

**SUPREME COURT
FILED**

MAR 30 1994

Robert Wandruff Clerk
P. QUINN
DEPUTY

(State Bar Court Case No. 90-O-16633; 92-O-12576 (Cons.))

S037523

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

IN RE DAVID SCOTT QUINTANA ON DISCIPLINE

It is ordered that David Scott Quintana be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 23, 1993. It is also ordered that he take and pass the California 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.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and shall be added to and become part of the membership fee for the next calendar year. (Bus. & Prof. Code section 6140.7.)

* See Business and Professions Code section 6126, subd. (c).

I, Robert F. Wandruff, 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

____ day of MAR 30 1994 A.D. 19 ____

By _____ Clerk

P. QUINN

Deputy Clerk



Acting Chief Justice



THE STATE BAR OF CALIFORNIA

OFFICE OF THE STATE BAR COURT

Senior Executive, STUART A. FORSYTH

COURT CLERK'S OFFICE, 333 SOUTH BEAUDRY AVENUE, 24th FLOOR, LOS ANGELES, CALIFORNIA 90017-1466 (213) 580-5400

P E R S O N A L A N D C O N F I D E N T I A L

NOTICE ACCOMPANYING SERVICE OF STIPULATION AS TO FACTS AND DISPOSITION AND ORDER APPROVING SAME IN

CASE NUMBER 90-O-16633 IN THE MATTER OF DAVID SCOTT QUINTANA
 92-O-12576

Attached is a copy of the Stipulation As To Facts and Disposition entered into in the above-entitled matter pursuant to rules 405 and 406 of the Rules of Procedure of the State Bar, and a copy of the Order Approving Stipulation filed pursuant to rule 407 of said Rules.

Copies of rules 405-407, Rules of Procedure of the State Bar, rule 1400 of Provisional Rules of Practice of the State Bar, and rules 951-952, 954-955, California Rules of Court, are enclosed. Your attention is directed to these rules, which set forth post-stipulation time limitations and procedures, applicable to this proceeding before the State Bar Court.

DECLARATION OF SERVICE

I, the undersigned, over the age of 18 years, whose business and place of employment is 333 S. Beaudry Avenue, 24th Floor, Los Angeles, California, declare that I am not a party to the within action; that in the City and County of Los Angeles, on the date shown below, I deposited true copies of this Notice, the Stipulation As To Facts and Disposition, the Order Approving Stipulation, and rules 405-407, Rules of Procedure of the State Bar, rule 1400 of Provisional Rules of Practice of the State Bar, and rules 951-952, 954-955, California Rules of Court, in a sealed envelope addressed as follows:

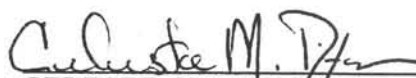
In a facility regularly maintained by the United States Postal Service with first class mail postage thereon fully pre-paid addressed to:

DIANE LYNNE KARPMAN, A/L
COHEN & KARPMAN
12100 WILSHIRE BLVD
#1600
BEVERLY HILLS, CA 90025

KAREN AMARAWANSA, A/L
THE STATE BAR OF CALIFORNIA
333 S BEAUDRY AVE
9TH FLOOR
LOS ANGELES, CA 90017

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed in Los Angeles, California on July 23, 1993.

Within document forwarded to
Judge on 07/23/93
STATE BAR COURT CLERK'S OFFICE
By: C. Dixon


CELESTE M. DIXON
Deputy Court Clerk

PUBLIC MATTER

Parties'

Initials _____/_____/_____

PAGE _____

THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA HEARING DEPARTMENT <input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO	FOR COURT USE ONLY FILED JUL 23 1993 <i>CP</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
IN THE MATTER OF <u>DAVID SCOTT QUINTANA</u> No. <u>146919</u> MEMBER OF THE STATE BAR OF CALIFORNIA.	CASE NO(S). <u>90-0-16633-MEW</u> <u>92-0-12516-MEW</u> 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 rules 405-407, Transitional Rules of Procedure of the State Bar of California, consisting of 33 pages, approved by the parties, was submitted to the State Bar Court in the above-captioned case(s). All stipulations submitted previously are rejected. The Stipulation is attached to this order and is incorporated by reference herein. Unless a party withdraws or modifies the stipulation pursuant to rule 407(c), Transitional Rules of Procedure of the State Bar of California, this order shall be effective 15 days from the service of this order. After consideration of this stipulation, the Court hereby orders:

- ☒ The above mentioned case numbers are hereby consolidated 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.
- ☒ 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.

