

**PUBLIC MATTER**

**FILED**

APR 08 2004

STATE BAR COURT CLERK'S OFFICE  
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**THE STATE BAR COURT**

**HEARING DEPARTMENT - LOS ANGELES**

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In the Matter of )  
 )  
**TODD CHRISTIAN SMITH,** )  
 )  
**Member No. 167013,** )  
 )  
A Member of the State Bar. )

**Case No. 04-PM-10575-PEM**  
  
**ORDER GRANTING MOTION TO  
REVOKE PROBATION AND ORDER OF  
INVOLUNTARY INACTIVE  
ENROLLMENT**

**I. INTRODUCTION**

Based upon alleged probation violations, the State Bar of California, Office of Probation ("State Bar") filed a motion to revoke the probation of Respondent Todd Christian Smith ("Respondent") imposed by the Supreme Court in its order filed on July 2, 2003, in Case No. S114603 (State Bar Court Case No. 01-O-01854, 01-O-02515).

The State Bar requests that Respondent's probation be revoked, and that Respondent be actually suspended for one year, the entire period of suspension previously stayed by the Supreme Court. The State Bar also requests that Respondent be ordered to comply with rule 955 of the California Rules of Court ("rule 955"), and that Respondent be involuntarily enrolled as an inactive member of the State Bar pursuant to Business and Professions Code section 6007(d).<sup>1</sup>

For the reasons stated below, the State Bar's motion to revoke Respondent's probation is hereby granted, as is its request to involuntarily enroll Respondent to inactive status. The court therefore recommends that Respondent be actually suspended from the practice of law for one

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<sup>1</sup>Unless otherwise indicated, all further references to section refer to provisions of the California Business and Professions Code.



1 year, and that he be ordered to comply with rule 955. The court shall also involuntarily enroll  
2 Respondent as an inactive member of the State Bar pursuant to section 6007(d).

## 3 **II. PERTINENT PROCEDURAL HISTORY**

4 On February 11, 2004, the State Bar filed with the State Bar Court a motion to revoke  
5 Respondent's probation, accompanied by the declarations of Eddie Esqueda and Jayne Kim and  
6 Exhibits 1-6 in support of said motion. Copies of the motion, the declarations of Eddie Esqueda  
7 and Jayne Kim, Exhibits 1-6 and a Probation Revocation Response form were properly served  
8 upon Respondent on that same date by certified mail, return receipt requested, addressed to  
9 Respondent at his latest address shown on the official membership records of the State Bar  
10 ("official address") pursuant to section 6002.1(c) and rule 60 and 563(a) of the Rules of  
11 Procedure of the State Bar of California ("Rules of Procedure").<sup>2</sup> The State Bar requested that a  
12 hearing be held if Respondent responded to the motion, unless the Court, based on the motion  
13 and response alone, determined that imposition of the discipline requested by the State Bar was  
14 warranted. There is no evidence as to whether the copy of the motion and supporting documents  
15 was returned to the State Bar by the U.S. Postal Service as undeliverable or for any other reason.

16 On February 24, 2004, A Notice of Assignment was filed and a copy was served upon  
17 Respondent by first-class mail, postage fully prepaid, addressed to Respondent at his official  
18 address. The copy of said notice was not returned to the State Bar Court by the U.S. Postal  
19 Service as undeliverable or for any other reason.

20 Respondent did not file a response to the State Bar's motion to revoke his probation, and  
21 the time for doing so expired.

22 The court therefore took this matter under submission for decision as of March 8, 2004,  
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25 <sup>2</sup>The certified copy of Respondent's address history dated February 2, 2004, which is  
26 attached as part of Exhibit 1, is not competent evidence to establish that documents served after  
27 February 2, 2004, were properly served upon Respondent. The court therefore takes judicial  
28 notice of the State Bar's official membership records pursuant to Evidence Code section 452(h)  
which indicate that effective October 1, 2003, Respondent's official address has been, and  
remains as of the date of this decision, 9089 Clairemont Mesa Blvd. 210, San Diego, CA 92123.

1 after Respondent failed to file a timely response by said date as required by rule 563(b)(1).

