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State Bar Court of California Hearing Department San Francisco DISBARMENT		
Counsel for the State Bar Susan I. Kagan Supervising Attorney 180 Howard St. San Francisco, CA 94105 (415) 538-2037 Bar # 214209	Case Number(s): 18-O-10561-MC	For Court use only <div style="text-align: center; font-weight: bold; font-size: 1.2em;">PUBLIC MATTER</div> <div style="text-align: center; font-weight: bold; font-size: 1.5em;">FILED</div> <div style="text-align: center;">APR 08 2019 </div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Owen T. Mascott Law Office of Owen T Mascott 72310 Merry Vale Way Palm Desert, CA 92260-6253 (760) 851-6661 Bar # 134243	Submitted to: Assigned 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: OWEN THOMAS MASCOTT Bar # 134243 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 17, 1988**.
- (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 **11** 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."

AB

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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. It is recommended that (check one option only):
- Costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a member who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.
 - Costs 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: **07-O-10804 (S168422)**. **Exhibit 1 is a certified copy of respondent's prior records of discipline.**
 - (b) Date prior discipline effective: **February 25, 2009**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rule 3-110(A) [failure to perform with competence]**
 - (d) Degree of prior discipline: **90-day actual suspension**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
See page 8.
- (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.
- (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.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of Respondent's misconduct.
- (10) **Lack of Candor/Cooperation:** Respondent displayed a lack of candor and cooperation to victims of Respondent's misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. **See page 8.**
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution. **See page 8.**
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

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

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

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- (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 product of any illegal conduct by Respondent, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond Respondent's control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in Respondent's personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of Respondent's misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pretrial Stipulation. See page 8.

D. Recommended Discipline:

Disbarment

Respondent is disbarred from the practice of law in California and Respondent's name is stricken from the roll of attorneys.

E. Additional Requirements:

- (1) **California Rules of Court, Rule 9.20:** Respondent must comply with the requirements of California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter. Failure to do so may result in disbarment or suspension.

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

- (2) **Restitution (Single Payee):** Respondent must make restitution in the amount of \$ **10,361.50**, plus 10 percent interest per year from **May 11, 2016**, to **the California Department of Health Care Services**

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(or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5).

- (3) **Restitution (Multiple Payees):** Respondent must make restitution to each of the following payees (or reimburse the Client Security Fund to the extent of any payment from the Fund to such payee in accordance with Business and Professions Code section 6140.5):

<i>Payee</i>	<i>Principal Amount</i>	<i>Interest Accrues From</i>

- (4) **Other Requirements:** It is further recommended that Respondent be ordered to comply with the following additional requirements:

5. On October 3, 2016, respondent and his co-counsel sent a letter to DHCS claiming that they overlooked the Medi-Cal lien until after they had disbursed the funds.

6. On March 8, 2017, DHCS called respondent and explained that the lien still needed to be paid, even if the funds were already disbursed.

7. On March 8, 2017, DHCS sent a letter to respondent advising that it agreed to reduce its lien to \$43,981.58. Respondent received the letter, but did not respond. Thereafter, DHCS sent additional letters to respondent requesting information about the settlement and the amount of attorney's fees. Respondent received the letters, but did not respond.

8. On April 13, 2017, DHCS called respondent to find out if settlement amount of \$25,000 was correct and to request that he submit evidence of attorney's fees and costs.

9. On June 15, 2017, DHCS sent a letter to respondent requesting a copy of the settlement documents and information about attorney's fees and costs. Respondent provided information about costs and fees.

10. On July 13, 2017, DHCS sent a letter to respondent advising that it agreed to reduce its lien to \$10,399. Respondent received the letter, but did not respond. Thereafter, DHCS sent additional letters to respondent requesting payment of the lien. Respondent received the letters, but did not immediately respond.

11. On August 10, 2017, DHCS called respondent about the lien and respondent advised that he could not pay any of it and that all of money was used to pay attorney's fees, with the remainder to the children.

12. On September 6, 2017, respondent sent a letter to DHCS claiming that he had no present ability to address the lien and requesting to pay \$1,800 in full satisfaction of the lien in installments of \$100 per month.

13. On September 12, 2017, DHCS sent a letter to respondent reiterating its request for payment of \$10,399 to satisfy its lien. DHCS then sent follow-up letters requesting payment. Respondent received all of the letters, but did not respond.

14. On November 2, 2017, DHCS called respondent to inquire about the status of the lien payment. When DHCS advised respondent that it may pursue legal action due to non-payment, Respondent stated that "he could care less and asked [the adjuster] to tell Jerry Brown to go 'F' himself."

15. On December 21, 2017, DHCS sent a letter to respondent advising that it agreed to reduce its lien to \$10,361.50. Respondent received the letter, but did not respond.

16. To date, respondent has failed to pay any portion of the DCHS Medi-Cal lien.

Commingling Issues

17. From at least February 14, 2017 through at least November 14, 2017, respondent repeatedly commingled personal funds in his client trust account by issuing payments for personal expenses. During the same time period, respondent deposited personal funds into the CTA.

CONCLUSIONS OF LAW:

18. By failing to maintain at least \$10,361.50 held for DHCS against the client's recovery in respondent's client trust account, respondent failed to maintain the balance of funds received for the benefit of a client and deposited in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import in willful violation of former rule 4-100(A) of the Rules of Professional Conduct.

19. By misappropriating \$10,361.50 of the funds held for DHCS against the client's recovery, respondent committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

20. By failing to pay any portion of the \$10,361.50 that DHCS was entitled to pursuant to a medical lien, respondent violated California Welfare and Institutions Code, sections 14124.70 - 14124.795 and thereby willfully violated Business and Professions Code, section 6068(a).

21. By depositing funds belonging to respondent into respondent's client trust account and by commingling funds belonging to respondent in respondent's client trust account, respondent deposited and commingled funds in a bank account labelled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of former rule 4-100(A) of the Rules of Professional Conduct.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has three prior records of discipline:

Case No. 07-O-10804 (S168422), effective February 25, 2009. Respondent stipulated to 90-day actual suspension. Respondent plead nolo contendere for failing to perform in a client matter in violation of former rule 3-110(A). In aggravation, respondent had two prior records of discipline, harmed his client, demonstrated indifference and committed multiple acts of misconduct. Respondent received mitigation credit for cooperating in the State Bar investigation and proceedings.

Case No. 06-O-11505 (S153637), effective September 16, 2007. Respondent stipulated to a six-month stayed suspension for violating former rule 3-700(A)(2) by withdrawing from representation without court approval. In aggravation, respondent had a prior record of discipline. Respondent received mitigation credit for cooperating during the State Bar investigation and entering into a stipulation.

Case No. 94-O-15943, effective August 10, 1994. Respondent received a public reproof for making misleading statements to a court in violation of former rule 5-200(B) and Business and Professions Code section 6068(b).

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's misappropriation of the lienholder's funds and multiple instances of commingling over nine months demonstrate multiple acts of misconduct.

Failure to Make Restitution (Std. 1.5(m)): To date, respondent had not paid any portion of the misappropriated funds to DHCS.

MITIGATING 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 high professional standards; and preservation of public confidence in the legal profession. (*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 discipline 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 Respondent’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent committed four acts of 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 2.1(b), which applies to respondent’s grossly negligent misappropriation and provides: “Actual suspension is the presumed sanction for misappropriation involving gross negligence.”

