

PUBLIC MATTER

FILED

SEP 19 2016

STATE BAR COURT OF CALIFORNIA

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

HEARING DEPARTMENT – SAN FRANCISCO

NOT FOR PUBLICATION

In the Matter of

DANIEL MARK BORNSTEIN,
Member No. 181711,

A Member of the State Bar.

) Case Nos.: 05-C-03278-LMA
) 13-C-17029 (Cons.)
)
) **DECISION AND DISCIPLINE ORDER;**
) **ORDER SEALING CERTAIN**
) **DOCUMENTS**
)
)

Introduction¹

In this disciplinary proceeding, respondent Daniel Mark Bornstein (Respondent)² was accepted for participation in the State Bar Court's Alternative Discipline Program (ADP). As Respondent has successfully completed the ADP, the court hereby orders, as set forth below, the imposition of discipline relating to a successful completion of the ADP.

Pertinent Procedural History

On August 11, 2005, Respondent pled guilty to and was convicted of driving with a blood-alcohol content of .08% or higher (California Vehicle Code section 23152(b)). Approximately eight years later, on November 14, 2013, Respondent pled guilty to and received a second conviction for driving with a blood-alcohol content of .08% or higher.



¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

² Respondent was admitted to the practice of law in this state on February 26, 1996, and has been a member of the State Bar of California since that time.

On February 28, 2014, the Office of Chief Trial Counsel of the State Bar of California (State Bar) transmitted a certified copy of Respondent's November 14, 2013 conviction to the State Bar Court pursuant to sections 6101-6102 and California Rules of Court, rule 9.5, et seq. Three days later, the State Bar transmitted a certified copy of Respondent's August 11, 2005 conviction to the State Bar Court.

On March 20, 2014, the Review Department of the State Bar Court issued orders referring Respondent's convictions to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the facts and circumstances surrounding Respondent's convictions were found to involve moral turpitude or other misconduct warranting discipline.

Respondent sought to participate in the State Bar Court's ADP. This matter was referred to the ADP on or about May 19, 2014. On June 12, 2014, Respondent contacted the State Bar's Lawyer Assistance Program (LAP) to assist him with his substance abuse issue. On June 16, 2014, Respondent submitted a declaration to the court, establishing a nexus between his substance abuse issue and the charges in this matter.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) on August 4, 2014. The Stipulation set forth the factual findings, legal conclusions, and mitigating and aggravating circumstances. The Stipulation was received by the court on August 4, 2014. On October 27, 2014, Respondent signed a LAP Participation Plan.

Following briefing by the parties, the court issued a Confidential Statement of Alternative Dispositions and Orders dated January 26, 2015, formally advising the parties of: (1) the discipline which would be ordered if Respondent successfully completed the ADP; and (2) the discipline which would be recommended if Respondent failed to successfully complete or was terminated from the ADP. After agreeing to those alternative dispositions, Respondent executed

the Contract and Waiver for Participation in the State Bar Court's ADP. The court then accepted Respondent for participation in the ADP, and his period of participation in the ADP began on January 26, 2015.

On August 1, 2016, after receiving a certificate of Respondent's successful completion of the LAP, the court issued an order finding that Respondent successfully completed the ADP.

Findings of Fact and Conclusions of Law

The parties' Stipulation, including the court's order approving the Stipulation, is attached and hereby incorporated by reference, as if fully set forth herein.

Respondent stipulated that although the facts and circumstances surrounding his misdemeanor criminal convictions did not involve moral turpitude, they did involve other misconduct warranting discipline.³

In aggravation, Respondent committed multiple acts of misconduct. In mitigation, Respondent had no prior record of discipline and cooperated with the State Bar by entering into a pretrial stipulation. In addition, it is appropriate to consider Respondent's successful completion of the ADP as a further mitigating circumstance in this matter.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but rather to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve confidence in the legal profession.

(*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative discipline recommendations if Respondent successfully completed the ADP and if he did not successfully complete the ADP, the court

³ The parties stipulated that Respondent's second conviction was entered on December 16, 2013. Based on the transmittal of conviction, however, it appears this conviction was actually entered about a month earlier, on November 14, 2013.

considered the parties' briefs on discipline as well as certain standards and case law. In particular, the court considered Former Standards⁴ 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, and 2.12(b), and *In re Kelley* (1990) 52 Cal.3d 487.

Because Respondent has now successfully completed the ADP, this court, in turn, now orders the imposition of the lower level of discipline, set forth more fully below, contained in the Confidential Statement of Alternative Dispositions and Orders.