2 On March 25, 2004, Respondent filed an opposition to the State Bar's motion to revoke  
3 his probation. However, said response was untimely. Therefore, concurrently with the filing of  
4 this Order, the court will file an order striking Respondent's response as untimely.

5 **III. FINDINGS OF FACT**<sup>3</sup>

6 **Jurisdiction**

7 Pursuant to Evidence Code section 452(h), the court takes judicial notice of the official  
8 membership records pertaining to Respondent which are maintained by the State Bar of  
9 California. These records reflect that Respondent was admitted to the practice of law in the State  
10 of California on December 13, 1993, was a member at all times pertinent to the allegations  
11 herein, and is currently a member of the State Bar of California.

12 **Probation Violations**

13 On July 2, 2003, the Supreme Court filed an order in Case No. S114603 (State Bar Court  
14 Case No. 01-O-01854, 01-O-02515) ("Supreme Court order"), suspending Respondent from the  
15 practice of law for one year; staying execution of said suspension; and placing Respondent on  
16 probation for three years subject to certain conditions of probation.

17 Pursuant to the Supreme Court order, Respondent was ordered to comply with the  
18 following terms and conditions of probation, among others:

19 (a) to submit written quarterly reports to the Office of Probation<sup>4</sup> on each January  
20 10, April 10, July 10, and October 10 of the probationary period;

21 (b) to furnish evidence of monthly psychiatric or psychological treatment with  
22 each quarterly report;

23 \_\_\_\_\_  
24 <sup>3</sup>These findings of fact are based on the admitted factual allegations contained in the State  
25 Bar's motion to revoke Respondent's probation, the declarations of Eddie Esqueda and Jayne  
26 Kim, and State Bar Exhibits 1-6 attached thereto. (Rules Proc. of State Bar, rule 563(b)(3).) The  
27 declarations of Eddie Esqueda and Jayne Kim, and State Bar Exhibits 1-6 are admitted into  
evidence pursuant to rule 563(e) of the Rules of Procedure.

28 <sup>4</sup>The Office of Probation was formerly known as the Probation Unit, Office of the Chief  
Trial Counsel.

1 (c) within 60 days of the effective date of discipline, to develop a law office  
2 management/organization plan which must be approved by Respondent's probation monitor.<sup>5</sup>

3 The Supreme Court order became effective on August 1, 2003, thirty days after it was  
4 entered. (Cal. Rules of Court, rule 953(a).)<sup>6</sup>

5 On August 13, 2003, Eddie Esqueda ("Mr. Esqueda"), Probation Deputy for the Office of  
6 Probation, State Bar of California, mailed a copy of the disciplinary order imposing probation  
7 and a letter confirming certain terms and conditions of probation, including suspension, to  
8 Respondent. Mr. Esqueda's letter advised Respondent to contact his assigned probation monitor,  
9 Margaret Lafko ("Ms. Lafko"), within ten days, and provided Respondent with an address and  
10 telephone number for Ms. Lafko. Enclosed with the letter, inter alia, was a copy of the Supreme  
11 Court's order imposing discipline and the conditions of probation, and a quarterly report form  
12 and instruction sheet. Mr. Esqueda's August 13, 2003, letter was not returned to the State Bar as  
13 undeliverable.

14 On October 16, 2003, Mr. Esqueda received letter from Ms. Lafko advising him that  
15 Respondent had not contacted her.

16 On October 22, 2003, Mr. Esqueda mailed a reminder letter to Respondent regarding  
17 certain terms and conditions of his probation. The letter states, in pertinent part, "Your first  
18 quarterly report was due no later than October 10, 2003. [Par.] This letter is to advise you that the  
19 Office of Probation has not received your first quarterly report, nor your Law Office Management  
20 Plan that was due by September 30, 2003." Enclosed with this letter was a copy of Mr.

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22 <sup>5</sup>Pursuant to the Supreme Court's order, Respondent was required to develop a law office  
23 management/organization plan by September 30, 2003.

24 <sup>6</sup>Although no proof was offered that the Clerk of the Supreme Court served the Supreme  
25 Court's order upon Respondent, rule 24(a) of the California Rules of Court requires clerks of  
26 reviewing courts to immediately transmit a copy of all decision of those courts to the parties upon  
27 filing. Moreover, it is presumed pursuant to Evidence Code section 664 that official duties have  
28 been regularly performed. (*In re Linda D.* (1970) 3 Cal.App.3d 567, 571.) Therefore, in the  
absence of evidence to the contrary, this court finds that the Clerk of the Supreme Court  
performed his or her duty and transmitted a copy of the Supreme Court's order to Respondent  
immediately after its filing.