Standard 1.8(b) also applies based on respondent’s three prior records of discipline. Standard 1.8(b) provides: “If a Respondent has two or more prior records of discipline, disbarment is appropriate in the

following circumstances, unless the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct: 1. Actual suspension was ordered in any one of the prior disciplinary matters; 2. The prior disciplinary matters coupled with the current record demonstrate a pattern of misconduct; or 3. The prior disciplinary matters coupled with the current record demonstrate the Respondent's unwillingness or inability to conform to ethical responsibilities."

Here, respondent misappropriated DHCS's funds and commingled personal funds in his client trust account over a nine-month period. Respondent's misconduct is serious, directly related to the practice of law, and aggravated by three prior records of discipline, multiple acts of misconduct and a failure to make restitution. Respondent is only entitled to mitigation for entering into a pretrial stipulation. Notwithstanding the aggravating factors and limited mitigation, the serious nature of respondent's misconduct would result in a long actual suspension or disbarment. When considering applicant's prior records of discipline, however, disbarment is warranted as he meets two of the factors addressed in standard 1.8(b). First, actual suspension was ordered in one of respondent's prior disciplines. Second, respondent's long disciplinary history demonstrates that he is unable or unwilling to conform his conduct. Since the most compelling mitigating circumstances do not predominate, there is no reason to deviate from the disbarment sanction recommended by standard 1.8(b).

In light of the serious and repetitive nature of respondent's misconduct, and his inability or unwillingness to conform his conduct, disbarment is necessary to protect the public and will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 1, 2019 the discipline costs in this matter are \$3,857. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of:
OWEN THOMAS MASCOTT

Case Number(s):
18-O-10561

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.

1. On page 1 of the stipulation, the phrase "Submitted to: Assigned Judge" is CHANGED to "Submitted to: Settlement Judge."
2. On page 1 of the stipulation, in paragraph (A)(3), at the end of the last sentence the follow text is INSERTED after the word "order": "and the Exhibit."
3. On page 8 of the stipulation, in paragraph number 19, in the first line, after the word "misappropriating," the following text is INSERTED: "through gross negligence."
4. On page 8 of the stipulation, in paragraph number 19, in the second line, after the word "turpitude" the comma and the words "dishonesty or corruption" are DELETED.
5. On page 9 of the stipulation, before the paragraph that begins "In this matter," the following paragraph is INSERTED:

Respondent stipulated to culpability on four counts of misconduct. However, three of the four counts are duplicative (i.e. based on the same act of misconduct) and are, therefore, considered to be only a single count of misconduct for purposes of determining the appropriate level of discipline. The three duplicative count are as follows: (1) the count in which Respondent stipulates to failing to maintain \$10,361.50 in his CTA in willful violation of former rule 4 100(A); (2) the count in which Respondent stipulates to misappropriating \$10,361.50 through gross negligence in willful violation of section 6106; and (3) the count in which Respondent stipulates to failing to pay a \$10,361.50 lien in willful violation of section 6068 subdivision (a).

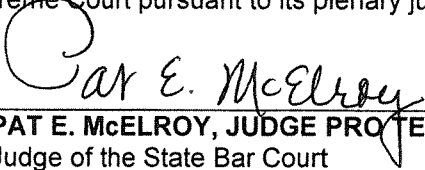
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The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See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

Respondent OWEN THOMAS MASCOTT 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.

Date

April 8, 2019


PAT E. McELROY, JUDGE PRO TEM
Judge of the State Bar Court

SUPREME COURT
FILED

(State Bar Court Case No. 07-O-10804)

S168422

JAN 26 2009

Frederick K. Ohlrich Clerk

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

Deputy

IN RE OWEN THOMAS MASCOTT ON DISCIPLINE

It is ordered that Owen Thomas Mascott, State Bar No. 134243, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including ninety days' actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 12, 2008, as modified by its order filed on September 26, 2008. It is also ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are 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.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

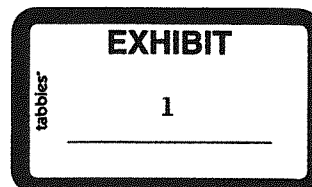
GEORGE

Chief Justice

I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

26 day of January 20 09
By: *[Signature]*
Deputy



kwiktag®

035 133 302

FILED *[Signature]*

SEP 26 2008

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 07-O-10804-LMA
)	
OWEN THOMAS MASCOTT,)	MODIFICATION ORDER
)	
Member No. 134243,)	
)	
<u>A Member of the State Bar.</u>)	

The court sua sponte MODIFIES the parties' stipulation as to facts, conclusions of law, and disposition and this court's order approving that stipulation which were filed on August 12, 2008, as follows:

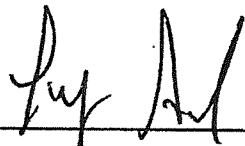
On page 4 of the stipulation, the X in box E(1) is deleted to remove the conditional standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct requirement.¹

Any objection to this modification must be filed within 15 days after the date of service of this order. If either party timely files an objection, the stipulation will be deemed rejected on the date the objection is filed without the necessity of further court order. If no timely objection

¹ A conditional standard 1.4(c)(ii) requirement is inappropriate in this matter because there is no possibility that respondent's actual *disciplinary* suspension will exceed 90 days, much less two or more years.

is filed, the stipulation remains approved as modified herein, and the State Bar Court's staff is directed to transmit the record in this matter to the Supreme Court at that time without further delay.

Dated: September 24, 2008.



LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 San Francisco, on September 26, 2008, I deposited a true copy of the following document(s):

MODIFICATION ORDER

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

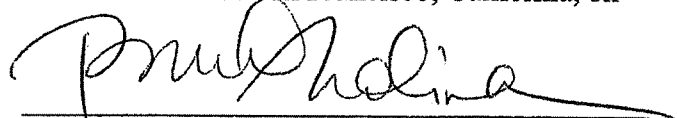
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**OWEN T. MASCOTT
LAW OFC OWEN T MASCOTT
210 N SALINAS ST
SANTA BARBARA, CA 93103**

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

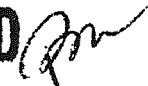
ERICA L. M. DENNINGS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 26, 2008.



Bernadette C.O. Molina
Case Administrator
State Bar Court

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco		
Counsel For The State Bar Erica L. M. Dennings State Bar of California Office of the Chief Trial Counsel 160 Howard Street San Francisco, CA 94105 Bar # 145755	Case Number (s) 07-O-10804	(for Court's use) PUBLIC MATTER FILED  AUG 12 2008 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Owen T. Mascott 210 N. Salinas Street Santa Barbara, CA 93103 Bar # 134243	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
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- (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 11 pages, not including the order.
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- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

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- (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 §§6066.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: (handicap, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) Prior record of discipline [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.

Effective August 10, 1994 in case number 94-O-15943, respondent was publicly reprimanded for violating Rules of Professional Conduct, Rule 5-200(B) and Business and Professions Code section 6066(b) for making misleading statements to a court. The misconduct occurred in 1993.

Effective September 16, 2007, in State Bar Case number 06-O-11505, respondent was suspended for six months, stayed, and placed on probation for one year for violating Rules of Professional Conduct, Rule 3-700(A)(1) for improperly withdrawing from representation. The misconduct occurred in 2005.

