


Counsel for the State Bar The State Bar of California Office of the Chief Trial Counsel Enforcement Anthony J. Garcia, No. 171419 1149 South Hill Street, 10th Floor Los Angeles, California 90015-2299 Telephone: (213) 765-1000	Case number(s) 01-O-05358; 02-O-14532; 02-O-15254; 03-O-00983	(for Court's use) ORIGINAL PUBLIC MATTER FILED NOV 26 2003 <i>KE</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel for Respondent George A. Creque, (in pro per) 4020 Manly Rd. Willow Springs, CA 93560-6930	kwiktag® 035 115 499 	
In the Matter of George A. Creque Bar # No. 115580 A Member of the State Bar of California (Respondent)	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 3, 1984
(date)
- (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 and order consist of 11 pages.
- (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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 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:
2004, 2005, 2006
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth under "Partial Waiver of Costs"
 - ☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

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 00-0-12533 (S103455)

(b) ☒ date prior discipline effective 04/17/02

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Business and Professions Code

(B&P) sections 6125, 6126, 6068(a) (unlawful Practice of Law)

(d) ☒ degree of prior discipline 2 years stayed, 60 days actual, 2 years probation

(e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".
00-0-11318 (S093644); effective 03/28/01; B&P sections 6068(c), 6103; 6 months stayed, 2 years probation.

96-0-6841 (S065723); 02/21/98; Rule of Professional Conduct, rule 3-700(D)(1), B&P sections 6068(m), 90 days stayed, 2 years probation.

- (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 to the victims of his/her misconduct and to the State Bar during 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 \$ _____ 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 shall 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 to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
 - ☐ iii. and until Respondent does the following: _____
- B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of 2 years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

- A. Respondent shall be actually suspended from the practice of law in the State of California for a period of nine (9) 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 to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
 - ☐ 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 shall 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.
- (2) ☒ During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) ☒ Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall 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 shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) ☐ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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.
- (7) ☐ Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit 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. - Respondent has recently taken and passed Ethics school.

- (8) ☐ Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.

- (9) ☒ The following conditions are attached hereto and incorporated:

- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

- (10) ☐ Other conditions negotiated by the parties:

- ☐ Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.

☒ No MPRE recommended. - Respondent has recently passed the MPRE.

- ☒ Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.

- ☐ Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

- ☐ Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

In the Matter of

GEORGE A. CREQUE
A Member of the State Bar

Case Number(s):

01-O-05358; 02-O-14532;
02-O-15254; 03-O-00983

Law Office Management Conditions

- a. ☐ Within ____ days/ ____ months/ ____ years of the effective date of the discipline herein, Respondent shall develop a law office management/ organization plan, which must be approved by respondent's probation monitor, or, if no monitor is assigned, by the Probation Unit. This plan must include procedures to send periodic reports to clients; the documentation of telephone messages received and sent; file maintenance; the meeting of deadlines; the establishment of procedures to withdraw as attorney, whether of record or not, when clients cannot be contacted or located; and, for the training and supervision of support personnel.
- b. ☒ Within ____ days/ ____ months 1 years of the effective date of the discipline herein, respondent shall submit to the Probation Unit satisfactory evidence of completion of no less than 8 hours of MCLE approved courses in law office management, attorney client relations and/ or general legal ethics. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent shall not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, respondent shall join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for ____ year(s). Respondent shall furnish satisfactory evidence of membership in the section to the Probation Unit of the Office of Chief Trial Counsel in the first report required.

ATTACHMENT TO STIPULATION
RE: FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GEORGE A. CREQUE

CASE NUMBERS: 01-O-5358, 02-O-14532, 02-O-15254, 03-O-983

A. FACTS AND CONCLUSIONS OF LAW

Respondent ^{stipulates to} ~~admits~~ the following facts ~~and~~ and that he is culpable of violations of the specified statutes and Rules of Professional conduct.