- ☒ It is further ☐ ordered ☒ recommended that costs be awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

DATE: July 22, 1993

Vanessa L. Rithman
 Judge of the State Bar Court

Parties'

Initials

11.1.12, KPA PAGE 1

COUNSEL FOR STATE BAR:

OFFICE OF TRIAL COUNSEL

THE STATE BAR OF CALIFORNIA

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THE STATE BAR COURT
OF THE
STATE BAR OF CALIFORNIA

HEARING DEPARTMENT

☒ LOS ANGELES☐ SAN FRANCISCO

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JUL 15 1993

STATE BAR COURT
CLERKS OFFICE
LOS ANGELES**FILED**

JUL 23 1993

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE MATTER OF

DAVID SCOTT QUINTANANo. 146919

MEMBER OF THE STATE BAR OF CALIFORNIA.

CASE NO(S). 90-0-16633-MEW;
92-0-12576-MEWSTIPULATION 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**

- ☒ SECTION ONE: ☒ FORM STIP 110: STIPULATION FORM, INCLUDING
GENERAL AGREEMENTS AND
WAIVERS
- ☒ FORM STIP 120: AGREEMENTS AND WAIVERS
- ☒ SECTION TWO: ☒ FORM STIP 130: STATEMENT OF ACTS OR OMISSIONS
AND CONCLUSIONS OF LAW
WARRANTING THE AGREED

Within document forwarded to DLP

STIP 100

Parties'

Initials

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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 W, D, KBA PAGE 3

<p>THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA</p> <p>HEARING DEPARTMENT</p> <p><input checked="" type="checkbox"/> LOS ANGELES <input type="checkbox"/> SAN FRANCISCO</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>JUL 23 1993</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>IN THE MATTER OF</p> <p><u>DAVID SCOTT QUINTANA</u></p> <p>No. <u>146919</u></p> <p>MEMBER OF THE STATE BAR OF CALIFORNIA.</p>	<p>CASE NO(S). 90-0-16633-MEW; 92-0-12576-MEW</p> <p>STIPULATION AS TO FACTS AND DISPOSITION (RULES 405-407, TRANSITIONAL RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA) <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 11, 1990 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'

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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.

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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

IN THE MATTER OF

CASE NO(S). 90-O-16633-MEW;
92-O-12576-MEW

DAVID SCOTT QUINTANA,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

ADDITIONAL AGREEMENTS AND WAIVERS

☒ FORM TRI 200: STATEMENT OF AUTHORITIES SUPPORTING DISCIPLINE

☒ Respondent acknowledges that this Stipulation is a compromise of disputed allegations and that a petition for relief from costs pursuant to Transitional Rules of Procedure, rule 462, 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
ROBERT P. HEFLIN, Chief Trial Counsel
333 South Beaudry Avenue, 9th Floor
Los Angeles, California 90017-1466
Telephone: (213) 580-5000

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IN THE MATTER OF

Case No(s). 90-O-16633-MEW;
90-O-12576-MEW

DAVID SCOTT QUINTANA,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATEMENT OF AUTHORITIES SUPPORTING DISCIPLINE

Standards for Attorney Sanctions for Professional Misconduct,
Standards 2.3 and 2.6.

Standard 2.3 requires actual suspension or disbarment.

Standard 2.6 requires suspension or disbarment.

In Re Mitchell (Review Dept. 1991) 1 CSBCR 332

In Re Mitchell involved an attorney who misrepresented his educational background on his resume, which was sent to law firms, failed to correct the misrepresentation, and made untruthful statements in response to State Bar interrogatories. The discipline imposed included 60 days actual suspension.

In Re Wyrick III (Review Dept. 1992) 2 CSBCR 83

The attorney here held himself out as entitled to practice law while he was on interim suspension, and concealed a prior suspension from two job applications for attorney employment with the State of California. He had a prior record of discipline. The discipline imposed included six months actual suspension.

In Re Farrell (Review Dept. 1991) 1 CSBCR 490

U. 104, KBA p. 8

This matter involved counsel who misrepresented to the court that he had a witness under subpoena who in fact had not yet been served with a subpoena. The attorney had a prior imposition of discipline. The discipline imposed included six months actual suspension.

IN THE MATTER OF

DAVID SCOTT QUINTANA

A Member of the State Bar.

CASE NO(S). 90-O-16633-MEW:
90-O-12576-MEW

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

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

CASE NO. 90-O-16633

COUNT One

1. Respondent has been a continuous member of the State Bar of California since June 11, 1990.

2. From May 14, 1987 until January 22, 1990, Respondent's investment advisory business, Rochester Financial, Inc. (hereinafter "Rochester") was registered with the United States of America Securities and Exchange Commission (hereinafter sometimes "Commission" and sometimes alternatively "SEC") as an investment advisor, and was located in Los Angeles, California.