- (2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice. Respondent's failure to appear at the license revocation hearing resulted in a default decision against his client.

(Do not write above this line.)

- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. Respondent has not made any amends towards Gotelli.
- (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. Respondent committed multiple acts of misconduct in his representation of his client.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(a)]. 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 or person who was the object of the misconduct.
- (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. Respondent cooperated during the course of the 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 \$ _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

(Do not write above this line.)

- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances are involved.**

Additional mitigating circumstances

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of 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 1.4(c)(ii) 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 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 90 days.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution 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 general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(Do not write above this line.)

- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (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: Respondent was ordered to attend Ethics School pursuant to case no. 06-O-11505 which became effective on September 16, 2007.
- (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 type="checkbox"/> Financial Conditions

F. Other Conditions Negotiated by the Parties:

(Do not write above this line.)

- (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 further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended. Reason:** Respondent was ordered to take and pass the MPRE as part of case no. 06-O-11505 which became effective on September 16, 2007.
- (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:**

In the Matter of
Owen T. Mascott (# 134243)

Case number(s):
07-O-10804

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the plea, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1998, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:
 - (a) an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and
 - (b) if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date July 24, 2008

Owen T. Mascott
Signature

Owen T. Mascott
Print Name

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Owen T. Mascott

CASE NUMBER(S): 07-O-10804

FACTS AND CONCLUSIONS OF LAW.

Respondent pleads nolo contendere to the following facts and violations. Respondent completely understands that the plea for nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified herein.

In or about 2000, the Board of Registered Nursing ("BRN") conducted administrative proceedings against Christine Gotelli ("Gotelli") to revoke her nurse's license. This case resulted in a January 2, 2002 decision to revoke Gotelli's registered nursing license and public health nurse certificate. The revocation was stayed and Gotelli was placed on probation with terms and conditions for seven years.

On January 7, 2003, the BRN filed a Petition to Revoke Probation. The BRN filed the probation revocation proceedings because Gotelli allegedly did not comply with the terms of her probation that had been imposed in 2002. Beginning in or about March 2003, respondent agreed to represent Gotelli in the proceeding to revoke probation before the BRN. *In the Matter of the Petition to Revoke Probation Against: Christine Anne Gotelli*, case no. 2000-251, OAH No. N2003020427. A hearing on petition was scheduled for July 22 and 23, 2003. Respondent agreed to represent Gotelli at the hearing.

On or about May 24, 2003, respondent signed a substitution of attorney substituting himself in place of Gotelli in the probation revocation matter. On or about July 14, 2003, Gotelli filed a complaint for damages against the BRN and others in the district court alleging, inter alia, a violation of Gotelli's equal protection rights. *Christine Gotelli v. California Board of Registered Nursing, Sandra Erickson, et al* United States District Court, Northern District of California case number C 03-03256 JCS. Although Gotelli filed the complaint in pro per, respondent helped her prepare the complaint.

On or about July 18, 2003, Gotelli filed an *ex parte* motion to obtain a temporary restraining order from the district court to stay the license revocation proceedings pending before the BRN. On or about July 18, 2003, the district court issued an order denying Gotelli's request

for a temporary restraining order and also set the hearing for preliminary injunction for August 13, 2003.

On or about July 21, 2003 at approximately 2:20 p.m., Gotelli sent a letter via facsimile to Presiding Administrative Law Judge Melissa Crowell stating that the district court granted the preliminary injunction and all further proceedings would be held in federal court. Gotelli included an unsigned copy of the proposed order in the district court case. Immediately after receiving Gotelli's communication, Judge Crowell sent a letter to respondent via facsimile stating that Gotelli was engaging in *ex parte* communication and that the revocation hearing would go forward. The judge also stated that she would leave a voicemail message for respondent telling him the revocation hearing would go forward.

Judge Crowell also spoke with Char Sachson ("Sachson"), the Deputy Attorney General representing the BRN in the revocation proceeding. At about 3:40 p.m., Sachson sent Judge Crowell via facsimile a copy of the district court's order denying the temporary restraining order, and a letter stating she intended to appear at the hearing scheduled for July 22, 2003 to present the BRN's case. At about 4:49 p.m., respondent sent Judge Crowell a letter via facsimile, stating, in essence, he believed the district court had ordered a stay of the license revocation proceeding and that he and Gotelli did not plan to appear at the hearing due to preemption. Respondent had not seen a copy of the purported order at that time. Respondent advised Gotelli not to attend the hearing.

The probation revocation proceeding took place as scheduled on July 22 and 23, 2003. Neither respondent nor Gotelli appeared at the revocation hearing. At the time respondent contacted Judge Crowell and represented that the federal court had stayed the BRN proceedings, he had not seen a copy of the order, nor had he spoken directly with anyone at the district court about the order. Therefore, his representation that there was a stay in the BRN proceedings was false and misleading.

On July 24, 2003, Administrative Law Judge Jonathan Lew issued an order granting the Petition to Revoke Probation. Gotelli's Registered Nurse License No. 411619 and Public Health Nurse Certificate No. 44323 issued by the BRN were revoked.

Conclusions of Law

By not obtaining a copy of the district court's order denying Gotelli's request for a temporary restraining order, advising Gotelli not to attend the revocation hearing, and not attending the revocation hearing, which caused Gotelli to be unrepresented at the revocation hearing, and which resulted in Gotelli's nursing license being revoked, respondent intentionally failed to perform legal services in wilful violation of rule 3-110(A) of the Rules of Professional

Conduct.

By representing to Judge Crowell that the district court had ordered a stay in the BRN proceedings, when, in fact, it had not, respondent misrepresented the status of the case, thereby committing an act involving dishonesty in wilful violation of section 6106 of the Business and Professions Code.

AUTHORITIES SUPPORTING DISCIPLINE

Because the misconduct in the current matter occurred in 2003 which is prior to the misconduct in case number 06-O-11505, (which misconduct occurred in 2005) the case does not fall strictly within standard 1.7(b) of the Standards for Attorney Sanctions which require disbarment if the respondent has two prior impositions of discipline. Therefore, the appropriate disposition is the discipline respondent would have received if the current case number 06-O-11505 had been brought together, pursuant to the analysis in *In the Matter of Sklar* 2 Cal. State Bar Ct. Rpt. 602.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was July 23, 2008.

(Do not write above this line.)

In the Matter of Owen T. Mascott (#134243)	Case number(s): 07-O-10804
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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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

July 24, 2008 Owen T. Mascott Owen T. Mascott
 Date Respondent's Signature Print Name

_____ _____ _____
 Date Respondent's Counsel Signature Print Name
30 July 2008 Erica L. M. Dennings Erica L. M. Dennings
 Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter Of Owen T. Mascott	Case Number(s): 07-O-10804
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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 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Aug 7, 2008
Jury M

 Date Judge of the State Bar Court Lucy Armenta

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 San Francisco, on August 12, 2008, 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:

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**OWEN T. MASCOTT
LAW OFC OWEN T MASCOTT
210 N SALINAS ST
SANTA BARBARA, CA 93103**

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

ERICA L. M. DENNINGS , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 12, 2008.



