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**State Bar Court of California  
Hearing Department  
Los Angeles  
ACTUAL SUSPENSION**

<p>Counsel For The State Bar</p> <p><b>Anthony J. Garcia</b> Senior Trial Counsel 845 South Figueroa Street Los Angeles, California 90017 (213) 765-1089</p> <p>Bar # 171419</p>	<p>Case Number(s): 12-O-18034 13-O-11750 13-O-11832 14-O-02700</p>	<p>For Court use only</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b></p> <p><b>JUN 03 2015</b></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>Peter Suk Park</b> 4675 MacArthur Ct #550 Newport Beach, CA 92660 (949) 477-4952</p> <p>Bar # 152619</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>PETER SUK PARK</b></p> <p>Bar # 152619</p> <p>A Member of the State Bar of California (Respondent)</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 6, 1991**.
- (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 **16** 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."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two (2) billing cycles following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

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

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **11-O-13310**
  - (b)  Date prior discipline effective **9/28/12**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **3-110(A), 1-311(D)**
  - (d)  Degree of prior discipline **1 year stayed suspension, two years probation.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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. **See page 13.**
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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. **See page 13.**
- (8)  **Restitution:** Respondent failed to make restitution. **See page 13.**
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct 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 with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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(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:**

**Good Character, Pre-trial Stipulation. See page 13.**

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of **two (2) years**.

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 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.

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

iii.  and until Respondent does the following:

(b)  The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3)  **Actual Suspension:**

(a)  Respondent must be actually suspended from the practice of law in the State of California for a period of **one (1) year**.

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 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct

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

iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

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

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

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- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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**further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

No MPRE recommended. Reason:

- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

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In the Matter of: <b>Peter Suk Park</b>	Case Number(s): <b>12-O-18034</b> <b>13-O-11750</b> <b>13-O-11832</b> <b>14-O-02700</b>
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
<b>Byeong-Ho Gong</b>	<b>\$40,000</b>	<b>November 7, 2007</b>

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

- b. Respondent has kept and maintained the following:
  - i. A written ledger for each client on whose behalf funds are held that sets forth:
    - 1. the name of such client;
    - 2. the date, amount and source of all funds received on behalf of such client;
    - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
    - 4. the current balance for such client.
  - ii. a written journal for each client trust fund account that sets forth:
    - 1. the name of such account;
    - 2. the date, amount and client affected by each debit and credit; and,
    - 3. the current balance in such account.
  - iii. all bank statements and cancelled checks for each client trust account; and,
  - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
  - i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and,
  - v. the person to whom the security or property was distributed.
- 2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
- 3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

**ATTACHMENT TO**

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

IN THE MATTER OF:        PETER SUK PARK

CASE NUMBERS:            12-O-18034, 13-O-11750, 13-O-11932, 14-O-02700

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 12-O-18034 (Complainant: Brenda Ligorsky)

FACTS:

1. In March 2012, respondent represented Fred Saliba in a medical negligence action entitled *Saliba v. St. Joseph Hospital of Orange, et al.*, Orange County Superior Court case number 30-2011-00453927 (the Saliba matter).
2. At all times relevant to this matter, Brenda Ligorsky represented St. Joseph Hospital of Orange in the Saliba matter.
3. On May 10, 2012, attorney John Young Song, State Bar number 176292, substituted into the Saliba matter.
4. On August 14, 2012, the State Bar court, pursuant to Business and Professions Code, section 6007(c) (4), placed Song on involuntary inactive status.
5. Between August 14, 2012 and November 15, 2012, respondent allowed Song to work on Saliba's case, to hold himself out as entitled to practice law, and to engage in activities that constituted the practice of law without providing written notice to Saliba or to the State Bar that Song was working on Saliba's case or in respondent's office.
6. On November 13, 2012, Song filed a Mandatory Settlement Conference Brief and served it on Ligorsky. When Song filed the Mandatory Settlement Conference Brief and served it on Ligorsky, the Mandatory Settlement Conference Brief identified Song as an associate of respondent's law office.
7. On November 14, 2012, Song sent discovery responses to Ligorsky. When Song sent the discovery responses to Ligorsky, the discovery responses identified Song as an associate of respondent's law office.
8. On November 13, 2012, Respondent filed a substitution of attorney form in Superior Court substituting himself for Song as attorney of record in the Saliba matter.
9. On November 15, 2012, at a Mandatory Settlement Conference, respondent and Song appeared at the settlement conference where Song attempted to present Fred Saliba's case to the settlement judge, until Ligorsky informed the settlement judge that Song was not eligible to practice law.