1 Esqueda's letter dated August 13, 2003. Mr. Esqueda's October 22, 2003, letter was not returned  
2 to the State Bar as undeliverable.

3 On October 30, 2003, Mr. Esqueda spoke with Respondent via telephone and advised  
4 him that he had not received Respondent's October 10, 2003, quarterly report or his law office  
5 management plan. Mr. Esqueda advised Respondent to submit his quarterly report and law  
6 office management plan immediately and to contact his probation monitor, Ms. Lafko. During  
7 this telephone conversation, Respondent stated that he would take care of everything as soon as  
8 they ended their telephone conversation.

9 On October 31, 2003, Respondent met with Ms. Lafko, his probation monitor. At the  
10 meeting, Ms. Lafko advised Respondent to contact Mr. Esqueda regarding the development of  
11 his law office management plan. Respondent informed Ms. Lafko that he had been seen for  
12 psychological counseling, but had not seen a counselor in five weeks. Respondent advised Ms.  
13 Lafko that he needed to find another counselor, and that he would do so by November 7, 2003.

14 On November 12, 2003, Mr. Esqueda telephoned Respondent regarding his delinquent  
15 quarterly report and law office management plan. During this telephone conversation,  
16 Respondent told Mr. Esqueda that he had met with Ms. Lafko, and that he was in the process of  
17 developing his law office management plan. Respondent also told Mr. Esqueda that he would  
18 submit his delinquent quarterly report that day.

19 On November 24, 2003, Respondent left a voice mail message for Ms. Lafko indicating  
20 that he was having difficulty with the law office management plan requirement. Respondent  
21 indicated that he had spoken with Mr. Esqueda who had advised Respondent to seek assistance  
22 from Ms. Lafko with respect to the law office management plan. Respondent requested that Ms.  
23 Lafko return his call the following day.

24 On December 8, 2003, Ms. Lafko returned Respondent's November 24, 2003, telephone  
25 call and left a voice mail message for him. However, Respondent did not return Ms. Lafko's  
26 telephone call.

27 On January 28, 2004, Mr. Esqueda telephoned Ms. Lafko and inquired whether  
28 Respondent had submitted a law office management plan to her. Ms. Lafko told Mr. Esqueda

1 that she had not received any documents from Respondent or heard from him since November  
2 2003.

3 On January 28, 2004, Mr. Esqueda also telephoned Respondent at his official State Bar  
4 membership records telephone number. At that time, a woman answered the telephone and  
5 advised Mr. Esqueda that Respondent could no longer be reached at that location. The woman  
6 told Mr. Esqueda that Respondent had not been there since November 2003.

7 A complete review of Respondent's probation file on or about January 29, 2004, reflected  
8 that Respondent had not submitted any written quarterly reports or evidence of monthly  
9 psychological or psychiatric treatment to the Office of Probation since the effective date of  
10 discipline. A complete review of Respondent's file also reflected that Respondent had not  
11 submitted a law office management plan.

12 On February 4, 2004, Ms. Lafko received a faxed copy of Respondent's quarterly  
13 probation report for the period ending January 10, 2004.

14 On February 5, 2004, Jayne Kim ("Ms. Kim"), Supervising Attorney for the Office of  
15 Probation, telephoned Respondent at his official State Bar membership records address. At that  
16 time, she heard an outgoing message which provided different telephone numbers for callers  
17 trying to reach "American Eagle Funds," "Biomedical Technology Funds" and "Ambient Funds."  
18 The outgoing message stated that if callers were trying to reach "Biomedical Technology Fund"  
19 they should contact Todd Smith at the cell phone number of (760) 815-2107 ("Respondent's cell  
20 phone").

21 On February 5, 2004, Ms. Kim telephoned Respondent three separate times on his cell  
22 phone. Twice, she left a message for Respondent identifying herself and requesting a return  
23 telephone call. The third time, she telephoned Respondent's cell phone number, she was unable  
24 to leave a message.