Bernadette C. O. Molina
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST October 29, 2018

State Bar Court, State Bar of California,
Los Angeles

By *Cristina Delle*
Clerk

(State Bar Court Case No. 06-O-11505)

S153637

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

SUPREME COURT
FILED

AUG 17 2007

Frederick K. Ohlrich Clerk

DEPUTY

IN RE OWEN T. MASCOTT ON DISCIPLINE

It is ordered that OWEN T. MASCOTT, State Bar No. 134243, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 25, 2007, as modified by its order filed May 31, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are 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.

GEORGE

Chief Justice

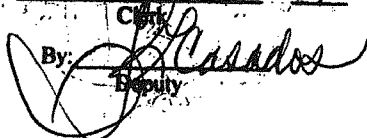
I, Frederick K. Ohlrich, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.

Witness my hand and the seal of the Court this

17 day of August 2007

By

Deputy



kwiktag®

031 976 457

PUBLIC MATTER

FILED *ADS*

MAY 31 2007

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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

In the Matter of
OWEN T. MASCOTT,
Member No. 134243,
A Member of the State Bar.

Case No. 06-O-11505
CORRECTION ORDER

TO ALL PARTIES AND COUNSEL IN THE ABOVE ENTITLED MATTER:

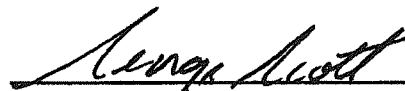
The parties' stipulation and order approving same filed April 25, 2007, are hereby corrected as follows:

On page 7, under AGGRAVATING CIRCUMSTANCES, the effective date of the prior discipline is corrected to read "August 10, 1995."

As the correction is not a substantive change in the stipulation, the matter will be transmitted to the California Supreme Court without further delay.

IT IS SO ORDERED.

Dated: May 31, 2007



George Scott
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 San Francisco, on May 31, 2007, I deposited a true copy of the following document(s):

CORRECTION ORDER

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

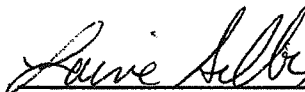
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

OWEN T. MASCOTT
P O BOX 5436
WALNUT CREEK, CA 94596

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

ESTHER ROGERS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 31, 2007.




Laine Silber
Case Administrator
State Bar Court

(Do not write above this line.)

State Bar Court of California

**Hearing Department
San Francisco**

Counsel For The State Bar Esther J. Rogers Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2445 Bar # 148246	Case Number (s) 06-O-11505	(for Court's use) PUBLIC MATTER FILED  APR 25 2007 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Owen T. Mascott P O Box 5436 Walnut Creek, CA 94596 (925)516-8967 Bar # 134243	Submitted to: Settlement Judge	
In the Matter Of: Owen T. Mascott Bar # 134243 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 17, 1988**.
- (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 **8** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(Do not write above this line.)

- (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 added to membership fee for calendar year following effective date of discipline.
 - costs to be paid in equal amounts prior to February 1 for the following membership years: (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

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

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case **See attached**
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances

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

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

Additional mitigating circumstances

D. Discipline:

- (1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **six (6) months**.

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

(2) **Probation:**

Respondent is placed on probation for a period of **one (1) year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.
- (6) 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

(Do not write above this line.)

directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason:
- (8) 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.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input 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 within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2) **Other Conditions:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Owen T. Mascott

CASE NUMBER(S): 06-O-11505

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:

Count One

Statement of Facts

Prior to March 2005, Lance Seymour was the president of Meridian Associates, an entity that hosts, designs, markets and maintains websites. Prior to March 2005, Wesley Rinella hired Meridian to provide website development and maintenance services. After a dispute arose between Meridian and Rinella, Meridian referred Rinella's account to collection agency The National Collection Agency. The amount in dispute was \$2,568.

On or about March 3, 2005, Seymour caused a lawsuit to be filed against Wesley Rinella for breach of contract in the matter *The National Collection Agency vs. Rinella*, Santa Clara County Superior Court, Case number 1-05-CV-036660. On or about September 9, 2005, Seymour employed respondent to represent him in the matter. At the time Seymour employed respondent, the case was set for trial on October 11, 2005. After reviewing the case, respondent stated to Seymour that the case would only take 15 minutes to be heard and that respondent would charge Seymour \$247 for the representation. On or about September 9, 2005, Seymour paid respondent \$247.

On October 5, 2005, respondent filed a Transfer of Plaintiff's Interest informing the court that Meridian Associates was replacing The National Collection Agency as plaintiff. On October 11, 2005, all parties appeared for the trial. After hearing several hours of testimony, the court ruled in defendant's favor and order Seymour to pay Rinella's attorney fees.

On November 1, 2005, Rinella served respondent with a Notice of Motion and Motion for Attorney's Fees, which requested \$6,757.50 in attorney's fees. The hearing was noticed for November 29, 2005. On or about November 1, 2005, respondent faxed a letter to Seymour

stating respondent received Rinella's attorney's "extremely overblown" motion for attorney's fees. The letter also stated that respondent felt "sort-changed" because he was only paid for one and one-half hours of his time and that he "does not want to be counsel for Meridian any longer." The letter concluded by stating that Seymour had 18 days to file an opposition to the motion for attorney's fees. By his November 1, 2005 letter, respondent withdrew from representation. Thereafter, respondent failed to perform any further services for Seymour.

Soon after November 1, 2005, Seymour attempted to find new counsel to oppose the motion for attorney's fees. However, due to the short notice, Seymour was unable to find new counsel to oppose the motion. Seymour was not able to file an opposition himself because corporations must be represented by a lawyer in California courts and Meridian was a corporation. On November 17, 2005, Rinella filed a notice of non-opposition to the Motion for Attorney's Fees and soon thereafter Seymour paid \$5,000 in satisfaction of the attorney's fees.

Respondent was required to obtain permission to withdraw as counsel from the Santa Clara County Superior Court, pursuant to California Code of Civil Procedure section 284(2) and California Rule of Court, rule 376, or to obtain a substitution of counsel from Seymour. Respondent failed to seek or receive permission from the Santa Clara County Superior Court to withdraw as counsel and failed to obtain a substitution of counsel. According to the court file, respondent still remains as counsel of record to Meridian.

Conclusions of Law

By failing to obtain the permission of the Santa Clara County Superior Court, respondent withdrew from representation in a proceeding before a tribunal without its permission, in wilful violation of Rules of Professional Conduct, Rule 3-700(A)(1).

AGGRAVATING CIRCUMSTANCES

Prior Record of Discipline. Standard 1.2(b)(i). Effective August 10, 1994, respondent was publicly reprovved in State Bar Case number 94-O-15943 for making misleading statements to a court in violation of Rules of Professional Conduct, rule 5-200(B) and Business and Professions Code section 6068(b).

MITIGATING CIRCUMSTANCES

Cooperation. Standard 1.2(e)(v). Respondent cooperated with the State Bar's investigation and agreed to the imposition of discipline without requiring a hearing.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was March 28, 2007.

(Do not write above this line.)

In the Matter of Owen T. Mascott	Case number(s): 06-O-11505
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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 Fact, Conclusions of Law and Disposition.