Case No. 02-O-14532

On February 26, 2001, the California Supreme Court, in Case No. S093664 (State Bar Court case no. 00-O-11318), suspended Respondent from the practice of law for a period of six (6) months, stayed that suspension, and placed Respondent on probation for 2 years subject to the conditions of probation recommended by the State Bar Court. The relevant conditions included:

- a. Respondent was required to file quarterly reports. The first quarterly report was due on July 10, 2001;
- b. Respondent was required to complete Ethics School by March 28, 2002; and
- c. Respondent was required to complete the eight hours of ethics school as specified in the stipulation by April 20, 2002.

Respondent violated the terms and conditions of his probation by failing to

- timely submit the quarterly reports that were due on January 10, 2002, April 10, 2002, and July 10, 2002, October 10, 2002, January 10, 2003, and April 10, 2003;
- failing to furnish satisfactory evidence that he had completed the requisite 8 hours of MCLE courses to the Probation Unit; and
- failing to timely complete Ethics School as required.

Respondent ultimately filed most of his quarterly reports on April 21, 2003, and the remainder on about July 15, 2003. Respondent completed Ethics School on May 8, 2003, and Respondent has completed all his required MCLE classes.

Legal Conclusion

By failing to time comply with the conditions of his probation, Respondent wilfully violated Business and Professions Code, sections 6068(k) and 6103.

Case no. 01-O-5358

Violation of Rule 3-300

Alfred Montoya (Montoya) hired Respondent to represent him in a three separate criminal



matters beginning in about December 2000. They agreed that Respondent would receive \$3,000 for one matter and a negotiated fee for the other two matters.

Mr. Montoya owned a 1987 Corvette (Corvette) that was worth between about \$6,000 and about \$16,000.

On June 20, 2001, Montoya transferred the title of the Corvette to Respondent for safekeeping and as collateral for Respondent's legal fees. There was no written agreement between Montoya and Respondent disclosing the terms of the transaction, Respondent did not comply with Rules of Professional Conduct, rule 3-300.

Unlawful practice of law

On September 1, 2001, the State Bar of California, Office of Certification placed Respondent on "Not Entitled" status, because Respondent failed to comply with the Minimum Continuing Legal Education (MCLE) Rules governing licensed attorneys in California. Respondent remained on Not Entitled Status until December 12, 2001, when he submitted documentation of compliance with the MCLE Rules and paid the \$200 reinstatement fee.

On September 24, 2001, Respondent appeared in Court and argued a motion on Montoya's behalf in Montoya's third criminal matter. Respondent did not tell the court or Montoya that he was not entitled to practice law.

Legal Conclusions

By accepting title to Montoya's Corvette without complying with the provisions of Rules of Professional Conduct, rule 3-300, Respondent's conduct violated Rules of Professional Conduct, rule 3-300.

By practicing law while he was suspended from the practice of law, Respondent violated Business and Professions Code, sections 6068(a), 6125, 6126, and 6106.

Case no. 02-O-15254

Unlawful practice of law

On September 1, 2001, the State Bar of California, Office of Certification placed Respondent on "Not Entitled" status, because Respondent failed to comply with the Minimum Continuing Legal Education (MCLE) Rules governing licensed attorneys in California. Respondent remained on Not Entitled Status until December 12, 2001, when he submitted documentation of compliance with the MCLE Rules and paid the \$200 reinstatement fee.

On October 17, 2001, Respondent filed a motion in Los Angeles County Superior Court in the case entitled *Reeves v. Reeves*, case no MD007520, on behalf of his client Donald Reeves (Reeves). Respondent did not tell the court or Reeves that he was not entitled to practice law.

Unlawful practice of law

Respondent's license to practice law was suspended, again, from September 16, 2002 through November 19, 2002..

On October 9, 2002, Respondent signed and filed a Stipulation in Los Angeles County Superior

Court in the case entitled *Eckhardt v. Eckhardt*, case no MD025957, on behalf of his client Rudolph Eckhardt (Eckhardt). Respondent did not tell the court or Eckhardt that he was not entitled to practice law.

Legal Conclusion

By practicing law while he was suspended from the practice of law, Respondent violated Business and Professions Code, sections 6068(a), 6125, 6126, and 6106.

