

**STATE BAR COURT OF CALIFORNIA**  
**HEARING DEPARTMENT - SAN FRANCISCO**

In the Matter of	)	Case No.: <b>13-O-12580-LMA</b>
	)	
<b>SHELDON WAYNE FEIGEL,</b>	)	<b>DECISION AND ORDER OF</b>
	)	<b>INVOLUNTARY INACTIVE</b>
<b>Member No. 160455,</b>	)	<b>ENROLLMENT</b>
	)	
<u>A Member of the State Bar.</u>	)	

**Introduction**<sup>1</sup>

In this contested, original disciplinary proceeding, respondent **SHELDON WAYNE FEIGEL** has been charged with nine counts of misconduct consisting of failing to perform legal services with competence, acts of moral turpitude (six counts – including misrepresentation, fabrication of a court order, and misappropriation), failure to deposit client funds in a trust account, and failing to release a client file on request. The court finds respondent culpable of all nine counts and, based on the serious nature of respondent’s misconduct, the aggravating circumstances in this matter, and the lack of compelling mitigating factors, the court recommends that respondent be disbarred from the practice of law in California.

**Significant Procedural History**

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

This proceeding was initiated by the Office of the Chief Trial Counsel of the State Bar of California's (State Bar) filing and service of a notice of disciplinary charges (NDC) against respondent on December 26, 2013.

On January 22, 2014, respondent filed an answer to the NDC in which he specifically denied the allegations in all paragraphs of the NDC except the one dealing with the court's jurisdiction over respondent. However, on April 21, 2014, respondent filed a first amended answer to the NDC in which he admitted all nine counts.

On April 29, 2014, the parties filed a Stipulation as to Facts and Admission of Documents. Trial was held on April 29, 2014. The State Bar was represented by Robert A. Henderson. Respondent represented himself. This matter was submitted for decision on April 29, 2014.

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

Respondent was admitted to the practice of law in California on December 9, 1992, and has been a member of the State Bar of California at all times since that date.

#### **Case No. 13-O-12580 (Silver D Bar Training Center Matter)**

##### **Facts**

At all times relevant herein, respondent represented Silver D Bar Training Center (Silver D), a training and boarding facility for thoroughbred race horses. Shimamura Racing Stables, LLC (Shimamura) had one horse in the care of Silver D, and Earl Richey (Richey) had two horses in Silver D's care.

In early 2009, Silver D hired respondent to collect on accounts owed to them from Shimamura and Richey. Shimamura and Richey had failed to make payments to Silver D, had failed to take possession of their respective horses, and Silver D had a livestock lien on the

Shimamura and Richey horses. Silver D hired respondent to file lawsuits on their behalf and to obtain and enforce judgments against Shimamura and Richey for the amounts owed to Silver D.

On January 14, 2009, respondent wrote a demand letter to Shimamura regarding the outstanding money owed to Silver D.

On February 13, 2009, respondent obtained a Release of Interest in Livestock (release) from Shimamura which allowed Silver D to dispose of or sell the Shimamura horse. Silver D was unable to find a purchaser for the Shimamura horse and eventually gave the horse away so that they would no longer incur costs for the care of the animal. Nevertheless, Silver D still expected respondent to collect on the outstanding bill owed by Shimamura.

At no time did respondent file a civil lawsuit against Shimamura or Richey on behalf of Silver D.

On October 1, 2010, respondent submitted an invoice to Silver D. The October 1, 2010, invoice submitted by respondent to Silver D listed \$910 in costs advanced by respondent for the filing fees and service of process fees<sup>2</sup> in the lawsuits against Shimamura and Richey. At the time respondent submitted the invoice, respondent knew that he had not advanced the costs of the lawsuits, and that no lawsuits had actually been filed. As of October 1, 2010, and continuing thereafter, respondent did not advance any filing fees or service of process fees in the Shimamura and Richey matters.

On January 21, 2011, respondent received \$910 from Silver D for the costs listed on the October 1, 2010, invoice. As of that date, respondent still had not advanced any costs for filing fees or service of process fees. Respondent did not deposit the \$910 received as costs from Silver D into an attorney-client trust account. Rather, respondent negotiated the \$910 check

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<sup>2</sup> The invoice reflected “filing fees advanced \$760” and “service of process fees advanced \$150.”

from Silver D, deposited it in his general account, and intentionally used the funds for his own purposes.

