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State Bar Court of California Hearing Department Los Angeles DISBARMENT			PUBLIC MATTER
Counsel For The State Bar Kim Kasreliovich Senior Trial Counsel 845 S. Figueroa Ave Los Angeles, CA 90017 (213) 765-1378 Bar # 261766	Case Number(s): 15-O-13354 - WKM	For Court use only <div style="font-size: 1.5em; font-weight: bold; margin-bottom: 5px;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">OCT 06 2016</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">STATE BAR COURT</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">CLERK'S OFFICE</div> <div style="font-size: 0.8em; font-weight: bold;">LOS ANGELES</div>	
Counsel For Respondent Mark Kiefer Ericksen Arbuthnot 835 Wilshire Boulevard, Suite 500 Los Angeles, Ca. 90017 (213) 489-4411 Bar # 116633	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: DEAN ROBERT KITANO Bar # 182398 A Member of the State Bar of California (Respondent)			

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 11, 1996**.
- (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 resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **(12)** 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):
- Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

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

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code or the Rules of Professional Conduct.

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- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. **For a further discussion of Harm, see pages 8-9 .**
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. For a further discussion of Multiple Acts, see page 8.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of 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 objectively 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

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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.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

No Prior Discipline, page 9.

Pretrial Stipulation, page 9.

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D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **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.

- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.

- (3) **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DEAN ROBERT KITANO
CASE NUMBER: 15-O-13354

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. 15-O-13354 (Complainant: Shohreh Bahri)

FACTS:

1. On August 15, 2007, Mir Akhorli (“Akhori”) and ING Radiology Medical Center Inc. (“ING”), entered into a partnership agreement to establish and operate a Magnetic Resonance Imaging (MRI) facility in Long Beach. Akhorli was in the business of establishing MRI facilities. Under the agreement, Akhorli and ING were 50-50 partners; ING was required to contribute \$550,000 to the venture, and Akhorli was obligated to contribute his special skill and experience in the MRI services industry to make the business profitable. The business was to be managed by Anational MRI Company (“Anational”).
2. Respondent formed ING for the purpose of entering into the agreement with Akhorli and Respondent was ING’s sole shareholder. At the time the agreement was entered into, and continuing for several months after, Respondent was also the attorney for Akhorli and Anational. Respondent incorporated Anational for Akhorli and Akhorli was the sole shareholder of Anational.
3. On December 1, 2007, Dr. Shohreh Bahri (“Bahri”) also entered into a partnership with Akhorli to open and operate the same MRI facility in Long Beach, CA. Bahri and Akhorli were 50-50 partners. In exchange for their respective 50% interests in the business, Bahri was to contribute \$300,000 and Akhorli was to obtain an MRI machine and contribute his knowledge and expertise. Bahri contributed the \$300,000 agreed upon in the partnership agreement. Respondent’s involvement in the MRI facility was unknown to Bahri at this time.
4. By mid- December 2007, the MRI facility was open and operating, but Bahri felt there were problems. Akhorli had represented that he would obtain a new MRI machine, but what he contributed was an older, used model. Additionally, Akhorli directed fewer patients to the MRI facility than he said he would. By January 2008, Bahri was already having second thoughts about her investment.
5. However, on January 30, 2008, Bahri received a letter from Respondent on his law office letterhead, giving notice to Bahri that Akhorli intended to sell his 50% interest in the Long Beach MRI facility at a purchase price of \$550,000 to ING Radiology Medical Center Inc. By way of the letter, Bahri was given the right of first refusal. Respondent did not tell Bahri that *he* was ING or that Respondent and Akhorli had entered into their own partnership agreement prior to the agreement that Akhorli had entered into with Bahri.

6. Bahri did not match the ING bid, did not object to the contemplated sale, and was mollified to learn that her investment was apparently worth substantially more than she paid for it. Thereafter, Bahri heard nothing more about the sale or about any change in her partnership arrangement with Akhorli.

7. Bahri's relationship with Akhorli continued to deteriorate and in April 2008, Bahri contacted a business broker with the intent to sell her share of the business. The broker advised Bahri that it would be much better if Akhorli agreed to sell his share of the business too. To that end, Bahri and the broker met with Akhorli to attempt to persuade Akhorli to sell. Akhorli told them that he did not want to sell and persuaded Bahri that business was improving. Respondent was present in the meeting and said nothing about being part owner of the MRI facility.

8. Bahri was unaware that at the same time, Akhorli was being sued by a former investor in a different MRI facility, *Kim v. Akhorli*, Los Angeles Superior Court case number NC039604 ("the Kim matter"). On May 23, 2008, Kim obtained a multi-million dollar default judgment against Akhorli. Respondent represented Akhorli in the Kim matter.

9. Pursuant to the judgment, the court in the Kim matter appointed a receiver to seize Akhorli's assets. In July 2008, the receiver seized the Long Beach MRI facility and shut it down.