3. Respondent was the founder, President, and owner of Rochester, and was an "associated person" of Rochester as defined in Section 202(a)(17) of the Investment Advisers Act of 1940.

4. Respondent created and approved all of Rochester's advertising and disclosure documents, and made all investment decisions for Rochester's discretionary advisory accounts.

5. On June 28, 1988, while Respondent was still not yet a member of the State Bar of California, he sent a letter to Patrick J. Callanan (hereinafter "Mr. Callanan"), a client of Rochester, and enclosed materials relating to Rochester's Annual Retainer Program (hereinafter "Program").

6. The materials described the services to be provided by the Program, including, but not limited to, advice on how to preserve corporate veil protection, free simple will preparation, and consultation regarding unrelated legal questions.

7. By sending these materials to Mr. Callanan, Respondent held himself out as capable and entitled to practice law in California.

U. A. KBA

p. 10

8. On February 8, 1988, Respondent submitted to the Committee of Bar Examiners, State Bar of California, an application for Admission to Practice Law in California.

9. In the February 8, 1988 Bar application, Respondent indicated that he was certified as an investment advisor with the Commission.

10. On November 24, 1989, the Commission mailed a letter to Respondent requesting him to provide the Commission with a response to their investigation of Rochester and its principals regarding apparent violations of the Investment Advisers Act of 1940. That letter was received by Respondent on November 27, 1989.

11. On December 14, 1989, Respondent submitted to the Committee of Bar Examiners, State Bar of California, an Application for Admission to Practice Law in California.

12. Respondent failed to disclose in his December 14, 1989 application that he was currently the object of an investigation by the Commission.

13. Nor did Respondent subsequently update his application to reflect the Commission's investigation of him.

14. On June 11, 1990, Respondent was admitted to the State Bar of California.

15. At the time of Respondent's admission to the State Bar of California, the State Bar of California was unaware of the Commission's investigation of Respondent.

16. On September 24, 1990, the Commission filed a Complaint for Permanent Injunction against Respondent.

17. On September 26, 1990, a Final Judgment of Permanent Injunction (hereinafter "Injunction") was filed in the United States District Court, Central District of California in the case Securities and Exchange Commission v. David S. Quintana, Case No. 90 5003 JMI (TX) (hereinafter "SEC v. Quintana") restraining Respondent from the violation of certain provisions of the Securities Act of 1933, the Securities and Exchange Act of 1934, and the Investment Adviser's Act.

18. On September 27, 1990, Respondent entered into a settlement of SEC v. Quintana with the Commission in which he consented to an "Order Instituting Proceedings Pursuant to Section 203(f) of the Investment Advisers Act of 1940, Making Findings and Imposing Remedial Sanctions" (hereinafter "Order"). The Order is a document of public record.

W 10/1/88 p. 11

19. The Order permanently barred Respondent from associating with any broker, dealer, investment company, investment adviser, or municipal securities dealer.

20. The Order also recited certain findings to which Respondent consented without admitting or denying those findings. Respondent did admit, however, that the Injunction arose from the conduct specified in the findings.

21. Respondent failed to report to the State Bar the imposition of the sanctions imposed by the Order.

LEGAL CONCLUSIONS

By reason of Respondent having held himself out as capable and entitled to practice law in California before having become licensed to do so, Respondent wilfully violated Business and Professions Code sections 6068(a), 6125 and 6126(a). (See In the Matter of Trousil (1990) 1 CSBCR 229, 236-237.)

By reason of Respondent having failed to disclose that he was the object of a Securities and Exchange Commission investigation at the time he submitted his application for admission to the California Bar, Respondent wilfully violated Business and Professions Code section 6106, and rule 1-200(A) of the Rules of Professional Conduct.

By reason of Respondent having failed to report to the State Bar the imposition of discipline against him by the Securities and Exchange Commission, Respondent wilfully violated Business and Professions Code section 6068(o)(6).

Parties'

Initials

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IN THE MATTER OF

CASE NO(S). 90-O-16633-MEW;
92-O-12576-MEW

DAVID SCOTT QUINTANA

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: Respondent engaged in the unauthorized practice of law, failed to disclose the SEC investigation, and failed to report the SEC discipline.

- ☐ 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: Respondent's misconduct constitutes a pattern of concealing from the State Bar information in which Respondent knew it had a legitimate interest.