CONCLUSIONS OF LAW:

10. By employing, associating professionally, and by allowing Song to engage in activities that constitute the practice of law when respondent knew or was grossly negligent in not knowing that Song was an involuntarily inactive member of the State Bar, respondent willfully violated Rules of Professional Conduct, rule 1-311(B).

11. By allowing Song to hold himself out as an attorney entitled to practice law and by allowing Song to advocate on behalf of Fred Saliba at a settlement conference in *Saliba v. St. Joseph Hospital of Orange, et al.*, respondent wilfully violated Rules of Professional Conduct, rule 1-300(A).

12. By employing Song, when Respondent knew Song had been placed on involuntary inactive status, and failing to provide written notice to the State Bar that respondent had employed involuntarily inactive attorney John Young Song, respondent willfully violated Rules of Professional Conduct, rule 1-311(D).

13. By employing Song, when Respondent knew Song had been placed on involuntary inactive status, and failing to provide written notice to his client, Fred Saliba, that respondent had employed involuntarily inactive attorney John Young Song to work on Fred Saliba's case, respondent wilfully violated Rules of Professional Conduct, rule 1-311(D).

Case No. 13-O-11750 (Complainant: Byeong-Ho Gong)

FACTS:

14. On November 7, 2007, Byeong-Ho Gong, (Gong) hired Respondent to file what are commonly referred to as EB-1 and EB-2 immigration petitions for himself, his wife Hae Sook Suh (Suh), and his two sons with the United States Citizenship and Immigration Services (USCIS).

15. Gong paid respondent \$40,000 as an advance fee for his legal services.

16. On May 20, 2008, Respondent sent an email to Gong stating the "first preference petition has been submitted to the USCIS, and we are working on the second preference petition."

17. On June 29, 2008, Respondent sent Gong an email stating "your immigration processing is proceeding well so far."

18. On July 18, 2009 and July 24, 2009, Respondent sent emails to Gong indicating the case was going well.

19. On July 22, 2011, Respondent sent Gong an email requesting phone numbers and indicating they were needed for immigration processing.

20. On November 10, 2012, Suh sent an email to Respondent asking about the progress of their EB-1 and EB-2 petitions. On November 11, 2012, Respondent replied to the email but failed to provide the status of their case.

21. On February 14, 2013, Suh sent another email to Respondent requesting information on when the petitions were submitted and the associated case number. On February 16, 2013, Respondent replied to the e-mail and asked Suh for some additional time to respond.

22. On March 3, 2013, Gong requested copies of certain documents as proof that Respondent had filed a petition. As of March 3, 2013, respondent had not filed any petitions for immigration relief for Gong or his family, and therefore respondent had not earned any of the advanced fees that Gong paid.

23. On March 7, 2013, Gong effectively terminated respondent's employment, demanded the return of his file, and a refund of the advance fees that he had paid.

24. Respondent has not refunded any of Gong's fee, has not returned Gong's file to him, and has not provided an accounting to Gong of the advance fees that Gong paid.

#### CONCLUSIONS OF LAW:

25. By failing to file the immigration petitions with USCIS on behalf of Gong and his family, respondent intentionally or recklessly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

26. By performing no services of value on behalf of Gong and his family, and therefore earning none of the advanced fees paid, respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2).

27. By failing to render an accounting of the advance fee to Gong, respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(3).

28. By failing to promptly release Gong's file to him following Gong's request for his file, respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1).

29. By telling Gong that he had filed immigration petitions for Gong and his family with USCIS, and assuring Gong that the process was proceeding well, when in fact respondent had not filed anything with USCIS for Gong or his family's behalf, respondent committed an act or acts of moral turpitude in wilful violation of Business and Professions Code, section 6106.

#### Case No. 13-O-11832 (Complainant: Nery Orlando Castillo Rivera)

#### FACTS:

30. In October 2006, Nery Orlando Castillo Rivera (Castillo) employed attorney Jonathan Rhee to represent him and his wife in immigration removal proceedings.