<u>4/5/07</u> Date	<u>Owen T. Mascott</u> Respondent's Signature	<u>Owen T. Mascott</u> Print Name
<u>4/5/07</u> Date	<u>Owen T. Mascott</u> Respondent's Counsel Signature	<u>Owen T. Mascott - pro per</u> Print Name
<u>4/11/07</u> Date	<u>Esther J. Rogers</u> Deputy Trial Counsel's Signature	<u>Esther J. Rogers</u> Print Name

(Do not write above this line.)

In the Matter Of	Case Number(s):
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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 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

4-24-07

Date


Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 San Francisco, on April 25, 2007, 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:

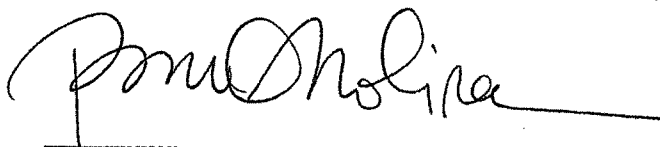
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**OWEN T. MASCOTT
P O BOX 5436
WALNUT CREEK, CA 94596**

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

ESTHER ROGERS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 25, 2007.



Bernadette C. O. Molina
Case Administrator
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST October 29, 2018

State Bar Court, State Bar of California,
Los Angeles

By *Justin Dalk*
Clerk

THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA		<small>FOR COURT USE ONLY</small> PUBLIC MATTER		FILED
HEARING DEPARTMENT		kwiktag®	026 805 820	JUL 25 1995
<input type="checkbox"/> LOS ANGELES	<input checked="" type="checkbox"/> SAN FRANCISCO	STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO		
IN THE MATTER OF <u>DWEN MASCOTT</u> No. <u>134243</u>		CASE NO(S). <u>94-0-15943-JG</u>		
MEMBER OF THE STATE BAR OF CALIFORNIA.		ORDER REGARDING STIPULATION (<input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED) AS TO FACTS AND DISPOSITION		

A fully executed Stipulation as to Facts and Disposition pursuant to rule 133, Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings consisting of 24 pages, approved by the parties, was submitted in the above-captioned case(s). Any stipulations submitted previously are rejected. The Stipulation is attached to this order and incorporated as though fully stated here. Unless a party withdraws or modifies the stipulation pursuant to rule 135(c), Rules of Procedure of the State Bar of California, Title II, State Bar Court Proceedings, this order shall be effective 15 days from the service of this order. After consideration of this Stipulation, the Court orders:

_____ The above mentioned case numbers are consolidated here for the purposes of ruling upon this Stipulation.

_____ Modifications to the Stipulation are attached:

- the parties having no objection.
- the parties having agreed on the record on _____.
- any party must object within 15 days of the service of this order to the Stipulation, as modified by the Court, or it shall become effective; if any party objects, the Stipulation shall be deemed rejected.

JG

It appearing that this Stipulation and all attachments are fair to the parties and consistent with adequate protection of the public, the stipulation is approved and the disposition is:

- ordered.
- recommended to the California Supreme Court.
- further discussion attached.

_____ After due consideration of this Stipulation and all attachments, it is rejected:

- for the reasons discussed with the parties in previous conference(s).
- for the reasons attached to this order.

JG

It is further ordered recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and added to and become part of Respondent's membership fee for the calendar year following the effective date of the disciplinary order issued in this matter.

DATE: July 25, 1995

Jennifer GEE

JENNIFER GEE
JUDGE OF THE STATE BAR COURT

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FILED *At*

JUL 25 1995

STATE BAR COURT CLERK'S OFFICE
STATE BAR COURT SAN FRANCISCO

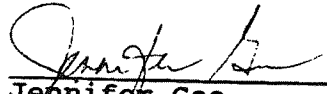
STATE BAR OF CALIFORNIA

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of)	Case No.: 94-O-15943-JG
OWEN MASCOTT, # 134243)	ORDER RE: STIPULATION
A Member of the State Bar)	

In approving the Stipulation as to Facts and Disposition filed in this matter on July 21, 1995, I note that the preprinted Court forms used for the Stipulation refer to the Transitional Rules of Procedure. These rules were replaced with the Rules of Procedure of the State Bar, Title II, State Bar Court Proceedings (eff. Jan. 1, 1995), and all references to the Transitional Rules of Procedure should be construed to refer to the applicable provision in the current rules.

Dated: July 25, 1995



 Jennifer Gee
 Judge of the State Bar Court

COUNSEL FOR STATE BAR:

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
ROBERTA M. YANG
RICHARD HARKER
E. LISA VORGIAS, No. 121136
555 Franklin Street
San Francisco, CA 94102
Telephone: (415) 561-8200

COUNSEL FOR RESPONDENT:

Owen T. Mascott
P.O. Box 13036
Sacramento, CA 95813
(916) 448-5012

(In Propria Persona)

THE STATE BAR COURT
OF THE
STATE BAR OF CALIFORNIA

HEARING DEPARTMENT

[] LOS ANGELES

[X] SAN FRANCISCO

FOR COURT USE ONLY

FILED

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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

IN THE MATTER OF

Owen T. Mascott

No. 134243

MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S).

94-0-15943

STIPULATION AS TO FACTS AND
DISPOSITION (RULES 405-407,
TRANSITIONAL RULES OF PROCEDURE
OF THE STATE BAR OF CALIFORNIA)
[] FIRST AMENDED [] SECOND AMENDED

SCHEDULE OF ATTACHMENTS

[X] SECTION ONE:

[X] FORM STIP 110:

STIPULATION FORM, INCLUDING
GENERAL AGREEMENTS AND
WAIVERS

[X] FORM STIP 120:

AGREEMENTS AND WAIVERS

[X] SECTION TWO:

[X] FORM STIP 130:

STATEMENT OF ACTS OR OMISSIONS
AND CONCLUSIONS OF LAW
WARRANTING THE AGREED
DISPOSITION

Parties'

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SECTION THREE: FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

SECTION FOUR: FORM DISP 200: STATEMENT SUPPORTING DISMISSAL OF ALL CHARGES

FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES

FORM DISP 210: ADMONITION

FORM DISP 220: PRIVATE REPROVAL

FORM DISP 230: PUBLIC REPROVAL

FORM DISP 240: SUSPENSION, INCLUDES NO ACTUAL SUSPENSION

FORM DISP 250: ACTUAL SUSPENSION

FORM DISP 260: PROFESSIONAL RESPONSIBILITY EXAMINATION

FORM DISP 270: REGARDING FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

FORM PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR

FORM PROB 320: RESTITUTION

FORM PROB 330: PROTECTION OF CLIENT FUNDS

FORM PROB 340: MENTAL HEALTH TREATMENT

FORM PROB 350: ALCOHOL/DRUG IMPAIRMENT

FORM PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT

FORM PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION

FORM PROB 380: FURTHER CONDITIONS OF PROBATION

SECTION FIVE: APPROVAL OF PARTIES

Parties'

Initials

O, T, M^{SLV} PAGE 3

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input type="checkbox"/> LOS ANGELES</p> <p><input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>JUL 21 1995</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>IN THE MATTER OF</p> <p><u>Owen T. Mascott</u></p> <p>No. <u>134243</u></p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S).</p> <p>94-0-15943</p> <p>STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA)</p> <p><input type="checkbox"/> FIRST AMENDED <input type="checkbox"/> SECOND AMENDED</p>

SECTION ONE. GENERAL AGREEMENTS AND WAIVERS.