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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M. D. K. K. PAGE 13

- ☒ 5. Respondent's misconduct harmed significantly client(s), the public or the administration of justice. (Std. 1.2 (b)(iv).) Supporting facts: Respondent significantly harmed the administration of justice in his Bar application omission thus preventing the State Bar from making a legitimate inquiry into the facts surrounding the SEC investigation.
- ☒ 6. Respondent demonstrated indifference to rectifying the consequences of misconduct. (Std. 1.2 (b)(v).) Supporting facts: Respondent did not raise any of his misconduct through his own initiative; it was brought to the State Bar's attention only through the SEC having reported the sanctions.
- ☐ 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: _____

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B. MITIGATING CIRCUMSTANCES:

- ☐ 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: _____

- ☐ 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: There was no harm to Mr. Callahan by Respondent's unauthorized practice of law. Respondent's failure to report the SEC discipline harmed no clients.

- ☐ 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: _____

[✓] 13. Additional circumstance(s) in mitigation or additional facts regarding the above paragraphs are stated as follows: Respondent acted upon the advice of
counsel
/in not revealing the SEC investigation on his application to
the California Bar. Respondent suffered emotional difficulties
at the time of the misconduct due to a protracted family law
matter. He obtained psychotherapy from Dr. George Stanley.

The above additional circumstances did not meet the criteria
for mitigation pursuant to the Standards for Attorney Sanctions
for Professional Misconduct ("Standards") for the following
reasons:

Regarding Respondent's having acted upon the advice of
counsel in omitting the SEC investigation from the Bar
Application, this does not constitute good faith under Standard
1.2(e)ii, because it was not revealed to the State Bar what
the substance of any such advice was. In addition, Respondent
must bear the responsibility for acting pursuant to any such
advice.

Respondent's emotional difficulties do not constitute extreme emotional difficulties under Standard 1.2(e)(iv), because the State Bar was not informed of the full extent of those problems nor of their nexus to the misconduct. Nor has the State Bar been shown that Respondent no longer suffers from such difficulties.

Parties'

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AKK, DCF, KRA PAGE 18

IN THE MATTER OF

CASE NO(S). 90-O-16633-MEW;
92-O-12576-MEW

DAVID SCOTT QUINTANA

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATEMENT SUPPORTING DISMISSAL OF CERTAIN CHARGES

CASE NO.: 92-O-12576-MEW

COUNT NO.: ONE

Based upon discussions of this matter by the parties and detailed review of the file in this matter, the parties stipulate that this Count should be dismissed without prejudice in the interest of justice.

It is provided, however, that the Office of Trials may not refile on such matter without leave of court first obtained upon a showing of good cause. If leave of court to refile such matter is not sought within two years from the date of the order approving the stipulation, then the dismissal of said matter shall be deemed to be with prejudice.

It is further provided that if new evidence should come to light subsequent to two years after the order approving the stipulation that did not come to light due to the concealment of the Respondent, then such concealment would constitute good cause for refiling this matter subsequent to two years after the order approving the stipulation.

It is further provided that if legislation should be enacted imposing a statute of limitations which would otherwise preclude the State Bar from refiling this matter within the two year period following the order approving the stipulation, Respondent agrees to waive such statute of limitations.

Parties'

Initials

W, DS, KBA PAGE 19

IN THE MATTER OF

CASE NO(S). 90-0-16633-MEW;
92-0-12576-MEW

DAVID SCOTT QUINTANA

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

ACTUAL SUSPENSION

[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 length of suspension or probation, please spell out the number and include the arabic numeral in parenthesis provided.]

ALL ACTUAL SUSPENSION, NO STAYED SUSPENSION

☐ It is recommended that Respondent be actually suspended from the practice of law in the State of California for a period of _____ () days/months/years;

☐ and until Respondent has shown proof satisfactory to the State Bar Court of Respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to Standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct;

☐ and until Respondent makes restitution as set forth on FORM PROB 320.

☐ and until _____

ACTUAL SUSPENSION WITH STAYED SUSPENSION

☒ It is recommended that Respondent be suspended from the practice of law for a period of Two (2) days/months/years that the execution of such suspension be stayed, that Respondent be placed upon probation for a period of Two (2) days/months/years and that Respondent be ordered to comply with the following conditions of probation:

☒ COND. 110. BASIC PROVISION: That during the first ninety (90) days/months/years of said period of probation, Respondent shall be actually suspended from the practice of law in the State of California;

☐ and until Respondent makes restitution as set forth on FORM PROB 320.

