000 principal and any profits not used to pay Respondent's legal fees would remain Chan Hoe Beng's property under all circumstances and that Chan Hoe Beng was not obligated to pay Kary's legal bill to Respondent.

On or about June 20, 1997, Chan Hoe Beng transferred \$100,000 to Respondent's control in furtherance of the above-described investment contract. At that time, Chan Hoe Beng was not a client of Respondent's law firm. Respondent held and managed Chan Hoe Beng's \$100,000 as a fiduciary.

Respondent managed Chan Hoe Beng's funds properly with the exception of a 1998 disbursement of Chan Hoe Beng's \$100,000 principal as described below. However, the investment account did not generate as much income as Chan Hoe Beng and Respondent had hoped. In addition, by late 1997, the BBTI litigation was becoming far more expensive than Kary, Chan Hoe Beng and Respondent had expected. Nonetheless, Kary, with Chan Hoe Beng's support, encouraged Respondent to continue his vigorous representation of Kary.

Respondent diligently represented Kary in the BBTI case and, in or about November 1997, filed a cross-complaint on behalf of Kary, and others, including Chan Hoe Beng's wife, but not Chan Hoe Beng himself. Respondent prosecuted the cross-complaint diligently.

Respondent, at this point, was due a significant amount of attorney fees and was using personal funds to finance his law firm and a paralegal and office staff working almost exclusively on the BBTI case. Yet, due to changes in the currency markets, investment income was no longer available to cover the increasing fees and costs incurred in the BBTI case.

In early 1998, it was Respondent's understanding from speaking with Kary and Chan Hoe Beng that both individuals wanted Respondent to continue the representation of Kary. Respondent contends that Kary and Chan Hoe Beng assured him that additional funds would be made available to defend the case and pay for Respondent's time and work.

Based upon those assurances and the fact that Kary and Chan Hoe Beng understood that Respondent needed to receive at least a partial payment on the fees that he was due, Respondent came



to understand that Chan Hoe Beng had, in essence, altered their investment agreement such that Respondent could apply the \$100,000 principal to the attorney fees owed Respondent by Kary and Chan Hoe Beng's wife, Diane Marie Chan.

Based upon the aforementioned representations, Respondent had a good faith, but unreasonable, belief that he was entitled to apply Chan Hoe Beng's \$100,000 to the payment of his legal fees without written or express authorization. Therefore, in early 1998, Respondent took Chan Hoe Beng's \$100,000 and applied the funds to the payment of Kary and Diane Marie Chan's legal bill.

Chan Hoe Beng never expressly authorized Respondent to use his \$100,000 to pay Kary's legal bill.

In or about November 1998, Respondent reached a settlement in the BBTI matter and the cross-complaint. The settlement, which was considered favorable to Respondent's clients, involved a revalidation of the original trust which held the copyrights to the works at issue, the right to publish the original works and the payment by BBTI of \$350,000 for the defendants/cross-complainants' legal fees.

In or about November 1998, \$300,000 of the \$350,000 payment for attorney fees was made and transferred to a trust managed by a group of individuals including, at various times, Respondent, Chan Hoe Beng, Chan Hoe Beng's wife and others. The purpose of the trust was to disburse the \$350,000 in attorney fees to the appropriate attorneys and manage the distribution of the copyrighted material at issue in the underlying lawsuit. However, further acrimony arose between the parties to the settlement which delayed the payment of Respondent's attorney fees.

Respondent contends that his legal fees in the BBTI matter exceeded \$600,000. However, Respondent was willing to accept significantly less than that sum as his total fee because he considered his clients to be friends and individuals with an honorable and worthy cause. As time passed, a majority of the trustees managing the \$300,000, including Chan Hoe Beng and his wife, were unable or unwilling to disburse any of the money to pay Respondent's legal fees.

In December 1998 and January 1999, Chan Hoe Beng demanded of Respondent that he return the \$100,000 investment and denied that he had authorized Respondent to use the funds to pay Kary's legal bill.

Respondent refused to return the \$100,000 to Chan Hoe Beng because Respondent offered and believed that Chan Hoe Beng could and should obtain reimbursement from the settlement trust.

In or about February 1999, Respondent filed a lawsuit against Kary, Chan Hoe Beng, Diane Marie Chan and others for the payment of his legal fees. This matter was resolved through binding arbitration.

In October 1999, an arbitration panel found that Respondent was entitled to over \$300,000 in attorney fees relating to the BBTI case. The arbitration panel credited Chan Hoe Beng \$100,000 from the settlement fund in reimbursement for Respondent having earlier transferred Chan Hoe Beng's investment principal. After all set-offs and credits are accounted for, Respondent reasonably contends that he has been paid only \$208,000 and is still owed \$92,000 of the \$300,000 in legal fees awarded to him by the arbitration panel.

#### LEGAL CONCLUSIONS

By taking Chan Hoe Beng's \$100,000 from the investment account and applying the money to Kary's legal bill without the express authorization of Chan Hoe Beng, Respondent breached his fiduciary duty to Chan Hoe Beng in wilful violation of Business and Professions Code, section 6068(a).

#### **WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CULPABILITY**

The parties waive any variance between the Notice of Disciplinary Charges filed on February 27, 2003, and the facts and/or conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

#### **PENDING PROCEEDINGS**

The disclosure date referred to, on page one, paragraph A.(6), was December 3, 2003.

#### **DISMISSALS**

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

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
99-O-11217	ONE	RPC, rule 3-310(f)
	TWO	B&P 6106

Date

1/9/04

Respondent's signature

Joseph Fedorowsky

Joseph Fedorowsky  
print name

Date

1/9/2004

Respondent's Counsel's signature

Robert C. Moest

Robert C. Moest  
print name

Date

12/19/03  
1/9/04

Deputy Trial Counsel's signature

Kevin B. Taylor

Kevin B. Taylor  
print name

## 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.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

January 14, 2004

Judge of the State Bar Court

Scott Neal

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court. 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 January 15, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING, filed January 15, 2004**

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

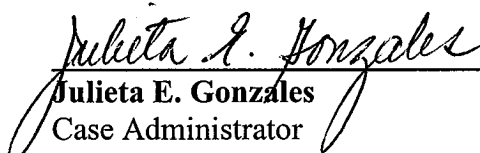
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ROBERT C MOEST ESQ  
2530 WILSHIRE BLVD 2ND FLR  
SANTA MONICA, CA 90403**

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

**Kevin B. Taylor, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **January 15, 2004.**

  
\_\_\_\_\_  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court