



<p>Counsel for the State Bar</p> <p><b>MARIA J. OROPEZA, #182660</b>  <b>THE STATE BAR OF CALIFORNIA</b>  <b>180 HOWARD STREET</b>  <b>SAN FRANCISCO, CALIFORNIA 94105</b>  <b>TELEPHONE: (415) 538-2569</b></p>	<p>Case number(s)</p> <p>03-C-02652-PEM  01-C-01063</p> <p><b>NOT FOR PUBLICATION</b></p>	<p>(for Court's use)</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b></p> <p>AUG 16 2004</p> <p>STATE BAR COURT CLERK'S OFFICE  SAN FRANCISCO</p>
<p>Counsel for Respondent</p> <p><b>BRIAN H. GETZ, #85593</b>  <b>44 MONTGOMERY ST., STE. 3850</b>  <b>SAN FRANCISCO, CALIFORNIA 94104</b>  <b>TELEPHONE: (415) 912-5886</b></p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>REPROVAL <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of</p> <p><b>ANDREW D. TELLES</b></p> <p>Bar # 205660</p> <p>A Member of the State Bar of California  (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted DECEMBER 8, 1999 (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 10 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):
  - costs added to membership fee for calendar year following effective date of discipline (public reproof)
  - case ineligible for costs (private reproof)
  - costs to be paid in equal amounts for the following membership years:

\_\_\_\_\_ (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - costs waived in part as set forth 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."

(8) The parties understand that:

xx (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

(c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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

(1)  Prior record of discipline [see standard 1.2(f)]

(a)  State Bar Court case # of prior case \_\_\_\_\_

(b)  Date prior discipline effective \_\_\_\_\_

(c)  Rules of Professional Conduct/ State Bar Act violations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d)  degree of prior discipline \_\_\_\_\_

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(2)  Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3)  Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4)  Harm: Respondent's misconduct harmed significantly ~~xx~~ 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 that we 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)  Private reproof (check applicable conditions, if any, below)

(a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).

(b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2)  Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproval:

(1)  Respondent shall comply with the conditions attached to the reproof for a period of ONE (1) YEAR.

(2)  During the condition period attached to the reproof, 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 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 condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. If the first report would cover less than thirty (30) days, that report shall be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 such reports as may be requested, in addition to quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the 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 conditions attached to the reproof.
- (7)  Within one (1) year of the effective date of the discipline herein, respondent shall provide to the Probation Unit satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- No Ethics School ordered.
- (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 required to be filed with the Probation Unit.
- (9)  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 within one year of the effective date of the reproof.
- No MPRE ordered.
- (10)  The following conditions are attached hereto and incorporated:
- Substance Abuse Conditions       Law Office Management Conditions
- Medical Conditions       Financial Conditions
- (11)  Other conditions negotiated by the parties:

**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        Andrew Telles, Bar No. 205660

CASE NUMBER(S):        03-C-02652 and 01-C-01063 ET AL.

**FACTS AND CONCLUSIONS OF LAW.**

**Statement of Facts: Case No. 01-C-01063**

1.        On March 9, 2001, respondent was charged with a one count criminal complaint alleging a violation of California Penal Code section 314.1 (Indecent Exposure) a misdemeanor for conduct that took place on or about January 12, 2001.

2.        On April 18, 2002, the criminal complaint was amended striking out the allegation of a violation of penal code section 314.1 and replacing it with the charge of a violation of penal code section 415(2) (disturbing the peace) a misdemeanor.

3.        On April 18, 2002, respondent entered a plea of *Nolo Contendere*. Respondent was placed on a one year court probation, ordered to pay a fine of \$100.00 and to serve 100 hours of community service.

**Conclusions of Law: Case No. 01-C-01063**

4.        The facts and circumstances surrounding respondent's criminal conviction of a violation of California Penal Code section 415(2) do not involve moral turpitude, however they do constitute other misconduct warranting discipline.

**Statement of Facts: Case No. 03-02652-PEM**

5.        On March 28, 2003, respondent was charged with a one count criminal complaint alleging a violation of California Penal Code section 314.1 (Indecent Exposure) a misdemeanor for conduct that took place on February 3, 2003.