☐ and until _____

☐ COND. 130. ACTUAL SUSPENSION CONTINUES UNTIL RESTITUTION: That Respondent shall be suspended from the practice of law in California during the first _____ () days / months / years of said period of probation and until Respondent makes restitution to: _____ or the Client Security Fund if it has paid, in the sum of \$ _____ at 10% interest per annum from _____ [date] and until Respondent provides satisfactory evidence of said restitution to the Probation Unit, Office of Trials, Los Angeles;

☐ COND. 150. TWO OR MORE THAN TWO YEARS OF ACTUAL SUSPENSION: That during the first _____ () days / months / years of said period of probation and until Respondent has shown proof satisfactory to the State Bar Court of Respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to Standard 1.4 (c)(ii), Standards for Attorney Sanctions for Professional Misconduct, Respondent shall be actually suspended from the practice of law in the State of California.

☐ CONDITIONS OF PROBATION ARE ATTACHED:

- ☒ 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: ADDITIONAL _____ PAGE(S) REGARDING FURTHER CONDITIONS OF PROBATION

Parties'
Initials

W, D, KBA PAGE 21

☒ FURTHER RECOMMENDATIONS:

☒ It is further recommended that the California Supreme 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) year of the effective date of the order of the Supreme Court (Segretti v. State Bar (1976) 15 Cal.3d 878, 890-891) and furnish satisfactory proof of such passage to the Probation Unit, Office of Trials, within said year [or _____].

[IF ACTUAL SUSPENSION IS 90 DAYS OR MORE]

☒ It is further recommended that the Supreme Court of California order Respondent to comply with the provisions of paragraph (a) or rule 955, California Rules of Court, within thirty (30) days of the effective date of the Supreme Court order herein, and file an affidavit with the Clerk of the State Bar Court as provided in paragraph (c) of rule 955 within forty (40) days of the effective date of the order showing Respondent's compliance with said order.

☐ FURTHER RECOMMENDATIONS ARE ATTACHED

Parties'

Initials

W, D, KBA PAGE 22

IN THE MATTER OF

CASE NO(S). 90-O-16633-MEW;
92-O-12576-MEW

DAVID SCOTT QUINTANA

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STANDARD CONDITIONS OF PROBATION¹ - GENERAL

☒ COND. 310. That during the period of probation, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California;

☒ COND. 410. That during the period of probation, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the probation is in effect, in writing, to the Probation Unit, Office of Trials, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of probation is less than 30 days preceding any of said dates, Respondent shall file said report on the due date next following the due date after said effective date):

(a) in Respondent's first report, that Respondent has complied with all provisions of the State Bar Act, and Rules of Professional Conduct since the effective date of said probation;

(b) in each subsequent report, that Respondent has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

(c) provided, however, that a final report shall be filed covering the remaining portion of the period of probation following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof;

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.

COND. 600. MAINTENANCE OF OFFICIAL MEMBERSHIP ADDRESS.

- ☒ COND. 610. That Respondent shall promptly report, and in no event in more than ten days, to the membership records office of the State Bar and to the Probation Unit, Office of Trials, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code;

**STANDARD CONDITIONS OF PROBATION:
ASSIGNMENT OF PROBATION MONITOR****COND. 510. ASSIGNMENT OF PROBATION MONITOR:**

- ☐ That Respondent shall be referred to the Probation Unit, Office of Trials, for assignment of a probation monitor. Respondent shall promptly review the terms and conditions of Respondent's probation with the probation monitor to establish a manner and schedule of compliance consistent with these terms of probation. During the period of probation, Respondent shall furnish such reports concerning Respondent's compliance as may be requested by the probation monitor. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge Respondent's duties pursuant to rule 611, Rules of Procedure of the State Bar;

COND. 550. AUTHORITY OF PROBATION MONITOR TO QUESTION RESPONDENT:

- ☐ That subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit, Office of Trials, and any probation monitor assigned under these conditions of probation which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with these terms of probation;

Parties' Initials

M, DP, KBA PAGE 24

IN THE MATTER OF

CASE NO(S). 90-0-16633-MEW
92-0-12576-MEW

DAVID SCOTT QUINTANA

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

**STANDARD CONDITIONS OF PROBATION:¹
PROTECTION OF CLIENTS' FUNDS**

COND. 700. PROTECTION OF CLIENTS' FUNDS.

☒ COND. 710. That if Respondent is in possession of clients' funds, or has come into possession thereof during the period covered by each quarterly report, Respondent shall file with each report required by these conditions of probation a certificate from a Certified Public Accountant or Public Accountant certifying:

- (a) That Respondent has kept and maintained such books or other permanent accounting records in connection with Respondent's practice as are necessary to show and distinguish between:
 - (1) Money received for the account of a client and money received for the attorney's own account;
 - (2) Money paid to or on behalf of a client and money paid for the attorney's own account;
 - (3) The amount of money held in trust for each client;
- (b) That Respondent has maintained a bank account in a bank authorized to do business in the State of California at a branch within the State of California and that such account is designated as a "trust account" or "clients' funds account";
- (c) That Respondent has maintained a permanent record showing:
 - (1) A statement of all trust account transactions sufficient to identify the client in whose behalf the transaction occurred and the date and amount thereof;

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.