Case no. 03-O-983

Seeking to Mislead a Judge

On March 18, 2002, the California Supreme Court issued an Order in case number S103455 (State Bar Court case no. 00-O-12533), suspending Respondent from the practice of law for 60 days actual with two years of stayed suspension, two years probation and other probation conditions.

The March 18, 2002, California Supreme Court Order in case no. S103455 became effective on April 17, 2002.

On March 28, 2002, Rennie Tucker (Mr. Tucker) hired Respondent to represent him in a criminal matter, case no. MA023788, Los Angeles County Superior Court. When Respondent was hired, Mr. Tucker's criminal matter was set for trial, and the trial was scheduled to begin on May 10, 2002.


On April 11, 2002, Respondent appeared in court on Mr. Tucker's behalf and requested that the jury trial in Mr. Tucker's criminal matter be continued. Respondent told the court that he had a planned, two-month vacation. The court continued Mr. Tucker's jury trial until July 3, 2002.

Legal Conclusion

By telling the court that he needed a continuance in Mr. Tucker's criminal matter because he was going on a two-month vacation and not that he had been suspended from the practice of law, Respondent sought to mislead the judge or judicial officer by an artifice.

B. PENDING PROCEEDINGS

The disclosure date referred to on page one, paragraph A.(6), was ~~September 19, 2003.~~

Nov. 14, 2003. 

C. DISMISSALS

The State Bar moves the court to dismiss the following in the interest of justice:

- Case no. 01-O-5358, Count Three (3).
- Case no. 03-O-983, Count Two (2).

D. SUPPORTING AUTHORITIES.

Standard 1.7(a)

Standard 1.7(a) which states that if a member has a prior discipline, the degree of discipline in the current proceeding shall be greater than the discipline imposed in the prior proceeding unless the prior



discipline was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust.

Standard 2.6

Standard 2.6 which states that a member's culpability of violating Business and Professions Code, sections 6067 through 6068 and/or sections 6103 through 6105 shall result in disbarment or suspension depending on the gravity of the offense or harm to the victim with due regard to the purposes of imposing discipline set forth in standard 1.3.

Standard 2.8

Standard 2.8 provides that, when a respondent is culpable of a violation of Rules of Professional Conduct, rule 3-300, that Respondent should be suspended unless the extent of Respondent's misconduct and the harm to the client are minimal, in which case, the degree of discipline shall be reproof.



10-3-3
Date


Respondent's signature

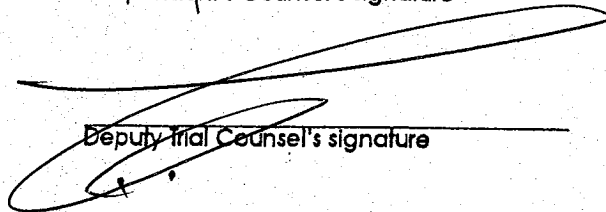
GEORGE A. CREQUE
print name

Date

N/A
Respondent's Counsel's signature

print name

11/14/03
Date


Deputy Trial Counsel's signature

ANTHONY J. GARCIA
print name

ORDER

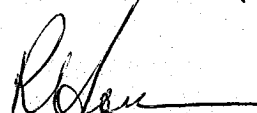
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ 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.

1. On page 1, paragraph A. (7) is modified to allow payment of costs over the years 2005, 2006, 2007.
2. On page 6, the Law Office Management Conditions are modified at paragraph b. by deleting the last sentence "This requirement . . . State Bar.)"

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 953(a), California Rules of Court.)

11/20/03
Date


RICHARD A. HONN
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. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on November 26, 2003, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING ACTUAL SUSPENSION, filed November 26, 2003**

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 Los Angeles, California, addressed as follows:

**GEORGE A. CREQUE
4020 MANLY RD.
WILLOW SPRINGS CA 92560-6930**

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

ANTHONY GARCIA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **November 26, 2003.**



Tammy R. Cleaver
Case Administrator
State Bar Court