A. PARTIES.

1. The parties to this stipulation as to facts and disposition, entered into under rules 405-407, Transitional Rules of Procedure of the State Bar of California (herein "Rules of Procedure"), are the member of the State Bar of California, captioned above (hereinafter "Respondent"), who was admitted to practice law in the State of California on June 17, 1988 and the Office of the Chief Trial Counsel, represented by the Deputy Trial Counsel of record whose name appears below.

2. If Respondent is represented by counsel, Respondent and his or her counsel have reviewed this stipulation, have approved it as to form and substance, and has signed FORM STIP 400 below.

3. If Respondent is appearing in propria persona, Respondent has received this stipulation, has approved it as to form and substance, and has signed FORM STIP 400 below.

B. JURISDICTION, SERVICE AND NOTICE OF CHARGE(S), AND ANSWER. The parties agree that the State Bar Court has jurisdiction over Respondent to take the action agreed upon within this stipulation. This stipulation is entered into pursuant to the provisions of rules 405-407, Rules of Procedure. No issue is raised over notice or service of any charge(s). The parties waive any variance between the basis for the action agreed to in this stipulation and any charge(s). As to any charge(s) not yet filed in any matter covered by this stipulation, the parties waive the filing of formal charge(s), any answer thereto, and any other formal procedures.

C. AUTHORITY OF EXAMINER. Pursuant to rule 406, Rules of Procedure, the Chief Trial Counsel has delegated to this Deputy Trial Counsel the authority to enter into this stipulation.

Parties'
Initials

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O, T, M PAGE 4

D. PROCEDURES AND TRIAL.

In order to accomplish the objectives of this stipulation, the parties waive all State Bar Court procedures regarding formal discovery as well as hearing or trial. Instead, the parties agree to submit this stipulation to a judge of the State Bar Court.

E. PENDING PROCEEDINGS.

Except as specified in subsection I, all pending investigations and matters included in this stipulation are listed by case number in the caption above.

F. EFFECT OF THIS STIPULATION.

1. The parties agree that this stipulation includes this form and all attachments.
2. The parties agree that this stipulation is not binding unless and until approved by a judge of the State Bar Court. If approved, this stipulation shall bind the parties in all matters covered by this stipulation and the parties expressly waive review by the Review Department of the State Bar Court.
3. If the stipulation is not approved by a State Bar Court judge, the parties will be relieved of all effects of the stipulation and any proceedings covered by this stipulation will resume.
4. The parties agree that stipulations as to proposed discipline involving suspension, are not binding on the Supreme Court of California. Pursuant to Business and Professions Code sections 6078, 6083-6084, and 6100, the Supreme Court must enter an order effectuating the terms and conditions of this stipulation before any stipulation for suspension, actual or stayed, will be effective.

G. PREVIOUSLY REJECTED STIPULATIONS IN PROCEEDINGS OR INVESTIGATIONS COVERED BY THIS STIPULATION.

Unless disclosed by the parties in subsection I, there have been no previously rejected or withdrawn stipulations in matters or investigations covered by this stipulation.

H. COSTS OF DISCIPLINARY PROCEEDINGS. (Check appropriate paragraph(s).)

1. The agreed disposition is eligible for costs to be awarded the State Bar. (Bus. & Prof. Code, §§ 6086.10 and 6140.7.) Respondent has been notified of his or her duty to pay costs. The amount of costs assessed by the Office of Chief Trial Counsel will be disclosed in a separate cost certificate submitted following approval of this stipulation by a hearing judge. The amount of costs assessed by the State Bar Court will be disclosed in a separate cost certificate submitted upon finalization of this matter.
2. The agreed disposition is not eligible for costs to be awarded the State Bar.

I. SPECIAL OR ADDITIONAL AGREEMENTS AS TO SECTION ONE.

Respondent has been advised of pending investigations, if any, which are not included in this stipulation.

FORM STIP 120 is attached, stating further general agreements and waivers.

Parties'
Initials

O, T, M PAGE 5

SECTION TWO. STATEMENT OF ACTS OR OMISSIONS AND CONCLUSIONS OF LAW WARRANTING THE AGREED DISPOSITION.

- The parties have attached FORM STIP 130 and agree that the same warrants the disposition set forth in this stipulation.

SECTION THREE. STATEMENT OF FACTS, FACTORS OR CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION.

The parties agree that the following attachment(s) constitute the facts and circumstances considered mitigating, aggravating or otherwise bearing on the agreed disposition:

- FORM STIP 140: STATEMENT OF FACTS AND CIRCUMSTANCES BEARING ON THE AGREED DISPOSITION

SECTION FOUR. AGREED DISPOSITION

Based on the foregoing and all attachments, the parties agree that the appropriate disposition of all matters covered by this stipulation is (Check appropriate disposition(s); attach schedule(s) if indicated):

- DISMISSAL OF ALL CHARGES [FORM DISP 200]
- DISMISSAL OF CERTAIN CHARGES [Attach FORM DISP 205: STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES]
- ADMONITION [Attach FORM DISP 210: ADMONITION]
- PRIVATE REPROVAL [Attach FORM DISP 220: PRIVATE REPROVAL]
- PUBLIC REPROVAL [Attach FORM DISP 230: PUBLIC REPROVAL]
- SUSPENSION ENTIRELY STAYED [Attach FORM DISP 240: RECOMMENDATIONS FOR STAYED SUSPENSION]
- ACTUAL SUSPENSION [Attach FORM DISP 250: RECOMMENDATIONS FOR ACTUAL SUSPENSION]
- ADDITIONAL PROVISIONS:
- FORM DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION
- FORM DISP 270: FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL

Parties'
Initials

O, T, M ^{ELV}

PAGE

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OFFICE OF THE CHIEF TRIAL COUNSEL
THE STATE BAR OF CALIFORNIA
[] 1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000
[] 555 Franklin Street
San Francisco, California 94102-4498
Telephone: (415) 561-8200

IN THE MATTER OF

Case No.

Owen T. Mascott

94-0-15943

A Member of the State Bar.

DISCLOSURE OF PENDING INVESTIGATIONS

Respondent has been advised in writing of any pending investigations or proceedings not resolved by this Stipulation, identified by investigation case number and complaining witness name, if any. All such information has been provided to the Respondent in a separate document as of July 11, 1995. This date is no more than thirty (30) days prior to the date the Stipulation is filed.

Parties' Initials

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O, T, M PAGE 7

IN THE MATTER OF <u>Owen T. Mascott</u> A Member of the State Bar.	CASE NO(S). 94-0-15943
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ATTACHMENT TO: STIPULATION DECISION

ADDITIONAL AGREEMENTS AND WAIVERS

- FORM TRI 121: WAIVER OF RIGHT TO PETITION FOR RELIEF FROM ASSESSED COSTS
- FORM TRI 122: WAIVER OF ISSUANCE OF NOTICE OF DISCIPLINARY CHARGES
- FORM TRI 123: STATEMENT OF AUTHORITIES SUPPORTING DISCIPLINE
- FORM TRI 124: PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING
- FORM TRI 125: ADDITIONAL AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1
- FORM TRI 126: RESOLUTION OF PROCEEDING
- FORM TRI 127: ESTIMATION OF COSTS
- FORM TRI 128: WAIVER OF REVIEW

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
[] 1149 South Hill Street
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Parties'
Initials

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IN THE MATTER OF

Case No(s).