Parties'

Initials

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- (2) Monthly total balances held in a bank account or bank accounts designated "trust account(s)" or "clients' funds account(s)" as appears in monthly bank statements of said account(s)'
 - (3) Monthly listings showing the amount of trust money held for each client and identifying each client for whom trust money is held;
 - (4) Monthly reconciliations of any differences as may exist between said monthly total balances and said monthly listings, together with the reasons for any differences;
- (d) That Respondent has maintained a listing or other permanent record showing all specifically identified property held in trust for clients.

Parties'

Initials

Wh, Df, KBA PAGE 26

IN THE MATTER OF

DAVID SCOTT QUINTANA

A Member of the State Bar.

CASE NO(S). 90-O-16633-MEW;
92-O-12576-MEW

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

COMMENCEMENT AND EXPIRATION OF PROBATION¹

COMMENCEMENT OF PROBATION

☒ That the period of probation shall commence as of the date:

☒ On which the order of the Supreme Court in this matter becomes effective.

☐

COMMENCEMENT OF SUSPENSION

☐ That the period of actual suspension shall commence on _____.

☒ That the period of suspension shall commence as of the date:

☒ on which the order of the Supreme Court in this matter becomes effective.

☐

☒ EXPIRATION OF PROBATION

That at the expiration of the period of this probation if Respondent has complied with the terms of probation, the order of the Supreme Court suspending Respondent from the practice of law for a period of Two (2) days/month(s)/year(s) shall be satisfied and the suspension shall be terminated.

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.

IN THE MATTER OF

CASE NO(S). 90-O-16633-MEW;
92-O-12576-MEWDAVID SCOTT QUINTANA

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION**FURTHER CONDITIONS OF PROBATION:¹**

- ☒ FORM TRI 100: STATE BAR ETHICS SCHOOL
- ☒ FORM TRI 101: STATE BAR ETHICS SCHOOL CLIENT TRUST ACCOUNT
RECORD-KEEPING COURSE
- ☐ FORM TRI 121: ADDITIONAL AGREEMENTS AND WAIVERS FOR PUBLIC AND
PRIVATE REPROVALS
- ☒ FORM TRI 300: ADDITIONAL CONDITIONS OF PROBATION
- ☐ FORM TRI 350: MODIFICATION OF PROBATION, RULE 951(c) OF THE
CALIFORNIA RULES OF COURT
- ☐ FORM TRI 375: WAIVER OF RIGHT TO PETITION FOR RELIEF FROM ASSESSED
COSTS

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 reproval" pursuant to rule 956, California Rules of Court.

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
ROBERT P. HEFLIN, Chief Trial Counsel
333 South Beaudry Avenue, 9th Floor
Los Angeles, California 90017-1466
Telephone: (213) 580-5000

Parties'
Initials

ML DE KEA PAGE 28

IN THE MATTER OF

Case No(s). 90-O-16633-MEW;
92-O-12576-MEW

DAVID SCOTT QUINTANA,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATE BAR ETHICS SCHOOL

☐ FOR REPROVAL CASES:

Within one (1) year of the date of the issuance of the letter of reproval in this matter, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 333 S. Beaudry Avenue, Los Angeles) 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.

☒ FOR SUSPENSION CASES:

Within one (1) year of the effective date of the Supreme Court order in this matter, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 333 S. Beaudry Avenue, Los Angeles) 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.

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Parties'
Initials

1 DE 148 PAGE 29

IN THE MATTER OF

Case No(s). 90-O-16633-MEW;
90-O-12576-MEW

DAVID SCOTT QUINTANA,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

STATE BAR ETHICS SCHOOL CLIENT TRUST
ACCOUNT RECORD-KEEPING COURSE

☐ FOR REPROVAL CASES:

Within one (1) year of the date of the issuance of the letter of reproof in this matter, Respondent shall attend the State Bar Ethics School Client Trust Account Record-Keeping Course, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 333 S. Beaudry Avenue, Los Angeles) 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.

☒ FOR SUSPENSION CASES:

Within one (1) year of the effective date of the Supreme Court order in this matter, Respondent shall attend the State Bar Ethics School Client Trust Account Record-Keeping Course, which is held periodically at the State Bar of California (555 Franklin Street, San Francisco, or 333 S. Beaudry Avenue, Los Angeles) 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.