10. On August 1, 2008, Respondent filed a declaration in the Kim matter stating that the seizure was unjustified because while Akhorli did own Anational, the management company, he did not own an actual share of the business. In the declaration, Respondent stated that Akhorli had no ownership interest in the MRI facility, and that in September 2007, ING and Bahri had become co-owners of the business and had purchased an MRI machine from Anational for \$650,000. As a result of Respondent's declaration the seizure was expunged and the business reopened briefly.

11. At the time he wrote and submitted the declaration, Respondent knew the statements that Akhorli had no ownership interest in the MRI facility, that ING and Bahri were co-owners of the MRI facility, and that ING and Bahri purchased an MRI machine from Anational, were false.

12. Respondent's declaration was Bahri's first notice that ING was claiming to be her partner and not Akhorli. Bahri filed suit against Respondent, Akhorli and Anational to get her investment back; Orange County Superior Court case number 30-2008-00109812-CU-FR-CJC, *Bahri v. Anational MRI Center et al.*. Akhorli filed bankruptcy and was dismissed from the case. Anational defaulted. The suit proceeded forward with Respondent and ING as the remaining defendants.

13. On October 23, 2010, the court filed its' Statement of Decision in the case. The court found Respondent liable for breach of fiduciary duty, fraud by concealment, fraud by intentional misrepresentation, fraud by negligent misrepresentation, and a violation of the Uniform Transfer Act.

14. With respect to Bahri's fraud claims, the trial court found Akhorli and Respondent made false representations and concealed material facts with the intent to both induce Bahri to buy into the business and prevent her from discovering their plot to defraud her. Whereas Akhorli's false promises were key to inducing Bahri to enter into the partnership, the court found Respondent was instrumental in terms of stringing Bahri along and preventing her from discovering that Akhorli was not really her partner. Specifically, the court found the information contained in Respondent's letter dated January 30, 2008, "was false and known by Kitano to be false. [] Kitano made the false representations to Bahri in an effort to continue the fraud perpetrated by Akhorli and prevent or delay Bahri's discovery of the fraud."

15. Describing Akhorli and Respondent's conduct as "malicious" and "oppressive," the court found they "engaged in a systematic pattern of deceptive and fraudulent practices" to bilk Bahri out of her money. Therefore, they were liable for each other's actions as co-conspirators in the case. The court further found Respondent was ING's alter ego created solely for the furtherance of the fraud, and he "specifically used his credentials, special knowledge and experience as a licensed attorney . . . [to] participate in and aid and abet the commission or furtherance of a fraud upon Bahri."

16. By way of relief, the trial court rescinded the December 1, 2007 agreement between Bahri and Anational and awarded Bahri damages of \$305,000, representing her initial \$300,000 investment, plus the \$5,000 she paid toward the business's operating expenses. The court also found Bahri was entitled to recover punitive damages and awarded \$25,000.00 in punitive damages against Respondent.

17. Respondent filed an appeal and on December 2, 2011, the Appeals Court rendered its decision, reversing the trial court's decision pertaining to the breach of fiduciary duty, but upholding all the court's remaining findings. Respondent failed to notify the State Bar of the decision of the Appellate Court upholding the judgment against him for fraud within 30 days (or at any time) as required.

CONCLUSIONS OF LAW:

18. By failing to report the judgment against Respondent for fraud in *Bahri v. Anational MRI Center et al.*, Respondent failed to report to the State Bar, in writing, within 30 days of the time Respondent had knowledge thereof, of the entry of judgment against Respondent for fraud in willful violation of Business and Professions Code, section 6068(o)(2).

19. By making false representations to Bahri and concealing material facts from Bahri, Respondent participated in acts designed to defraud Bahri and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

20. By filing the August 1, 2008, declaration under penalty of perjury in *Kim v. Akhorli*, when Respondent knew the statements in the declaration were false, Respondent thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

21. By filing the August 1, 2008, declaration under penalty of perjury in *Kim v. Akhorli*, when Respondent knew the statements in the declaration were false, Respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent admits to four violations of the ethical standards that contain multiple acts of wrongdoing.

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)): Respondent's misconduct significantly harmed Bahri who lost a considerable portion of her life's savings. In addition, the actions that Respondent took to shield his own involvement in the partnership harmed Bahri by making it more difficult for Bahri to uncover the fraud.

Additionally, Respondent's actions significantly harmed the administration of justice. Respondent misled the court and caused the receivership to be improperly expunged in the Kim matter when he filed his perjurious declaration.

MITIGATING CIRCUMSTANCES.