6.        On May 27, 2003 the criminal complaint was amended, a second count was added to the complaint. The second count alleged a violation of California Penal Code section 647(A) (Disorderly Conduct) a misdemeanor.

7.        On May 27, 2003, respondent entered a plea of *Nolo Contendere* to count two of the criminal complaint. Count one of the criminal complaint was dismissed by a motion made by the prosecution.

8.        On July 18, 2003, respondent was placed on supervised probation for two years,

one year court probation, and ordered to serve 10 days in county jail.

Conclusions of Law: Case No. 03-C-02652

9. The facts and circumstances surrounding respondent's criminal conviction of a violation of California Penal Code section 647(A) do not involve moral turpitude, however they do constitute other misconduct warranting discipline.

Respondent admits that the following facts are true and correct.

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING.**

This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and Rule 951 of the California Rules of Court.

On April 18, 2002, respondent was convicted of violating California Penal Code section 415(2) (Disturbing the Peace).

On June 16, 2004, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of Penal Code section 415(2), of which Andrew Telles was convicted involved moral turpitude or other misconduct warranting discipline.

On May 27, 2003, respondent was convicted of violating California Penal Code section 647(A) (Disorderly Conduct).

On October 23, 2003, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department on the following issues: for a hearing and decision recommending discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the violation of Penal Code section 647(A), of which Andrew Telles was convicted involved moral turpitude or other misconduct warranting discipline.

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was June 25, 2004.

**STATE BAR ETHICS SCHOOL.**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

**OTHER CONDITIONS NEGOTIATED BY THE PARTIES.**

Respondent agrees that he will place himself on inactive status for the duration of his State Bar Probation term.

Respondent agrees that he will not attempt to remove himself from inactive status during his State Bar Probation Term.

If respondent attempts to remove himself from inactive status, such an attempt will be deemed a violation of his State Bar probation and the Office the Chief Trial may institute a disciplinary matter for such an attempt.

Respondent agrees to complete the San Mateo Sex Offender Program and provide proof of completion to the State Bar Probation Unit. In addition respondent shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit, that he is attending the Sex Offender Program.

**COMPLIANCE WITH CONDITIONS OF PROBATION IN UNDERLYING CRIMINAL MATTER.**

Respondent shall comply with all conditions of his criminal Probation imposed in the underlying criminal matters and shall so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Probation Unit.

**RESTRICTIONS WHILE ON INACTIVE STATUS.**

1. During the period of inactive status, respondent shall not:
  1. Render legal consultation or advice to a client;
  2. Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
  3. Appear as a representative of a client at a deposition or other discovery matter;
  4. Negotiate or transact any matter for or on behalf of a client with third parties;



5. Receive, disburse, or otherwise handle a client's funds; or
  6. Engage in activities which constitute the practice of law.
  7. Hold himself out as an "attorney at law".
2. Respondent shall declare under penalty of perjury that he has complied with this provision in any quarterly report required to be filed with the Probation Unit, pertaining to periods in which the respondent is on inactive status from the practice of law.

Date July 9 2004

Andrew D. Telles  
Respondent's signature

ANDREW D. TELLES  
print name

Date 7.9.04

[Signature]  
Respondent's Counsel's signature

BRIAN H. GETZ  
print name

Date 7/16/04

[Signature]  
Deputy Trial Counsel's signature

MARIA J. OROPEZA  
print name

**ORDER**

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, 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 REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date 8/16/04

[Signature]  
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 San Francisco, on August 16, 2004, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING**

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

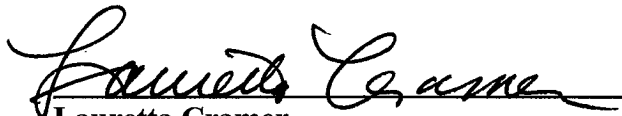
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**BRIAN H. GETZ  
LAW OFC BRIAN H GETZ  
44 MONTGOMERY ST STE 3850  
SAN FRANCISCO CA 94104 4823**

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

**MARIA OROPEZA , Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **August 16, 2004.**



**Laurretta Cramer**  
Case Administrator  
State Bar Court