Parties' Initials

M D 146A PAGE 30

OFFICE OF TRIAL COUNSEL
OFFICE OF TRIALS
THE STATE BAR OF CALIFORNIA
ROBERT P. HEFLIN, Chief Trial Counsel
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Los Angeles, California 90017-1466
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IN THE MATTER OF

Case No(s). 90-O-16633-MEW;
90-O-12576-MEW

DAVID SCOTT QUINTANA,

A Member of the State Bar.

ATTACHMENT TO: ☒ STIPULATION ☐ DECISION

ADDITIONAL CONDITIONS OF PROBATION¹

CURRENT TELEPHONE NUMBER

- ☒ That Respondent maintain with the Probation Unit a current address and a current telephone number at which telephone number Respondent can be reached and respond within twelve (12) hours.

LAW PRACTICE MANAGEMENT SECTION OF THE STATE BAR

- ☐ Respondent shall, within thirty (30) days from the effective date of this Stipulation, join the Law Practice Management Section of the State Bar of California and shall pay whatever dues and costs are associated with such enrollment for a period of one (1) year. Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit, Office of Trials, Los Angeles, within thirty (30) days of enrollment.

MENTAL HEALTH TREATMENT

- ☐ That Respondent shall obtain psychiatric or psychological help from a duly licensed psychiatrist or a clinical psychologist, at Respondent's own expense, and shall furnish evidence to the Probation Unit, Office of Trials, Los Angeles, that Respondent is so complying with each report that Respondent is required to render under these conditions of probation; provided, however, that should it be determined by said psychiatrist or psychologist that the Respondent has recovered from the mental infirmities set forth in this Decision, Respondent may furnish to the Probation Unit a written statement from said psychiatrist or psychologist so certifying by affidavit or under penalty of perjury, in which event, and subject to the approval of the court, no reports or further reports under this paragraph shall be required and Respondent shall not be required to obtain such psychiatric or psychological help.

¹If 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.

ALCOHOL/DRUG ABUSE CONDITIONS

- ☐ ABSTINENCE: That Respondent shall abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs or associated paraphernalia, except with a valid prescription;
- ☐ STATE BAR'S ALCOHOL REHABILITATION PROGRAM: That Respondent shall participate in the State Bar's Program on Alcohol Abuse and the State Bar Alcohol Abuse consultant shall report in writing to the Probation Unit, Los Angeles, the compliance or non-compliance of the Respondent with each of the terms of said Program at the time that any reports of the Respondent set forth in these conditions of probation are due; provided that said consultant shall immediately report the failure of the member to comply with any of said terms;
- ☐ TESTING: That at Respondent's expense, Respondent shall provide the Probation Unit with any screening reports containing a laboratory analysis of Respondent's blood and/or urine as may be required to show Respondent has abstained from alcohol and/or drugs that the Probation Monitor may in his/her discretion require. Urine and/or blood fluid samples for such laboratory reports shall be delivered to the laboratory facility making the report no later than six (6) hours after notification of Respondent by the Probation Monitor that a screening report is required. The screening report shall be issued by a licensed medical laboratory previously determined to be satisfactory to the Probation Unit.

MEDICAL WAIVER

- ☐ That Respondent shall provide the Probation Unit with medical waivers on its request and with access to all of Respondent's medical records; revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Probation Unit shall be confidential and no information concerning them or their contents shall be given to anyone except members of the State Bar's Probation Unit, the Office of The Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining or enforcing this Order of Probation.

OTHER

☒ [X]

That if Respondent, while on probation, is subsequently charged by the Securities and Exchange Commission with any violation of their rules, he must report any such charges to the Probation Unit.

That if Repondent, while on probation, becomes the subject of any Securities and Exchange Commission investigations or proceedings, he must report such information to the Probation Unit.

That if Respondent, while on probation, violates any provisions of the September 27, 1990 Securities and Exchange Commission "Order Instituting Proceedings Pursuant to Section 203(f) of the Investment Advisers Act of 1940, Making Findings and Imposing Remedial Sanctions" or violates any of the provisions of the September 26, 1990, Final Judgment of Permanent Injunction that any such violations will provide the basis of a probation revocation proceeding before the State Bar of California.