Discipline Order

Accordingly, it is ordered that respondent **Daniel Mark Bornstein**, State Bar no. 181711, is hereby privately reprovved. Pursuant to the provisions of rule 5.127(A) of the Rules of Procedure of the State Bar of California (Rules of Procedure), the private reprovval will be effective when this decision becomes final. Furthermore, pursuant to rule 9.19(a) of the California Rules of Court and rule 5.128 of the Rules of Procedure, the court finds that the interests of Respondent and the protection of the public will be served by the following specified conditions being attached to the private reprovval imposed in this matter. Failure to comply with any conditions attached to this private reprovval may constitute cause for a separate proceeding for willful breach of rule 1-110 of the Rules of Professional Conduct of the State Bar of California. Respondent is hereby ordered to comply with the following conditions attached to his private reprovval for a period of one year following the effective date of the private reprovval imposed in this matter:

1. During the reprovval period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct;
2. Within 10 days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California (Office of Probation), all changes of information, including current

⁴ Effective July 1, 2015, the standards were amended. As the Confidential Statement was prepared prior to the amending of the standards, this court relied on and applied the standards that were in effect at the time the Confidential Statement was signed.

office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;

3. Within 30 days after the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions attached to his private reproof. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in person or by telephone. During the reproof period, Respondent must promptly meet with the probation deputy as directed and upon request;
4. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10 and October 10 of the period of reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all reproof conditions during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must 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 20 days before the last day of the reproof period and no later than the last day of the reproof period;

5. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly and truthfully, any inquiries of the Office of Probation which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the reproof conditions;
6. Within one year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session;
7. Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation;
8. Respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of Respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release

of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP; and

9. The period during which these conditions are in effect will commence upon the date this decision imposing the private reproof becomes final.⁵

Direction Re Decision and Order Sealing Certain Documents

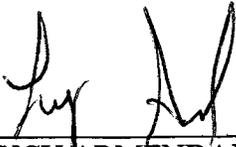
The court directs a court case administrator to file this Decision and Discipline Order; Order Sealing Certain Documents. Thereafter, pursuant to rule 5.388 of the Rules of Procedure, all other documents not previously filed in this matter are ordered sealed pursuant to rule 5.12 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to:

(1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: September 19, 2016



LUCY ARMENDARIZ
Judge of the State Bar Court

⁵ The Confidential Statement of Alternative Dispositions and Orders inadvertently stated that costs were to be awarded to the State Bar. As the present case resulted in a private reproof, Respondent is not obligated to pay discipline costs. (See Rules Proc. of State Bar, rules 5.127 and 5.129(A).)

(Do not write above this line.)

**State Bar Court of California
Hearing Department
San Francisco
ALTERNATIVE DISCIPLINE PROGRAM**

<p>Counsel For The State Bar</p> <p>Jonathan Ceseña Deputy Trial Counsel 180 Howard Street San Francisco CA 94105 (415) 538-2183</p> <p>Bar # 289721</p>	<p>Case Number (s) 05-C-03278-LMA 13-C-17029</p>	<p>(for Court's use)</p> <p style="text-align: center;">PUBLIC MATTER</p> <p style="text-align: center;">FILED </p> <p style="text-align: center;">JAN 26 2015</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Daniel Mark Bornstein 100 Larkspur Landing Suite 110 Larkspur, CA 94939 (415) 385-1186</p> <p>Bar # 152191</p>	<p>Submitted to: Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: DANIEL MARK BORNSTEIN</p> <p>Bar # 181711</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **February 26, 1996**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 7 pages, excluding the order.
- (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."

(Do not write above this line.)

- (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 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [see Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
 - (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:
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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. **See Attachment page 6.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with 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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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:

No Prior Discipline. See Attachment page 7.
Pre-trial Stipulation. See Attachment page 7.

FACTS:

7. On June 18, 2005, at approximately 12:05 a.m., respondent was stopped by the California Highway Patrol ("CHP") after respondent was observed drifting from one lane into the next, straddling the lane marker, and continuing to simultaneously drive in both lanes.

8. Officer Glace from the CHP spoke with respondent. Respondent immediately admitted to driving 70 mph in a 55mph zone. Respondent was not aware that he was straddling the lane markers. Officer Glace noted respondent smelled of alcohol and after getting out of the vehicle respondent was unsteady on his feet. Respondent first told Officer Glace that he had consumed two beers, then respondent changed his story admitting he had consumed two glasses of red wine. Officer Glace spoke with respondent's passenger who stated respondent consumed a couple of glasses of wine with dinner and a cocktail of vodka and soda.

9. Officer Glace requested that respondent perform a series of field sobriety tests, which respondent failed to perform as instructed. Respondent was given two breath alcohol tests which both yielded blood alcohol content results of .117%.

10. Respondent was arrested for driving while under the influence of alcohol.

CONCLUSIONS OF LAW:

11. The facts and circumstances surrounding the above-described violation did not involve moral turpitude but did involve other misconduct warranting discipline.

Case No. 13-C-17029 (Conviction Proceeding)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

12. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

13. On October 13, 2013, respondent was arrested for violating California Vehicle Code section 23152(a), [Driving Under the Influence of Alcohol or Drugs], for violating California Vehicle Code section 23152(b), [Driving While Having a Blood Alcohol Content of .08% or Higher], for violating Vehicle Code section 23578 [Excessive Blood Alcohol], for violating Vehicle Code section 23540 [Second Offense within 10 Years], and for violating Vehicle Code section 23222(b) [Possession of Marijuana While Driving].

