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DISCIPLINARY
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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

SABINA F. ROSENTHAL,
Lawyer (Bar No. 36219).

Proceeding No. 15#00064

STIPULATION TO A TWO-YEAR
SUSPENSION

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to suspension is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Francesca D'Angelo, Respondent's Counsel Thomas M. Fitzpatrick and Respondent lawyer Sabina F. Rosenthal.

Respondent understands that she is entitled under the ELC to a hearing, to present exhibits and witnesses on her behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that she is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to her. Respondent chooses to resolve this proceeding

Stipulation to Discipline

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OFFICE OF DISCIPLINARY COUNSEL OF THE
WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8207

DBB

1 now by entering into the following stipulation to facts, misconduct and sanction to avoid the
2 risk, time, expense attendant to further proceedings.

3 I. ADMISSION TO PRACTICE

4 1. Respondent was admitted to practice law in the State of Washington on June 8,
5 2005.

6 II. STIPULATED FACTS

7 2. In or around February 2014, the King County Prosecuting Attorney filed a First
8 Amended Information charging Respondent with one count of Conspiracy to Commit the Crime
9 of Obtaining a Signature by Deception or Duress in violation of RCW 9A.60.030 and RCW
10 9A.28.040.

11 3. The elements of conspiracy, as charged in the First Amended Information are that
12 Respondent, (a) with the intent that conduct constituting a crime be performed, (b) agreed with
13 one or more persons to engage in or cause the performance of such conduct, and (c) any one of
14 them took a substantial step in pursuance of such agreement.

15 4. The elements of obtaining a signature by deception or duress are that Respondent,
16 (a) by deception or duress and (b) with the intent to defraud or deprive, (c) caused another
17 person to execute a written instrument.

18 5. Conspiracy to commit the crime of obtaining a signature by deception or duress is a
19 gross misdemeanor

20 6. On February 5, 2014, Respondent pleaded guilty to conspiracy to commit the
21 crime of obtaining a signature by deception or duress as charged in the amended information.

22 7. Respondent entered her guilty plea knowingly, intelligently, and voluntarily.

23 8. In a Statement of Defendant on Plea of Guilty filed in King County Superior Court

1 on February 5, 2014, Respondent made the following statement:

2 In early 2008, in King County, Washington, I was working as a mortgage broker
3 and helping Antonio Music obtain financing for two real estate purchase
4 transactions. In June 2008, when I was unable to obtain financing for Mr. Music
5 for the first transaction (regarding the purchase of a property located at 22014
6 108th Ave., Kent, Washington), Mr. Music applied for financing with Alaska
7 USA Federal Credit Union. I continued to work with Mr. Music regarding the
8 second transaction (another property in Kent, Washington) and I communicated
9 with both Mr. Music and Alaska Federal Credit Union regarding the First
10 transaction.

11 In July 2008, Mr. Music asked me to make a short term personal loan to him of
12 \$48,000. I agreed to do so. On July 24, 2008, I authorized transfer of the money
13 from my account for Mr. Music's benefit. I placed no restrictions on Mr.
14 Music's use of these funds. This loan was not memorialized by a written loan
15 agreement. I was aware that Mr. Music was attempting to obtain financing for
16 two real estate purchases transactions when I made this loan: the one I was
17 working on and the one through Alaska USA Federal Credit Union. I also
18 understood that an undocumented loan of this amount would affect Mr. Music's
19 perceived assets and liabilities to make it appear that his financial situation was
20 more positive than it actually was and that the bank would rely on that
21 deceptively positive financial picture in deciding whether to make the loan to Mr.
22 Music. I further understood that if Mr. Music defaulted on the loan from Alaska
23 USA Federal Credit Union, the bank could be derive of the loaned funds.

24 Mr. Music used the loan funds as part of the down payment required by Alaska
USA Federal Credit Union without revealing that the funds were a loan from me,
not his own funds. I understand and admit that these actions deceived Alaska
USA Federal Credit Union concerning Mr. Music's financial situation and
caused the bank to sign and execute the promissory note and deed of trust related
to the purchase loan for the first transaction. Neither Mr. Music nor I revealed
the existence of this undocumented personal loan to either Alaska Federal Credit
Union to the government until after criminal charges were brought in this case on
July 23, 2013.

9. On February 5, 2014, Superior Court Judge Susan Amini accepted Respondent's
guilty plea and adjudged Respondent guilty of conspiracy to commit the crime of obtaining a
signature by deception or duress as charged in the First Amended Information.

III. STIPULATION TO MISCONDUCT

10. By committing the crime of conspiracy to commit the crime of obtaining a signature

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1 by deception or duress in violation of RCW 9A.60.030 and RCW 9A.28.40, Respondent
2 violated RPC 8.4(b) and/or RPC 8.4(c) and/or RPC 8.4(i) and/or 8.4(k).

3 **IV. PRIOR DISCIPLINE**

4 11. Respondent has no prior discipline.

5 **V. APPLICATION OF ABA STANDARDS**

6 12. The following American Bar Association Standards for Imposing Lawyer Sanctions
7 (1991 ed. & Feb. 1992 Supp.) apply to this case:

8 5.11 Disbarment is generally appropriate when:

9 (a) a lawyer engages in serious criminal conduct, a necessary element of
10 which includes intentional interference with the administration of justice,
11 false swearing, misrepresentation, fraud, extortion, misappropriation, or
12 theft; or the sale, distribution or importation of controlled substances; or
13 the intentional killing of another; or an attempt or conspiracy or
14 solicitation of another to commit any of these offenses; or

15 (b) a lawyer engages in any other intentional conduct involving dishonesty,
16 fraud, deceit, or misrepresentation that seriously adversely reflects on the
17 lawyer's fitness to practice.