Parties'
Initials

Wn, D, KBA PAGE 33

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: July 15, 1993
KBA

Karen B. Amara
Deputy Trial Counsel / KAREN AMARAWANSA

DATE: _____

Deputy Trial Counsel

DATE: _____

DATE: _____

DATE: JUNE 6, 1993

David Scott Quintana
Respondent/DAVID SCOTT QUINTANA

DATE: _____

Respondent

DATE: July 12

Theodore A. Cohen
Respondent's Counsel / THEODORE A. COHEN

DATE: _____

Respondent's Counsel

LAW OFFICES OF COHEN & KARPMAN
12100 Wilshire Blvd., Ste 1600
Los Angeles, California 90025
(310) 447-6110

ORIGINAL

FILED

Attorney for Respondent:
DAVID SCOTT QUINTANA, No. 146919

DEC 17 1992
STATE BAR COURT
CLERKS OFFICE
LOS ANGELES

THE STATE BAR COURT
OF THE STATE BAR OF CALIFORNIA
HEARING DEPARTMENT-LOS ANGELES

In the Matter of:)	Case No. 92-0-12576
)	
DAVID SCOTT QUINTANA)	ANSWER TO NOTICE
No. 146919)	TO SHOW CAUSE
)	
)	
A Member of the State Bar)	
_____)	

All further notices to Respondent in relation to these proceedings are to be sent
to his counsel:

COHEN & KARPMAN
ATTORNEYS AT LAW
12100 WILSHIRE BOULEVARD, SUITE 1600
LOS ANGELES, CALIFORNIA 90025
(310) 447-6110

Within document forwarded to
Judge on 12/21/92
STATE BAR COURT CLERK'S OFFICE
By: MT

1
2
3 Respondent, David Scott Quintana, answers the Notice to Show Cause filed
4 herein as follows:

5 ANSWER TO COUNT ONE

6 1. Respondent, in answer to Count One of the State Bar's Notice to Show
7 Cause, generally denies each of the allegations and charges stated in that Count.

8 2. Consequently and as a result Respondent therefore denies that he
9 committed the acts alleged in Count One wilfully in violation of his oath and duties as
10 alleged. Respondent specifically denies the alleged violations of California Business
11 and Professional Code 6106 and any other "disciplinary case law".
12

13
14 EXTENUATING AND MITIGATING CIRCUMSTANCES

15 In the event Respondent is found guilty of unprofessional conduct as charged
16 in the Notice to Show Cause, Respondent respectfully submits the following facts in
17 mitigation without admitting that such charges are true or that the facts alleged therein
18 constitute professional misconduct:
19

20 3. Respondent will demonstrate evidence of his good character through
21 testimonial and documentary evidence establishing his distinguished career and his
22 deep civic commitment to society and the profession.
23

24 4. Respondent has never been disciplined by the State Bar Court in the past.

25 5. Respondent acted in good faith.

26 6. Respondent has exhibited spontaneous candor and cooperation during the
27
28

1 entire disciplinary investigation.

2 7. Respondent, sought the professional advise of counsel in responding to the
3 Bar's inquires.
4

5 8. Respondent was in the midst of a custody battle.

6 9. These factors offered as possible mitigation are not exclusive and
7 Respondent should he be found culpable will offer additional facts and circumstances.

8 WHEREFORE, Respondent prays that the Hearing Judge find that the acts
9 charged did not constitute professional misconduct; or, if misconduct is found, that it
10 be excused by virtue of the mitigating and extenuating circumstances to be established
11 at the time of the hearing herein.
12

13
14 DATED: December 14, 1992

Diane L. Karpman

15
16 DIANE L. KARPMAN

17 COHEN & KARPMAN

18 ATTORNEYS FOR RESPONDENT
19
20
21 /
22 /
23 /
24 /
25
26
27
28

1 **LAW OFFICES OF COHEN & KARPMAN**
2 **12100 Wilshire Blvd., Ste 1600**
3 **Los Angeles, California 90025**
4 **(310) 447-6110**

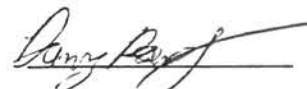
5 **PROOF OF SERVICE BY MAIL**

6 **STATE OF CALIFORNIA)**
7 **COUNTY OF LOS ANGELES)**

8 *I am a resident of the county aforesaid; I am over the age of eighteen years and not*
9 *a party to the written entitled action; my business address is 12100 Wilshire Blvd. Suite*
10 *1600, Los Angeles, California. On December 15, 1992. I served the ANSWER TO THE*
11 *NOTICE TO SHOW CAUSE, for Case Number 90-0-12576, on all interested parties in said*
12 *action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully*
13 *prepaid in the United States mail addressed as follows:*

14 *Ms. Karen Amarawansa, A/L*
15 *Office of the Trial Counsel*
16 *State Bar of California*
17 *333 South Beaudry Avenue, 9th Floor*
18 *Los Angeles, California 90017*

19 *EXECUTED ON December 15, 1992 at Los Angeles, California. I declare under*
20 *penalty of perjury that the foregoing is true and correct.*

21
22 
23 **Danny R. Rosenberg**



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 June 21, 2013

State Bar Court, State Bar of California,
Los Angeles

By

Clerk