14. On October 21, 2013, the Marin County District Attorney filed a criminal complaint in Marin County Superior Court case number CR186549 charging respondent with Count One, violating Vehicle Code section 23152(a) [Driving Under the Influence], a misdemeanor, Count Two, violating Vehicle Code section 23152(b) [Driving with a BAC of .08% or higher], a misdemeanor, violating Vehicle Code section 23578 [Excessive Blood Alcohol], violating Vehicle Code section 23540 [Second Offense within 10 Years], and Count Three, violating Vehicle Code 23222(b) [Possession of Marijuana While Driving].

15. On December 16, 2013, the Marin County Superior Court entered respondent's plea of guilty to Count 2 of the complaint filed in Marin County Superior Court, case no. CR186549, which charged Respondent with a violation of California Vehicle Code section 23152(b), [Driving While Having a Blood Alcohol Content of .08% or higher]. Counts One and Three were dismissed on motion of the District Attorney as part of the plea agreement

16. On December 16, 2013, the court sentenced respondent to three years' probation and 20 days in the custody of the Marin County Sherriff.

17. On March 20, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offenses for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

18. On October 13, 2013, at approximately 11:05 a.m., respondent was involved in a single car accident when he tried to exit highway 101 onto Lucas Valley road and lost control of the vehicle, took out a pedestrian guard rail, and stopped in a grassy field. Respondent's car had tire and suspension damage as a result of the accident and was incapable of being driven.

19. Officer Fitzgerald from the CHP spoke with respondent. He noted respondent's eyes were red and watery and he smelled of alcohol. Fitzgerald asked respondent if he had any alcoholic beverages. Respondent responded that he had drunk two beers. Officer Fitzgerald requested that respondent perform a series of field sobriety tests, which respondent failed to perform as instructed. Respondent's vehicle was searched and a Schedule One controlled substance, marijuana, was found in the center console next to the driver's seat.

20. At 11:40 a.m., respondent was given two breath alcohol tests which yielded blood alcohol content results of .248% and .245%, respectively.

21. At approximately 11:43 a.m., respondent was placed under arrest for driving under the influence of alcohol. Respondent was transported to Marin County Jail where two more breath alcohol tests were performed at 12:52 p.m. Respondent's BAC was .19% and .20%, respectively

CONCLUSIONS OF LAW:

22. The facts and circumstances surrounding the above-described violations did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (standard 1.5(b)): Respondent committed two separate acts of misconduct. Respondent was convicted of two DUIs eight years apart. This demonstrates multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent practiced law for nine years without discipline before the first instance of misconduct herein occurred. Respondent is entitled to mitigating credit for no prior discipline even where the underlying conduct is found to be serious or significant. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn.13; *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Pre-trial Stipulation: Respondent is also entitled to mitigation for entering into this stipulation. In doing so, respondent has acknowledged his misconduct and saved the State Bar Court both time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994.)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of July 11, 2014, the prosecution costs in this matter are \$3,402. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

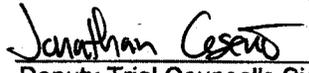
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In the Matter of: DANIEL MARK BORNSTEIN	Case number(s): 05-C-03278; 13-C-17029
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

7/31/14  Daniel Mark Bornstein
Date Respondent's Signature Print Name

Date Respondent's Counsel Signature Print Name
8.4.14  Jonathan Ceseña
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: DANIEL MARK BORNSTEIN	Case Number(s): 05-C-03278; 13-C-17029
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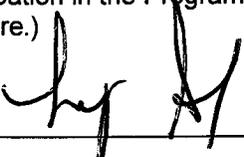
ALTERNATIVE DISCIPLINE PROGRAM ORDER

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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department are vacated.

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Jan 26, 2015
Date


Judge of the State Bar Court

LUCY ARMENDARIZ

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. 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 January 26, 2015, I deposited a true copy of the following document(s):

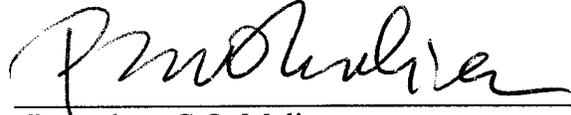
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

By personally delivering a copy of said document(s) to:

DANIEL M. BORNSTEIN
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

~~JONATHAN R. CESENA~~ SUSAN CHAN
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 26, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. 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 September 19, 2016, I deposited a true copy of the following document(s):

DECISION AND DISCIPLINE ORDER; ORDER SEALING CERTAIN DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

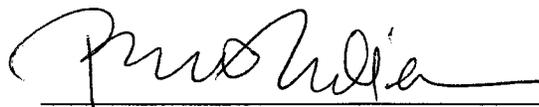
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

DANIEL M. BORNSTEIN
LAW OFFICES OF DANIEL BORNSTEIN
100 LARKSPUR LANDING CIR
STE 110
LARKSPUR, CA 94939

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

ROBERT A. HENDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 19, 2016.



Bernadette Molina
Case Administrator
State Bar Court