31. In April 2010, Castillo was informed that Rhee would no longer represent him and his wife and that Respondent would represent them in their immigration removal proceedings. Castillo consented to the change. In February 2012, respondent appeared in immigration court with Castillo, where the court set the next hearing date for September 18, 2012, and served the new date upon respondent. Respondent received notice of the new date.

32. In July 2012, Respondent, or someone in respondent's office, informed Castillo that his immigration hearing was scheduled for September 18, 2013. In fact the hearing was scheduled for September 18, 2012.

33. On September 18, 2012, neither respondent nor Castillo appeared at the hearing. As a result, the immigration court ordered Castillo and his wife removed from the United States.

34. On September 20, 2012, after learning that the court ordered Castillo removed, respondent filed a motion to reopen Castillo's immigration proceedings. Respondent did not inform Castillo that the court had ordered his removal or that respondent had filed a motion to reopen the immigration proceedings.

35. On November 26, 2012 the Immigration court denied Respondent's motion to reopen Castillo's removal proceedings.

36. In December 2012, Respondent met with Castillo but did not inform him that he had filed a motion to reopen their removal proceedings and that it had been denied.

37. In 2013, Castillo hired new counsel who successfully reopened Castillo's immigration proceedings.

#### CONCLUSION OF LAW:

38. By failing to inform Castillo that the immigration court had ordered his removal, that respondent had filed a motion to reopen the immigration proceedings, and that the motion to reopen the proceedings had been denied, Respondent wilfully violated Business and Professions Code, section 6068(m).

#### Case No. 14-O-02700 (Complainant: James Shin)

#### FACTS:

39. The Supreme Court suspended respondent's license to practice law from July 2, 2013 through July 16, 2013, because respondent had not paid the annual dues owed to the State Bar of California.

40. On July 12, 2013, respondent represented Jong Ok Lim (Lim), in a matter entitled *Jong Ok Lim v. Il Nam Kim*, United States Bankruptcy Court, case number 2:12-ap-02696-BB (the bankruptcy matter).

41. On July 12, 2013, respondent filed an Ex Parte Application for Reconsideration on behalf of Lim in the bankruptcy matter.

#### CONCLUSION OF LAW:

42. By filing an Ex Parte Application for Reconsideration on Lim's behalf when respondent was not entitled to practice law, respondent wilfully violated Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

43. By holding himself out as entitled to practice law and actually practicing law when respondent knew, or was grossly negligent in not knowing, that respondent was not an active member of the State Bar, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** On September 28, 2012, the Supreme Court, in case number 11-O-13310, imposed two years of probation, and suspended respondent for one year, stayed, for violations of Rules of Professional Conduct, rules 3-110(A) and 1-311(D). In case number 11-O-

13310, respondent hired an attorney whose license to practice law had been suspended. Respondent failed to properly supervise the suspended attorney and failed to notify the State Bar that he had employed a suspended attorney.

**Multiple Acts of Wrongdoing (Std. 1.5(b)):** Respondent's misconduct evidences multiple acts of misconduct.

**Failure to Make Restitution (Std. 1.5(i)):** To date, respondent had failed to refund any of the advance fee that Gong paid respondent.

**Harm (Std. 1.5(f)):** Respondent's actions harmed his clients in the Gong and Castillo matter because he failed to do the work he was hired to do in the Gong matter and he has failed to refund the \$40,000 in unearned fees. Respondent failed to inform Castillo of significant events in Castillo's matter which led the immigration court ordering his removal. Respondent harmed the administration of justice by allowing Song to practice law in the Saliba matter and by practicing law himself while he was suspended.

#### **MITIGATING CIRCUMSTANCES.**

**Good Character:** Respondent has tendered four character letters to the State Bar from witnesses, including one from an attorney. The witnesses state that they are aware of the allegations against respondent and have attested that respondent is ethical and hard working. (*In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592. [Three witnesses accorded significant weight in mitigation due to their familiarity with Respondent and their knowledge of his good character work habits and professional skills.])

**Pretrial Stipulation:** Respondent admitted to the misconduct and entered into this stipulation fully resolving this matter prior to trial. Respondent's cooperation at this stage has saved the State Bar resources and time. Respondent is entitled to mitigation for his cooperation. (*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].)