In the Richey matter, Silver D needed respondent to obtain a court order transferring title of the Richey horses. Respondent wanted to assist his client in getting a duplicate title to the horses from the Jockey Club. Therefore, respondent fabricated a legal document purporting to be a judge's order transferring title of the Richey horses. Specifically, the "Order to Transfer Title to Livestock" (Order), which was purportedly filed by the Fresno County Superior Court in *Silver D v. Richey*, case No. SCV 005244, dated January 18, 2011, bearing a stamp reflecting it was filed by "LE – Deputy" and the signature stamp of Joseph C. Scott, Judge of the Superior Court, was fabricated by respondent.

On April 25, 2011, respondent stated in writing to Richey that respondent had obtained an Order transferring title of his horses to other individuals. Respondent knew that the statement to Richey was false.

On April 29, 2011, respondent mailed the fabricated Order to Richey.

On May 17, 2011, respondent stated in writing to the Jockey Club, an organization responsible for registering thoroughbred horses, that respondent had obtained an Order transferring title of two horses from Richey to other individuals who wanted to purchase the horses. At the time he made the statement, respondent knew that the statement was false and was made for the purpose of obtaining duplicate title to the horses. On May 17, 2011, respondent mailed the fabricated order to the Jockey Club, along with proof of the April 29, 2011, mailing of the Order to Richey. Respondent also provided the fabricated Order to Silver D.

On May 23, 2011, in reliance on the fabricated Order, the Jockey Club changed the registration of one of the Richey horses to Henry Moreno.

Silver D provided the fabricated order to Keeneland, which held title to one of the Richey horses. Based on the fabricated order, Keeneland provided the ownership papers for the horse to Jordan Ketscher.

In July 2012, respondent left the following message on the voicemail of Mindy Dodds at Silver D: “Hi Mindy, this is Sheldon Feigel getting back to you. . . . sorry it’s been taking me so long, just been really busy. We did have a hearing several months ago, I can’t remember when it was, several months ago on the Shimamura thing. As you may recall they claimed they should be offset for the value of the horse, and we claimed the horse was worth nothing. We actually had a hearing and because we did not sell the horse for any amount and we had not previous got an appraisal, the court ruled that since there was no way to value the horse that the value of the horse was equal to the value of our claim, and even though they gave us permission to sell it we should have sold it on the market. And not selling it, according to this judge, was equal to the value of our claim so they dismissed this claim as having been satisfied by taking the horse and giving it away. I am not happy with the outcome and I am sure you are not happy with the outcome, but sometimes you just don’t have control of what the court does and what the decision they made. Uhh--so--Unfortunately in this case the judge ruled was satisfied by us taking the horse and giving it away with no value. If you would like to talk with me more about this, give me a call, I know that I am really busy and sorry that I have been difficult to get a hold of I’d be happy to talk to you more about this if you need to. Call me at 875-2221.” The facts related in respondent’s July 2012 voicemail were fabricated, as a judge did not dismiss the Shimamura matter after a hearing. In fact, a lawsuit had never been filed, and respondent knew there was no hearing on this matter.

On September 17, 2012, Silver D requested a copy of the files for the Shimamura and Richey matters.

On October 16, 2012, Silver D terminated respondent's services and demanded the return of their papers and property. However, respondent did not promptly return the files to Silver D after his termination, as requested by his client.

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## **Conclusions**

### ***Count One – Rule 3-110(A) [Failing to Competently Perform Legal Services]***

Rule 3-110(A) provides that an attorney must not recklessly, repeatedly, or intentionally fail to perform legal services with competence. Respondent was employed to collect outstanding boarding fees from Richey, but he willfully violated rule 3-110(A) by performing no legal services of value on his client's behalf.

### ***Count Two - § 6106 [Moral Turpitude – Misrepresentation]***

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment. By submitting an invoice to his client representing that he had paid \$910 in costs on his client's behalf when he knew the statement was false, respondent committed an act involving moral turpitude and dishonesty in willful violation of section 6106. "[A]n attorney who intentionally deceives his client is culpable of an act of moral turpitude." (*Gold v. State Bar* (1989) 49 Cal.3d 908, 914.)

### ***Count Three - § 6106 [Moral Turpitude – Misappropriation]***

Respondent willfully violated section 6106 by using the \$910 in costs paid to him by his client for his own purposes. "There is no doubt that the wilful misappropriation of a client's funds involves moral turpitude. [Citations.]" (*Bate v. State Bar* (1983) 34 Cal.3d 921, 923 [196 Cal. Rptr. 209, 671 P.2d 360]; *In re Freiburghouse* (1959) 52 Cal.2d 514, 516 [352 P.2d 1].)" (*McKnight v. State Bar* (1991) 53 Cal.3d 1025, 1033-1034.)