25 Also on February 5, 2004, Ms. Kim telephoned Ms. Lafko, Respondent's assigned  
26 probation monitor. She asked Ms. Lafko whether Respondent submitted a law office  
27 management plan to her. Ms. Lafko told Ms. Kim that Respondent had not submitted a law  
28 office management plan to her, but that he recently faxed documents to her. Ms. Lafko said that

1 she would fax Ms. Kim the documents she had recently received from Respondent.

2 Later that day, Ms. Kim received a five-page facsimile transmission from Ms. Lafko  
3 which included a fax cover sheet sent from Respondent to Ms. Lafko and a quarterly report form  
4 marked off as "January 10, 2004." Said quarterly report stated that Respondent would provide a  
5 medical report under separate cover. Said quarterly report also stated that Respondent and his  
6 probation monitor "were unable to determine what the contents of the management plan are."  
7 Therefore, the letter indicated that Respondent was enclosing a separate statement regarding his  
8 practice.

9 After receiving the fax from Ms. Lafko, Ms. Kim telephoned her to inquire whether she  
10 ever received a separate medical report or the aforementioned statement regarding Respondent's  
11 practice. Ms. Lafko informed Ms. Kim that she did not receive anything else from Respondent.  
12 During the telephone conversation, Ms. Kim requested that Ms. Lafko send a probation monitor  
13 report regarding Respondent's performance on probation.

14 On or about February 9, 2004, the Office of Probation received a letter from Ms. Lafko  
15 regarding contact she had had with Respondent from October 31, 2003 to February 4, 2004.

16 On February 9, 2004, the Office of Probation also received a quarterly report from  
17 Respondent for the period ending January 10, 2004, which was signed and dated on January 30,  
18 2004.

19 In the morning of February 10, 2004, Ms. Kim telephoned Respondent at Respondent's  
20 cell phone. At that time, her call was forwarded to a voice mail box. Ms. Kim left a message for  
21 Respondent identifying herself and requesting a return telephone call.

22 To date, Respondent has not returned any of Ms. Kim's telephone calls.

23 As of February 11, 2004, Respondent had not complied with the terms of his probation as  
24 follows: Respondent had not timely developed an approved law office management/organization  
25 plan; had not submitted any proof of psychological or psychiatric treatment; and had not  
26 submitted quarterly reports other than the aforementioned delinquent report received on February  
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1 9, 2004.<sup>7</sup>

2 **IV. CONCLUSIONS OF LAW**

3 Bad faith is no a requirement for a finding of culpability in a probation violation matter;  
4 “instead, a ‘general purpose or willingness’ to commit an act or permit an omission is sufficient.  
5 (Citations.)” (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 536.)  
6 Pursuant to section 6093(c) and rule 561 of the Rules of Procedure, the court concludes that the  
7 State Bar has demonstrated by a preponderance of the evidence that Respondent wilfully violated  
8 certain conditions of probation ordered by the Supreme Court by failing to: (1) develop an  
9 approved law office management/organization plan by September 30, 2003; (2) submit any proof  
10 of psychological or psychiatric treatment; and (3) submit the quarterly report due October 10,  
11 2003, and to timely submit the quarterly report due January 10, 2004. These conclusions warrant  
12 the revocation of probation as provided by section 6093(b).

13 **V. AGGRAVATING CIRCUMSTANCES**

14 In aggravation, Respondent has a prior record of discipline. (Rules Proc. of State Bar, tit.  
15 IV, Stds. for Atty. Sanctions for Prof. Misconduct, standard 1.2(b)(i) (“standard”).)

16 On July 2, 2003, the Supreme Court filed an order in Case No. S114603 (State Bar Court  
17 Case No. 01-O-01854; 01-O-02515), suspending Respondent from the practice of law for one  
18 year, staying execution of said suspension; and placing Respondent on probation for three years  
19 subject to certain conditions of probation, including a 60-day period of actual suspension.

20 Respondent was found culpable in two counts of violating section 6106 by issuing checks on  
21 insufficient funds and writing checks on a client trust account for personal use in connection with  
22 two different client trust accounts.<sup>8</sup> Respondent’s candor/cooperation, the lack of client harm

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26 <sup>7</sup>Respondent did not submit the quarterly report due October 10, 2003, and did not timely  
27 submit the quarterly report due January 10, 2004.