18 5.12 Suspension is generally appropriate when a lawyer knowingly engages in
19 criminal conduct which does not contain the elements listed in Standard
20 5.11 and that seriously adversely reflects on the lawyer's fitness to
21 practice.

22 5.13 Reprimand is generally appropriate when a lawyer knowingly engages in
23 any other conduct that involves dishonesty, fraud, deceit, or
24 misrepresentation and that adversely reflects on the lawyer's fitness to
practice law.

5.14 Admonition is generally appropriate when a lawyer engages in any other
conduct that reflects adversely on the lawyer's fitness to practice law.

13. Respondent pleaded guilty to intentional misconduct. There was actual injury to
Alaska USA who lent money based on false information and lost approximately \$600,000 when
Mr. Music defaulted on the loan.

14. The presumptive sanction under ABA Standard 5.11(b) is disbarment.

15. There do not appear to be any aggravating factors under ABA Standard 9.22.

16. The following mitigating factors apply under ABA Standard 9.32:

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- 1 (a) absence of a prior disciplinary record;
- 2 (f) inexperience in the practice of law [Respondent was admitted to practice
3 in 2005. At the time of the misconduct, she had been a licensed lawyer
4 for three years];
- 5 (k) imposition of other penalties or sanctions [Respondent has paid,
6 \$32,015.66 in court ordered restitution to Alaska Federal Credit Union];
- 7 (l) remorse.

8 17. It is an additional mitigating factor that Respondent received no personal financial
9 benefit from the transaction with Mr. Music.

10 18. It is an additional mitigating factor that Respondent has agreed to resolve this matter
11 at an early stage of the proceedings.

12 19. Based on the factors set forth above, the presumptive sanction should be mitigated to
13 a two year suspension.

14 VI. STIPULATED DISCIPLINE

15 20. The parties stipulate that Respondent shall receive a two-year suspension for her
16 conduct.

17 VII. RESTITUTION

18 21. There is no restitution required by this stipulation. Respondent has paid \$32,015.66
19 in court ordered restitution to Alaska Federal Credit Union.

20 VIII. COSTS AND EXPENSES

21 22. In light of Respondent's willingness to resolve this matter by stipulation at an early
22 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$1,000
23 in accordance with ELC 13.9(i). The Association will seek a money judgment under ELC
24 13.9(l) if these costs are not paid within 30 days of approval of this stipulation. Reinstatement
from suspension is conditioned on payment of costs.

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IX. VOLUNTARY AGREEMENT

23. Respondent states that prior to entering into this Stipulation she has consulted independent legal counsel regarding this Stipulation, that Respondent is entering into this Stipulation voluntarily, and that no promises or threats have been made by ODC, the Association, nor by any representative thereof, to induce the Respondent to enter into this Stipulation except as provided herein.

24. Once fully executed, this stipulation is a contract governed by the legal principles applicable to contracts, and may not be unilaterally revoked or modified by either party.

X. LIMITATIONS

25. This Stipulation is a compromise agreement intended to resolve this matter in accordance with the purposes of lawyer discipline while avoiding further proceedings and the expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer and ODC acknowledge that the result after further proceedings in this matter might differ from the result agreed to herein.

26. This Stipulation is not binding upon ODC or the respondent as a statement of all existing facts relating to the professional conduct of the respondent lawyer, and any additional existing facts may be proven in any subsequent disciplinary proceedings.

27. This Stipulation results from the consideration of various factors by both parties, including the benefits to both by promptly resolving this matter without the time and expense of hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As such, approval of this Stipulation will not constitute precedent in determining the appropriate sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in subsequent proceedings against Respondent to the same extent as any other approved

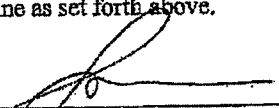
1 Stipulation.

2 28. Under Disciplinary Board policy, in addition to the Stipulation, the Disciplinary
3 Board shall have available to it for consideration all documents that the parties agree to submit
4 to the Disciplinary Board, and all public documents. Under ELC 3.1(b), all documents that
5 form the record before the Board for its review become public information on approval of the
6 Stipulation by the Board, unless disclosure is restricted by order or rule of law.

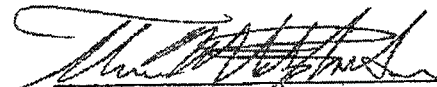
7 29. If this Stipulation is approved by the Disciplinary Board and Supreme Court, it will
8 be followed by the disciplinary action agreed to in this Stipulation. All notices required in the
9 Rules for Enforcement of Lawyer Conduct will be made.

10 30. If this Stipulation is not approved by the Disciplinary Board and Supreme Court, this
11 Stipulation will have no force or effect, and neither it nor the fact of its execution will be
12 admissible as evidence in the pending disciplinary proceeding, in any subsequent disciplinary
13 proceeding, or in any civil or criminal action.

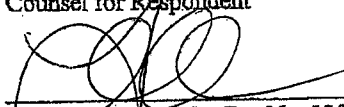
14 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
15 to Discipline as set forth above.

16 
17 Sabina F. Rosenthal, Bar No. 36219
18 Respondent

Dated: 3/14/2016

19 
20 Thomas M. Fitzpatrick, Bar No. 8894
21 Counsel for Respondent

Dated: 3/16/2016

22 
23 Francesca D'Angelo, Bar No. 22979
24 Disciplinary Counsel

Dated: 3/16/2016