Owen T. Mascott

94-0-15943

A Member of the State Bar.

ATTACHMENT TO: STIPULATION [] DECISION

WAIVER OF RIGHT TO PETITION FOR RELIEF
FROM ASSESSED COSTS

✓ Respondent acknowledges that this Stipulation is a compromise of disputed allegations and that a petition for relief from costs pursuant to Rules of Procedure, rule 282, alleging special circumstances or other good cause shall not be based upon the timing of this Stipulation, any aspects of the negotiation process in this case, nor the degree of discipline agreed upon by the parties hereto.

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
[] 1149 South Hill Street
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[] 555 Franklin Street
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Parties' Initials C T M^{2LV} PAGE 9

IN THE MATTER OF

Case No(s).

Owey T. Mascott

94-0-15943

A Member of the State Bar.

ATTACHMENT TO: STIPULATION [] DECISION

WAIVER OF ISSUANCE OF NOTICE OF DISCIPLINARY CHARGES

It is agreed by the parties that investigative matters designated as case number(s) 94-0-15943 shall be incorporated into the within Stipulation. The parties waive the issuance of a Notice of Disciplinary Charges and the right to a formal hearing and any other procedures necessary with respect to these investigative matters in order to accomplish the objectives of this Stipulation.

IN THE MATTER OF <u>Owens T. Mescoff</u> A Member of the State Bar.	CASE NO(S). <u>94-0-15943</u>
---	----------------------------------

ATTACHMENT TO: STIPULATION DECISION

**STATEMENT OF ACTS OR OMISSIONS
WARRANTING THE AGREED DISPOSITION**

CASE NO. 94-0-15943

COUNT One

See attached pages

STATEMENT OF FACTS

Case No. 94-O-15943

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3 1. Prior to February 1993, Respondent represented
4 defendant Kimberly Ann Sanders (hereinafter referred to as
5 "Sanders") in a dissolution of marriage matter entitled Hover v.
6 Sanders, Los Angeles County Superior Court, Case No. CF 02 7889.

7 2. On or about February 11, 1993, Respondent appeared in
8 court for an order to show cause hearing concerning custody of
9 Sanders' minor child and related issues, and entered into a
10 Stipulation and Order on behalf of his client involving custody
11 and child support issues.

12 3. At the time Respondent entered into the above-
13 mentioned stipulation, he made representations in court that he
14 had his client's consent to do so. He in fact did not have
15 Sanders' authority and consent to do so. Subsequently, the
16 February 11, 1993 stipulation was made an Order of the Court in
17 May 1993.

18 4. Subsequent to May 1993, Respondent' client dismissed
19 Respondent and hired subsequent counsel. New counsel then found
20 out that Sanders was unaware of the stipulation terms and had in
21 fact not consented to them.

22 5. Subsequent counsel filed for a Motion to Set Aside
23 Order on the grounds that Respondent's client had not consented
24 to the terms of the previous order and Respondent had acted
25 without authority when he prepared the stipulation.

26 6. The court subsequently set aside the May 1993 order.

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IN THE MATTER OF Owen T. Mascott CASE NO(S). 94-0-15943
A Member of the State Bar.

ATTACHMENT TO: STIPULATION DECISION

**STATEMENT OF FACTS AND CIRCUMSTANCES
BEARING ON THE AGREED DISPOSITION**

A. AGGRAVATING CIRCUMSTANCES:

- 1. Respondent has a record of prior discipline. (Std. 1.2 (b)(i).)¹ Supporting facts:

- 2. Respondent's misconduct evidences multiple acts of wrongdoing. (Std. 1.2 (b)(ii).) Supporting facts: _____

- 3. Respondent's misconduct evidences\demonstrates a pattern of misconduct. (Std. 1.2 (b)(ii).) Supporting facts: _____

- 4. Respondent's misconduct was surrounded or followed by bad faith, dishonesty, concealment, overreaching or other circumstances defined by Standard 1.2 (b)(iii). Supporting facts: _____

¹ References to "Standards" are to the "Standards for Attorney Sanctions for Professional Misconduct: (See Transitional Rules of Procedure of the State Bar of California, Division V.)

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5. Respondent's misconduct harmed significantly client(s), the public or the administration of justice. (Std. 1.2 (b)(iv).) Supporting facts: _____

6. Respondent demonstrated indifference to rectifying the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: _____

7. Respondent demonstrated indifference to atoning for the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: _____

8. Respondent displayed a lack of candor and cooperation to any victim(s) of misconduct. (Std. 1.2 (b)(vi).) Supporting facts: _____

9. Respondent displayed a lack of candor and cooperation to the State Bar during disciplinary investigation or proceedings. (Std. 1.2 (b)(vi).) Supporting facts: _____

B. MITIGATING CIRCUMSTANCES:

[X] 1. Respondent has no record of prior discipline over many years of practice, coupled with present misconduct not deemed serious. (Std. 1.2 (e)(i).)

Supporting facts: Respondent was admitted to the practice of law in June 1988 & has no prior record of discipline

[] 2. Respondent acted in good faith. (Std. 1.2 (e)(ii).) Supporting facts:

[] 3. Respondent's misconduct did not result in harm to the client(s) or person(s) who were the objects of misconduct. (Std. 1.2 (e)(iii).) Supporting facts:

[] 4. Respondent suffered extreme emotional difficulties at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts:

[] 5. Respondent suffered extreme physical disabilities at the time of misconduct of the type which is subject to the conditions recognized by Standard 1.2 (e)(iv). Supporting facts:

[] 6. Respondent displayed spontaneous candor and cooperation to the victim(s) of misconduct. (Std. 1.2 (e)(v).) Supporting facts:

- [] 7. Respondent displayed spontaneous candor and cooperation to the State Bar during disciplinary investigation and proceedings. (Std. 1.2 (e)(v).) Supporting facts: _____

- [] 8. Respondent presented an extraordinary demonstration of good character as set forth in Standard 1.2 (e)(vi). Supporting facts: _____

- [] 9. Respondent promptly took objective steps to spontaneously demonstrate remorse which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: _____

- [] 10. Respondent promptly took objective steps to spontaneously demonstrate recognition of the wrongdoing acknowledged, which steps were designed to timely atone for any consequences of Respondent's misconduct. (Std. 1.2 (e)(vii).) Supporting facts: _____

- [] 11. Considerable time has passed since Respondent's misconduct, followed by convincing proof of subsequent rehabilitation (Std. 1.2 (e)(viii)). Supporting facts: _____

- [] 12. Excessive delay occurred in conducting this disciplinary proceeding, which delay is not attributable to Respondent and which delay was prejudicial to Respondent. (Std. 1.2 (e)(ix).) Supporting facts: _____

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[] 13. Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows:

Respondent was operating under a good-faith but erroneous belief that he had the authority to act as he did.

IN THE MATTER OF <u>Dwain T. Mascott</u>	CASE NO(S). 94-0-15943
A Member of the State Bar.	

ATTACHMENT TO: STIPULATION DECISION

PUBLIC REPROVAL

[Fill in the blanks as appropriate and initial left margin for all language that is intended to be included in the stipulation, deleting words or phrases that are not appropriate. When designating numbers for the amount of suspension or probation, please spell out the number and include the arabic numeral in the parentheses provided.]