***Count Four – Rule 4-100(A) [Failure to Maintain Client Funds in Trust Account]***

Rule 4-100(A) provides that all funds received or held for the benefit of a client must be deposited in a client trust account and no funds belonging to the attorney or law firm may be deposited therein or otherwise commingled therewith, except for limited exceptions. Respondent willfully violated rule 4-100(A) by failing to deposit the \$910 in costs received from his client in a client trust account.

***Count Five - § 6106 [Moral Turpitude – Fabrication of Court Order]***

Respondent willfully violated section 6106 by fabricating the Order purporting to be a judge's order transferring title of the Richey horses. Deceit involves moral turpitude. (*In re Cadwell* (1975) 15 Cal.3d 762, 772, citing *Cutler v. State Bar* (1969) 71 Cal.2d 241, 252-253.)

***Count Six - § 6106 [Moral Turpitude – Misrepresentation]***

Respondent willfully violated section 6106 by stating in writing to Richey that respondent had obtained an Order transferring title of his horses to other individuals when he knew that the statement to Richey was false.

***Count Seven - § 6106 [Moral Turpitude – Misrepresentation]***

Respondent willfully violated section 6016 by stating in writing to the Jockey Club that respondent had obtained an Order transferring title of two horses from Richey to other individuals who wanted to purchase the horses, when respondent knew at the time he made the statement that the statement was false and was made for the purpose of obtaining duplicate title to the horses from the Jockey Club.

***Count Eight - § 6106 [Moral Turpitude – Misrepresentation]***

Respondent willfully violated section 6106 by stating to his client's representative that the court had held a hearing in the Shimamura matter at which the court dismissed the

Shimamura matter when, at the time he made the statements, respondent knew the statements were false.

***Count Nine – Rule 3-700(D)(1) [Promptly Release Client Papers/Property]***

Rule 3-700(D)(1) provides that an attorney must promptly release to a client, at the client's request, all client papers and property. Respondent willfully violated rule 3-700(D)(1) by not promptly returning Silver D's files to his client after his termination, as requested by his client.

**Aggravation<sup>3</sup>**

**Multiple Acts (Std. 1.5(b).)**

Respondent's multiple acts of misconduct in this matter is an aggravating circumstance.

**Significant Harm to Administration of Justice (Std. 1.5(f).)**

Respondent's act of fabricating a court order significantly harmed the administration of justice and damaged the integrity of the legal profession.

**Mitigation**

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

Although respondent's misconduct was serious, his more than 17 years of discipline-free practice is entitled to mitigating credit. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13 [noting that the Supreme Court has repeatedly applied former mitigation standard 1.2(e)(1) in cases involving serious misconduct and citing *Rodgers v. State Bar* (1989) 48 Cal.3d 300, 317; *Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029].)

**Extreme Emotional Difficulties (Std. 1.6(d).)**

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<sup>3</sup> All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.



From early 2009 to early 2011, respondent had extreme emotional issues in his personal life which caused him significant stress. His stepfather was diagnosed with brain cancer in 2008 and was very ill, requiring full-time care for all his needs. Respondent's mother was in declining health and passed away unexpectedly in December 2009. Respondent's father was also undergoing chemotherapy and much of the responsibility for caring for his father fell on respondent. Ultimately, respondent's father passed away in December 2010.

After the death of respondent's mother and father, respondent's brother requested his help in the administration of the estate. However, there were a lot of emotional issues in dealing with his siblings and the inheritance. This led to respondent being stressed and depressed. Nevertheless, the court gives only minimal weight in mitigation for these emotional issues, as (1) respondent has not demonstrated the role of these emotional difficulties in his misconduct; and (2) no expert testimony was presented to establish a nexus between these emotional difficulties and respondent's misconduct, particularly his fabrication of a court order, his numerous misrepresentations, and his misappropriation of client funds. (*In the Matter of Kaplan* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 547. "[A]s stressful and sympathetic as such personal tragedies are, they cannot serve to excuse conduct that is patently corrupt or dishonest." (*In the Matter of Jenkins* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 157, 164; accord *Kaplan v. State Bar* (1991) 52 Cal.3d 1067, 1072-1073.) Furthermore, the court does not find that respondent has demonstrated by clear and convincing evidence that such emotional problems no longer pose a threat that respondent will commit wrongdoing. (Std. 1.6(d).)

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

Respondent stipulated to facts and to the admissibility of exhibits in this matter, and he also admitted culpability in this matter. Such conduct is entitled to mitigating credit.