No Prior Discipline (Std. 1.6(a)): At the time of the misconduct, Respondent had practiced law for approximately 12 years without a prior record of discipline. However, the mitigative weight is diminished by the serious nature of the present misconduct. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596 [over 10 years of discipline free practice entitled to significant weight]; (*In the Matter of Kueker* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr 583 [record of 14 years of practice without discipline was mitigating but could not outweigh the seriousness of the attorney's misconduct and aggravating circumstances].)

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; (*In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing four 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 applicable standard in this case is Standard 2.11 for Respondent’s violation of Business and Professions Code, section 6106. Standard 2.11 provides that, “Disbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the member’s practice of law.”

The often repeated maxim from a 1936 California Supreme Court ethics case rings true in the present case, “The conduct of [Respondent] violates the fundamental rule of ethics-that of common honesty-without which the profession is worse than valueless in the place it holds in the administration of justice.” (*Tatlow v. State Bar of Cal.*, (1936) 5 Cal. 2d 520, 524; *Alkow v. State Bar of Cal.*, (1952) 38 Cal. 2d 257, 264; *Rhodes v. State Bar* (1989) 49 Cal.3d 50, 60.)

Respondent was determined to be liable for multiple counts of fraud when he conspired with Akhorli to induce Bahri to invest in the MRI facility and took actions to prevent her from discovering their scheme. Specifically, the court found that Respondent concealed material information and made misrepresentations regarding material facts, committed perjury and used his knowledge and position as an attorney in furtherance of the fraud. The court further found that Respondent created ING as a shell corporation to shield himself from liability during the execution of the fraud. Ms. Bahri was so harmed by the misconduct of Respondent that she was not only awarded the return of her investment of approximately \$300,000 but she was also awarded an additional \$25,000 in punitive damages. There is no question that Respondent significantly harmed and misled Ms. Bahri by misusing his license and knowledge of the law to perpetrate a fraud.

Respondent has been in practice for many years. However, this is serious misconduct which disgraces the profession and therefore Respondent’s discipline free-history carries little weight.

In a recent case, *In the Matter of Fahy* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 141, Fahy was found culpable of moral turpitude for misrepresenting to a civil judge that his vote as a juror complied with the laws and evidence. In reality, Fahy had changed his vote to break a deadlock in the jury room and return to his law practice. Fahy was found culpable of one additional count of failing to uphold the Constitution and had significant aggravation, including a prior discipline. However, the Review Department found that Fahy’s deceit to the judge was reprehensible conduct and recommended he be disbarred. In other cases in which an attorney has offered false testimony, the Supreme Court unequivocally stated, “The giving of false or perjured testimony in an official proceeding is serious misconduct warranting severe punishment.” (*Montag v. State Bar*, (1982) 32 Cal. 3d 721, 726.)

Balancing the deceptive nature of Respondent’s misconduct and Respondent’s direct use of his credibility and knowledge as an attorney, against the minimal mitigation in this matter, disbarment is the only appropriate sanction to serve the purposes of attorney discipline.

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COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of September 7, 2016, the prosecution costs in this matter are \$5,816. 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.

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In the Matter of: DEAN ROBERT KITANO	Case number(s): 15-O-13354
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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.

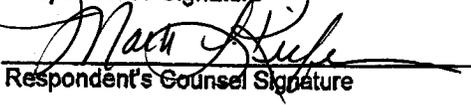
<u>9/7/16</u> Date	 Respondent's Signature	<u>Dean R. Kitano</u> Print Name
_____ Date	_____ Respondent's Counsel Signature	<u>Mark L. Kiefer</u> Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	<u>Kim Kasreliovich</u> Print Name

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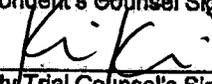
<u>9/7/16</u> Date	 Respondent's Signature	<u>Dean R. Kitano</u> Print Name
<u>9/8/16</u> Date	 Respondent's Counsel Signature	<u>Mark L. Kiefer</u> Print Name
_____ Date	_____ Deputy Trial Counsel's Signature	<u>Kim Kasrelivich</u> Print Name

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<u>9/8/16</u> Date	 Deputy Trial Counsel's Signature	<u>Kim Kasreliovich</u> Print Name

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In the Matter of: DEAN ROBERT KITANO	Case Number(s): 15-O-13354
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DISBARMENT ORDER

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

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

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See 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.)**

Respondent Dean Robert Kitano 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 (3) 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 Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

10/6/16
Date


DONALD F. MILES
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 October 6, 2016, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

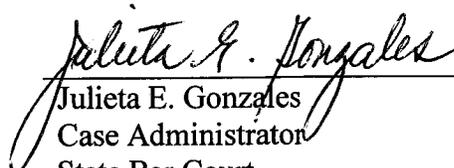
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARK LEROY KIEFER
ERIKSEN ARBUTHNOT
835 WILSHIRE BLVD STE 500
LOS ANGELES, CA 90017

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

Kimberly G. Kasreliovich, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 6, 2016.



Julieta E. Gonzales
Case Administrator
State Bar Court