- It is recommended that Respondent be publicly reproved by the State Bar Court.
- There are no conditions to be attached to this public reproof.
- Pursuant to rule 956, paragraph (a), California Rules of Court, it is recommended that the following conditions be attached to the public reproof, based upon a finding that protection of the public and the interests of respondent will be served thereby:
 - DISP 260: CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION
 - DISP 270: ADDITIONAL ____ PAGE(S) REGARDING FURTHER CONDITIONS TO BE ATTACHED TO REPROVAL
 - PROB 310: GENERAL CONDITIONS OF PROBATION AND/OR APPOINTMENT OF PROBATION MONITOR
 - PROB 320: RESTITUTION
 - PROB 330: PROTECTION OF CLIENT FUNDS
 - PROB 340: MENTAL HEALTH TREATMENT
 - PROB 350: ALCOHOL/DRUG IMPAIRMENT
 - PROB 360: EDUCATION AND LAW OFFICE MANAGEMENT
 - PROB 370: COMMENCEMENT AND EXPIRATION OF PROBATION

[X] That the conditions attached to the public reprovall shall commence to be effective upon the effective date of the order approving stipulation or decision and shall remain in effect for a period of one (1) ~~days / months~~ years, unless otherwise specifically designated herein.

NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH CONDITIONS ATTACHED TO PUBLIC REPROVAL

[X] RESPONDENT ACKNOWLEDGES THAT THIS STIPULATION CONSTITUTES NOTICE THAT, PURSUANT TO RULE 956, CALIFORNIA RULES OF COURT, RESPONDENT'S FAILURE TO COMPLY WITH THE CONDITIONS ATTACHED TO ANY PUBLIC REPROVAL ADMINISTERED BY THE STATE BAR COURT MAY CONSTITUTE CAUSE FOR A SEPARATE ATTORNEY DISCIPLINARY PROCEEDING FOR WILFUL BREACH OF RULE 1-110, RULES OF PROFESSIONAL CONDUCT.

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IN THE MATTER OF <u>Owey T. Mascott</u> A Member of the State Bar.	CASE NO(S). <u>94-0-15943</u>
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ATTACHMENT TO: STIPULATION DECISION

CALIFORNIA PROFESSIONAL RESPONSIBILITY EXAMINATION

[Fill in the blanks as appropriate and check the boxes at left for all language that is intended to be included in the stipulation, deleting words or phrases that are not appropriate. When designating numbers for the amount of suspension or probation, please spell out the number and include the arabic numeral in parenthesis provided.]

It is recommended that the State Bar Court order Respondent to take and pass the California Professional Responsibility Examination administered by the Committee of Bar Examiners of the State Bar of California within one (1) ~~days/months/year(s)~~ of the effective date of the administration of the Public reproval and furnish satisfactory proof of such passage to the Probation Unit within said period.

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IN THE MATTER OF <u>Dwain T. Mascoff</u> A Member of the State Bar.	CASE NO(S). <u>94-0-15943</u>
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ATTACHMENT TO: STIPULATION DECISION

FURTHER CONDITIONS OF PROBATION:¹

- FORM TRI 381: REVOCATION OF PROBATION AND IMPOSITION OF NEW TERMS OF PROBATION
- FORM TRI 382: ALCOHOL/DRUG ABUSE CONDITIONS OF PROBATION
- FORM TRI 383: MENTAL HEALTH CONDITIONS OF PROBATION
- FORM TRI 384: ADDITIONAL CONDITIONS OF PROBATION
- FORM TRI 385: STATE BAR ETHICS SCHOOL
- FORM TRI 386: STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT RECORD-KEEPING COURSE
- FORM TRI 387: COMPLIANCE WITH CONDITIONS OF PROBATION/PAROLE IN UNDERLYING CRIMINAL MATTER
- FORM TRI 388: EARLY INACTIVE ENROLLMENT

¹ If attached to forms DISP 220 or DISP 230, the word "probation," as used herein, shall be interpreted to mean "condition attached to a reproof" pursuant to rule 956, California Rules of Court.

OFFICE OF THE CHIEF TRIAL COUNSEL
THE STATE BAR OF CALIFORNIA
555 Franklin Street, Second Floor
San Francisco, California 94102-4498
Telephone: (415) 561-8200

IN THE MATTER OF

Case No(s). 94-0-15943

OWEN T. MASCOTT, Bar No. 134243

A Member of the State Bar.

STATE BAR ETHICS SCHOOL

Within one (1) year from the date on which the disciplinary order in this matter becomes effective, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California, 555 Franklin Street, San Francisco and shall take and pass the test given at the end of such session. Respondent understands that this requirement is separate and apart from fulfilling the MCLE ethics requirement, and is not approved for MCLE credit.

SECTION FIVE. APPROVAL OF PARTIES.

The parties and all counsel of record hereby approve the foregoing stipulation and all attachments, and the parties agree to be bound by all terms and conditions stated and the agreed disposition.

DATE: 7/2/95

[Signature]
Deputy Trial Counsel

DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

DATE: July 17, 1995

[Signature]
Respondent

DATE: _____

Respondent

DATE: 7-17-95

[Signature], in pro per
Respondent's Counsel

DATE: _____

Respondent's Counsel

DECLARATION OF SERVICE

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

I am a Deputy Court Clerk of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. In the City and County of San Francisco, on July 25, 1995, I deposited a true copy of the following document(s)

ORDER REGARDING STIPULATION AS TO FACTS AND DISPOSITION filed JULY 25, 1995

in a sealed envelope as follows:

with first-class postage thereon fully prepaid in a facility regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

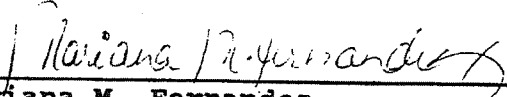
**OWEN T MASCOTT ESQ
P O BOX 13036
SACRAMENTO CA 95813**

by certified mail, , with a return receipt requested, in a facility regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

in an interoffice mail facility regularly maintained by the State Bar of California addressed as follows:

E LISA VORGIAS A/L

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 25, 1995.



Mariana M. Fernandez
Deputy Court Clerk
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST October 29, 2018

State Bar Court, State Bar of California,
Los Angeles

By _____
Clerk

CERTIFICATE OF SERVICE

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

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on April 8, 2019, 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 San Francisco, California, addressed as follows:

OWEN T. MASCOTT
LAW OFFICE OF OWEN T MASCOTT
72310 MERRY VALE WAY
PALM DESERT, CA 92260 - 6253

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

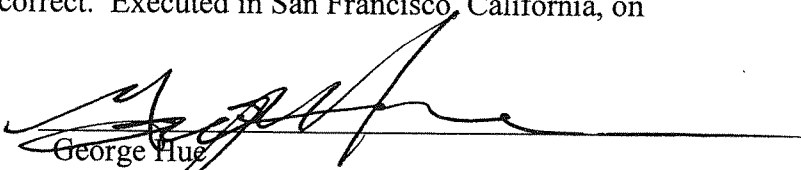
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Susan I. Kagan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 8, 2019.


George Hue
Court Specialist
State Bar Court