#### **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 Silvertown* (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 twelve acts of professional misconduct. Standard 1.7(a) requires that where a Respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to Respondent’s misconduct is found in Standard 2.7, which applies to Respondent’s violation of Business and Professions Code, section 6106. Standard 2.7 provides that disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law.

Here, each instance of misconduct was related to the practice of law. Respondent harmed two clients because he failed to do the work he was hired to do in the Gong matter and he has failed to refund the \$40,000 in unearned fees. Respondent failed to inform Castillo of significant events in Castillo’s matter which led the immigration court ordering his removal. Respondent harmed the administration of justice by allowing a disbarred attorney to practice law in his office, by failing to give proper notice to the State Bar about his employment of a disbarred attorney, and by filing a pleading in bankruptcy court when he was suspended.

Respondent received one year stayed suspension in his prior discipline. In the prior discipline, respondent violated Rules of Professional Conduct, rules 3-110(A), for failing to supervise a suspended attorney and 1-311(D), for failing to inform the State Bar that he had employed a suspended attorney. In case number 12-O-18034, respondent allowed a disbarred attorney to work in his office where the attorney communicated with opposing counsel, and respondent again failed to notify the State Bar that he had employed a disbarred attorney. On balance, a one year period of actual suspension is warranted by the facts of this case.

Respondent’s misconduct is serious and when looked at together suggest that actual suspension is an appropriate discipline in this matter. Case law gives further guidance on the appropriate length of actual suspension.

In *Carter v. State Bar* (1988) 44 Cal.3d 1091, the attorney was found culpable in two separate matters including abandonment in one of the matters and improper withdrawal in the other with misrepresentations. He had received a prior public reproof. The Court imposed a two year suspension, stayed, on conditions including six months actual suspension. In arriving at the appropriate level of discipline, the Court focused heavily on the fact that the attorney had wronged a total of three clients in three matters. Based on the multiple acts and other aggravating circumstances, the Court expressed a concern that the misconduct could easily recur in the future.

Like Carter, respondent's actions affected multiple clients. Respondent violated Rules of Professional Conduct, rule 1-311(D) in his prior discipline and his second violation of 1-311(D) raises the concern that the misconduct could reoccur. On balance, discipline including one (1) year of actual suspension will protect the public, the courts, and the legal profession, and serve the purposes of attorney discipline as announced in Standard 1.1.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 14, 2015, the prosecution costs in this matter are \$11,000. 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.

**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>
13-O-11750	Ten	Failure to respond to client inquiries

**EXCLUSION FROM MCLE CREDIT**

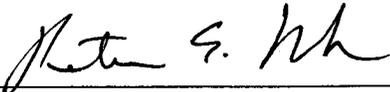
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

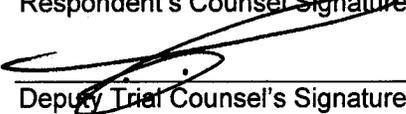
(Do not write above this line.)

In the Matter of: PETER SUK PARK	Case number(s): 12-O-18034 13-O-11750 13-O-11832 14-O-02700
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**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.

5/18/2015                                            PETER SUK PARK  
Date                                      Respondent's Signature                                      Print Name

\_\_\_\_\_  
Date                                      Respondent's Counsel Signature                                      Print Name  
5/18/15                                                            ANTHONY J. GARCIA  
Date                                      Deputy Trial Counsel's Signature                                      Print Name

(Do not write above this line.)

In the Matter of: PETER SUK PARK	Case Number(s): 12-O-18034 13-O-11750 13-O-11832 14-O-02700
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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.
1. On page 7 of the Stipulation, the following language is added to paragraph a.: "Respondent must furnish satisfactory proof of restitution to the State Bar's Office of Probation in Los Angeles."
  2. On page 9 of the Stipulation, at the top of the page, case number "13-O-11932" is deleted, and in its place is inserted "13-O-11832".

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

June 2, 2015  
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 Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 3, 2015, 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:

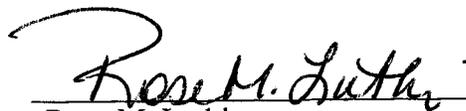
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PETER S. PARK  
PARK & ASSOCIATES  
4675 MACARTHUR CT #550  
NEWPORT BEACH, CA 92660

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

ANTHONY GARCIA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 3, 2015.



Rose M. Luthi  
Case Administrator  
State Bar Court