28 <sup>8</sup>The issuance of these checks did not involve client funds, client property or client  
expenses.

1 and emotional difficulties<sup>9</sup> were considered mitigating factors. It was also noted that Respondent  
2 had no prior record of discipline, and that Respondent had closed his law practice and that he  
3 essentially no longer practiced law. Respondent's multiple acts of misconduct and the fact that  
4 his misconduct was followed by or surrounded by dishonesty, concealment, bad faith,  
5 overreaching or other violations of the Rules of Professional Conduct or State Bar Act were  
6 considered in aggravation.

7 Respondent's multiple acts of misconduct in this matter is also an aggravating  
8 circumstance. (Standard. 1.2(b)(ii).)

9 Respondent's failure to timely comply with the probation conditions after being reminded  
10 of his obligation to do so on several occasions by the Office of Probation demonstrates  
11 indifference toward rectification of or atonement for the consequences of his misconduct.  
12 (Standard 1.2(b)(v).)

#### 13 **VI. MITIGATING CIRCUMSTANCES**

14 Respondent did not participate either in propria persona or through counsel in this  
15 disciplinary proceeding. No mitigating evidence was therefore offered on Respondent's behalf or  
16 received into evidence, and none can be gleaned from this record.

#### 17 **VII. DISCUSSION**

18 Protection of the public and rehabilitation of the attorney are the primary goals of  
19 disciplinary probation. (*In the Matter of Howard* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr.  
20 445, 452; *In the Matter of Marsh* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 291, 298.) In  
21 determining the level of discipline, the court must consider the "total length of stayed suspension  
22 which could be imposed as an actual suspension and the total amount of actual suspension earlier  
23 imposed as a condition of the discipline at the time probation was granted." (*In the Matter of*  
24 *Potack, supra*, 1 Cal. State Bar Ct. Rptr. at p. 540.)

25 Section 6093 authorizes the revocation of probation for a violation of a probation  
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28 <sup>9</sup>The parties stipulated that Respondent's extreme emotional difficulties were partially  
responsible for his misconduct.

1 condition, and standard 1.7 requires that the court recommend a greater discipline in this matter  
2 than that imposed in the underlying disciplinary proceeding. However, the extent of the  
3 discipline to recommend is dependent, in part, on the seriousness of the probation violation and  
4 Respondent's recognition of his misconduct and his efforts to comply with the conditions. (*In*  
5 *the Matter of Potack, supra*, 1 Cal. State Bar Ct. Rptr. at p. 540.) Furthermore, "[t]he violation  
6 of a probation condition significantly related to the attorney's prior misconduct merits the  
7 greatest discipline, especially if the violation raises a serious concern about the need to protect the  
8 public or shows the attorney's failure to undertake steps toward rehabilitation." (*In the Matter of*  
9 *Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, 151.)

10 In this matter, the court is concerned about Respondent's failure to comply with the  
11 above-mentioned conditions of his probation, as well as his failure to participate in this  
12 disciplinary proceeding. "[A] probation 'reporting requirement permits the State Bar to monitor  
13 [an attorney probationer's] compliance with professional standards.'" (*In the Matter of Weiner*  
14 (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 759, 763, citing *Ritter v. State Bar* (1985) 40  
15 Cal.3d 595, 605.) In addition, "an attorney probationer's filing of quarterly probation reports is  
16 an important step towards the attorney's rehabilitation." (*In the Matter of Weiner, supra*, 3 Cal.  
17 State Bar Ct. Rptr. at p. 763.) Furthermore, Respondent's failure to provide proof of monthly  
18 psychiatric or psychological treatment with each quarterly report is of particular concern as it  
19 bears on the issues of rehabilitation and public protection, because Respondent's emotional  
20 difficulties were partially responsible for his earlier misconduct. The requirement that  
21 Respondent timely develop a law office management/organization plan for approval by  
22 September 30, 2003, is also important to ensuring both the protection of the public and the  
23 rehabilitation of the attorney. Thus, Respondent's failure to timely file quarterly reports; to  
24 timely develop an approved law office management/organization plan, and to provide proof of  
25 monthly psychiatric or psychological treatment, as well as his failure to offer any explanation in  
26 this proceeding for his failure to do so, is of great concern to this court.