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

Six people, including one attorney and three members of respondent's family, testified on respondent's behalf concerning his good character, honesty, and trustworthiness. These witnesses have known respondent between eight and 40 years. Each witness was aware of the charges against respondent and that respondent admitted culpability as to all of the charges. All witnesses testified that respondent's actions were aberrational and out of character for respondent. Nevertheless, the court gives only limited weight to such mitigation, as the court does not find that such witnesses constitute "a wide range of references in the legal and general communities." (*In the Matter of Myrdall* (Review Dept. 1995) 3 Cal. State Bar Ct. Rptr. 363, 387 [limited weight given to testimony of three clients and three attorneys, as they did not constitute a broad range of references; but see *In the Matter of Davis* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 576, 591-592 [testimony of three witnesses given significant weight as witnesses had broad knowledge of attorney's character and long-standing familiarity with the attorney].)

**Community Service (Std. 1.6(f).)**

Respondent has also been a leader of, and has been very involved in, the Mormon Church. He has also been very involved with scouting and very dedicated to the Boy Scouts and to his community. Respondent has put in thousands of hours of service to the church and to the Boy Scouts. Respondent's community service is entitled to significant weight in mitigation.

**Remorse/Recognition of Wrongdoing (Std. 1.6(g).)**

Respondent is remorseful and very embarrassed by his misconduct. Respondent understands that his actions were dishonest, inappropriate, and unacceptable. However, the weight of this mitigating factor is diminished, as there is no evidence that such remorse resulted in prompt objective steps being taken by respondent demonstrating spontaneous remorse, recognition of wrongdoing, and timely atonement. (Std. 1.6(g).) "[E]xpressing remorse for

one's misconduct is an elementary moral precept which, standing alone, deserves no special consideration in determining the appropriate discipline.” (*Hipolito v. State Bar* (1989) 48 Cal.3d 621, 627, fn. 2.)

### **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, preserve public confidence in the profession, and maintain the highest possible professional standards for attorneys. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111; *Cooper v. State Bar*, *supra*, 43 Cal.3d at p. 1025.) In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Although the standards are not binding, they are to be afforded great weight because “they promote the consistent and uniform application of disciplinary measures.” (*In re Silvertown* (2005) 36 Cal.4<sup>th</sup> 81, 91-92.) Nevertheless, the court is not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, the court is permitted to temper the letter of the law with considerations peculiar to the offense and the offender. (*In the Matter of Van Sickle* (2006) 4 Cal. State Bar Ct. Rptr. 980, 994; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) In addition, the court considers relevant decisional law for guidance. (See *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 703.) Ultimately, in determining the appropriate level of discipline, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor v. State Bar* (1990) 50 Cal.3d 1047, 1059; *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

After reviewing the standards and the applicable case law, the court finds that the appropriate discipline recommendation in this matter is disbarment. Standard 1.7(a) provides

that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions. In the present proceeding, the most severe sanction for respondent's misconduct is found in standard 2.7, which provides that disbarment or actual suspension is appropriate for an act of moral turpitude or dishonesty, depending 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.<sup>4</sup>

Respondent engaged in egregious misconduct in this matter, consisting of multiple acts of misrepresentation, fabrication of a court order, misappropriation of client funds, failing to perform legal services competently, failing to promptly return client files, and failing deposit client funds in a trust account. In aggravation, respondent engaged in multiple acts of misconduct and his misconduct significantly harmed the administration of justice and damaged the integrity of the legal profession. In mitigation, respondent practiced law for more than 17 years without prior misconduct; he displayed candor and cooperation to the State Bar; and he engaged in significant community service. The court, however, gave only minimal weight to his emotional problems and his evidence of good character and gave diminished weight to respondent's demonstration of remorse.

"Multiple acts of misconduct involving moral turpitude and dishonesty warrant disbarment." (*Lebbos v. State Bar* (1991) 53 Cal.3d 37, 45.) Respondent's misconduct not only

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<sup>4</sup> Standard 2.1(a) provides that "[d]isbarment is appropriate for intentional or dishonest misappropriation of entrusted funds . . . unless the amount misappropriated is insignificantly small or the most compelling mitigating circumstances clearly predominate, in which case actual suspension of one year is appropriate." Although respondent intentionally misappropriated client funds in this matter, the court does not find this standard to be the most severe applicable standard, as the amount of funds misappropriated was insignificant. (Cf. *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335 [\$942 considered an insignificant amount, but attorney may still be disciplined for mishandling that amount].)

misled his client, but others as well, and respondent's misconduct was directly related to his practice of law as it occurred during his representation of Silver D. Accordingly, standard 2.7 provides that the recommended discipline in this matter should be disbarment.

The court also finds that case law supports the disbarment recommendation in this matter. In particular, the court found the following cases instructive: *Kaplan v. State Bar, supra*, 52 Cal.3d 1067 and *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511. In *Kaplan*, the attorney intentionally misappropriated, over a seven-month period, a total of \$29,000 and thereafter engaged in several instances of deceit towards his victims and the State Bar. In mitigation, the attorney had no prior discipline in some 12 years of practice and suffered emotional problems mainly related to a relative's terminal illness and to marital stress. However, the Supreme Court did not find these mitigating factors sufficiently compelling to warrant discipline less than disbarment, as the attorney had not taken the money for any apparent reason, and the attorney had not proven that he no longer suffered from his emotional problems.

In *Spaith*, the attorney intentionally misappropriated approximately \$40,000 and engaged in repeated acts of deceit by intentionally misleading his client over a period of approximately one year as to the money's status. The attorney was also found culpable of failing to maintain settlements funds in a trust account; failing to respond to client inquiries and to keep his client informed of significant developments; and failing to timely pay, as requested by his client, funds in his possession belonging to his clients. In aggravation, the review department found that the attorney engaged in multiple acts of misconduct; the client suffered harm due to the loss of her funds; and the attorney was found culpable of uncharged misconduct, specifically violation of a court order. In mitigation, the court noted the attorney's community service and pro bono activities; his demonstration of good character; and his candor/cooperation with the State Bar by admitting his misconduct to the State Bar. The court gave some weight to the attorney's 15 years

of discipline-free practice, but had concerns about similar future misconduct. However, the court gave only little weight in mitigation to the attorney's restitution or for confessing his misconduct to his client, due to the timing of the restitution and the confession. Similarly, the court gave only little weight in mitigation to the attorney's financial difficulties or marital problems, as there was no assurance the attorney's emotional problems were resolved.

Although respondent in this matter did not misappropriate a significant amount of money, as did the attorneys in *Kaplan* and *Spaith*, respondent engaged in misconduct over a two year period, and his dishonest and deceitful misconduct was egregious and protected, spanning over 19 months. Accordingly, the court does not find respondent's misconduct to be aberrational, as when viewed as a whole, respondent's misconduct was repeated and serious. (See *In the Matter of Spaith, supra*, 3 Cal. State Bar Ct. Rptr. at p. 520.)

Of particular concern to the court is respondent's contention that his misconduct was due to the extreme emotional issues in his personal life at the time which caused him significant stress. However, respondent did not (1) demonstrate the role of these emotional difficulties in his misconduct, particularly with respect to his multiple acts of dishonesty and moral turpitude; (2) no expert testimony was presented to establish a nexus between respondent's emotional difficulties and his misconduct; and (3) respondent failed to demonstrate by clear and convincing evidence that such emotional problems no longer pose a threat that respondent will commit wrongdoing. The court notes that respondent did not present any evidence of having sought counseling or psychological help for his emotional problems. As such, the court has no reassurance that future emotional problems would not result in similar misconduct. (See *In the Matter of Spaith, supra*, 3 Cal. State Bar Ct. Rptr. at p. 520.) Accordingly, despite respondent's 17 years of blemish-free practice, the court is concerned the similar misconduct may occur in the future. (See *In the Matter of Spaith, supra*, 3 Cal. State Bar Ct. Rptr. at pp. 520-521.)

“Honesty is one of the most fundamental rules of ethics for attorneys ([Citations].)” (*In the Matter of Crane and DePew* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 139, 161.)

“[R]espondent’s misconduct [violated] two of the most essential concepts underlying the attorney-client relationship, honesty and fidelity, and thereby seriously [endangered] public confidence in the legal profession.” (*In the Matter of Spaith, supra*, 3 Cal. State Bar Ct. Rptr. at p. 514.) Accordingly, the court does not find the mitigating circumstances in this matter compelling, or that they outweigh the serious nature of the misconduct and the aggravating circumstances, such that discipline less than disbarment would be warranted in this matter.

### **Recommendations**

#### **Disbarment**

It is recommended that respondent Sheldon Wayne Feigel, State Bar Number 160455, be disbarred from the practice of law in California and that respondent’s name be stricken from the roll of attorneys.

#### **Restitution**

The court also recommends that respondent be ordered to make restitution to Silver D Bar Training Center in the amount of \$910, plus 10% interest per year from October 1, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

#### **California Rules of Court, Rule 9.20**

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to 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 in this proceeding. Failure to do so may result in disbarment or suspension.

#### **Costs**

It is recommended that 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.

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**Order of Involuntary Inactive Enrollment**

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

Dated: August \_\_\_\_\_, 2014

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LUCY ARMENDARIZ  
Judge of the State Bar Court