27 In the disciplinary matter which underlies this probation proceeding. Respondent was  
28 suspended from the practice of law for one year; the execution of said suspension was stayed;

1 and Respondent was placed on probation for three years subject to certain conditions of  
2 probation, including a 60-day period of actual suspension.

3 The State Bar recommends in this matter, inter alia, that Respondent be actually  
4 suspended for one year as a result of his probation violations. The court concurs. Given the  
5 nature of the probation conditions which were violated, the court finds that substantial discipline  
6 is warranted.

7 Accordingly, the court finds good cause to GRANT the State Bar's motion to revoke  
8 Respondent's probation.

### 9 **VIII. DISCIPLINE RECOMMENDATION**

10 The court hereby recommends to the Supreme Court that Respondent's probation  
11 pursuant to the Supreme Court order in Case No. S114603 (State Bar Court Case No. 01-O-  
12 01854; 01-O-02515) be revoked, that the previous stay of execution of the suspension be lifted,  
13 and that Respondent, TODD CHRISTIAN SMITH, be actually suspended from the practice of  
14 law for one year.

15 It is further recommended that Respondent be ordered to comply with rule 955 of the  
16 California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule,  
17 within thirty (30) and forty (40) days, respectively, from the effective date of the Supreme Court  
18 order herein.<sup>10</sup>

19 It is not recommended that Respondent be ordered to take and pass the Multistate  
20 Professional Responsibility Examination as he was ordered to do so in Supreme Court Case No.  
21 S114603 (State Bar Court Case No. 01-O-01854; 01-O-02515) and remains obligated to do so.

### 22 **IX. ORDER REGARDING INACTIVE ENROLLMENT**

23 The State Bar requests that Respondent be involuntarily enrolled inactive pursuant to  
24 section 6007(d). The requirements of section 6007(d)(1) have been met: Respondent is subject  
25 to a stayed suspension, he has been found to have violated probation conditions, and it has been  
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28 <sup>10</sup>Respondent is required to file a rule 955(c) affidavit even if he has no clients to notify.  
(*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

1 recommended that Respondent be actually suspended due to said violations.

2 IT IS THEREFORE ORDERED that Respondent, TODD CHRISTIAN SMITH, be  
3 involuntarily enrolled as an inactive member of the State Bar of California pursuant to section  
4 6007(d). This enrollment shall be effective three days after this order is filed.

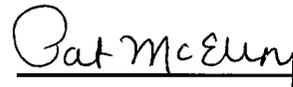
5 IT IS ALSO ORDERED that his inactive enrollment be terminated as provided by section  
6 6007(d)(2).

7 IT IS FURTHER RECOMMENDED THAT Respondent's actual suspension in this  
8 matter commence as of the date of his inactive enrollment pursuant to this order. (Section  
9 6007(d)(3).)

10 **X. COSTS**

11 It is further recommended that costs be awarded to the State Bar pursuant to section  
12 6086.10, and that those costs be payable in accordance with section 6140.7.

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18 Dated: April 8, 2004

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21 PAT MCELROY  
22 Judge of the State Bar Court  
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**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 April 8, 2004, I deposited a true copy of the following document(s):

**ORDER GRANTING MOTION TO REVOKE PROBATION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

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

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

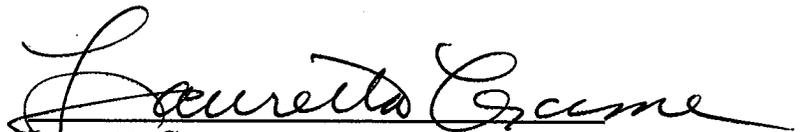
**TODD CHRISTIAN SMITH  
9089 CLAIREMONT MESA BL 210  
SAN DIEGO CA 92123**

**TODD CHRISTIAN SMITH  
660 NEWPORT CENTER DRIVE  
SUITE 900  
NEWPORT BEACH CA 92600**

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

**JAYNE KIM, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **April 8, 2004.**



**Laretta Cramer**  
Case Administrator  
State Bar Court