

**State Bar Court of California**  
**Hearing Department**  
**San Francisco**

<b>Counsel For The State Bar</b>  <b>Cydney Batchelor</b> <b>Deputy Trial Counsel</b> <b>180 Howard St., 7<sup>th</sup> Fl.</b> <b>San Francisco, CA 94105</b> <b>Tele: 415/538-2204</b>	<b>Case Number (s)</b>  <b>05-O-03886;</b> <b>07-O-10962</b>	<b>(for Court's use)</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  <b>AUG 21 2007</b>  <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>
<b>Bar # 114637</b> <b>In Pro Per Respondent</b>  <b>Michael Chapnik</b> <b>PO Box 226</b> <b>Mill Valley, CA 94942</b>	<b>Submitted to: Assigned Judge</b>	
<b>Bar # 202659</b> <b>In the Matter Of:</b>  <b>MICHAEL CHAPNIK</b>  <b>Bar # 202659</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING</b>  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	

**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 **November 1, 1999**.
- (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 consists of **12** pages, not including 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".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."



- (7) 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.
- (8) 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:  
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
  - ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
  - ☐ costs entirely waived

**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 **04-Q-11273**
  - (b) ☒ Date prior discipline effective **March 25, 2006**
  - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: **See attached**
  - (d) ☒ Degree of prior discipline **See attached**
  - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below.  
  
See attached
- (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. **See attached**
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

None

**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 with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. **See attached**
- (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**

See attached

**D. Discipline:**

(1) ☐ **Stayed Suspension:**

(a) ☐ Respondent must be suspended from the practice of law for a period of

- 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 as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

(b) ☐ The above-referenced suspension is stayed.

(2) ☐ **Probation:**

Respondent must be placed on probation for a period of \_\_\_\_\_, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **ninety (90) days, to run concurrent with period of actual suspension in prior discipline (State Bar case no. 04-O-11273).**

- 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 as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☒ and until Respondent does the following: **see attached.**

**E. Additional Conditions of Probation:**

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must 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 must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☐ Within ten (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 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) ☐ Within thirty (30) days from 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 of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) ☐ 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 probation. Under penalty of perjury, Respondent must 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. Respondent must also state whether there are any proceedings pending against him or her 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 twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must 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 must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☐ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation 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.
- (8) ☐ Within one (1) 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 Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: \_\_\_\_\_
- (9) ☐ 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.
- (10) ☐ The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

#### F. Other Conditions Negotiated by the Parties:

- (1) ☐ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation 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 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: \_\_\_\_\_
- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☒ **Other Conditions: See attached**

**NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION****Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations**

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere**, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

**Rule 133, Rules of Procedure of the State Bar of California STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

- (a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

- (5) a statement that Respondent either

- (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

- (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**

- (a) an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and
    - (b) if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code section 6085.5(c).

Date 7/17/07M Chapnik  
SignatureMICHAEL CHAPNIK  
Print Name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/1997. Revised 12/16/2004; 12/13/2006.)

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

IN THE MATTER OF:       **MICHAEL CHAPNIK**

CASE NUMBERS:           **05-O-03886; 07-O-10962**

**FACTS AND CONCLUSIONS OF LAW.**

**Case No. 05-O-03886 (Sendyk):**

**Facts:**

1. In September 2002, respondent was employed by Hilda Sendyk ("Sendyk") to represent her in a personal injury matter regarding a possible contaminant in food that Sendyk had ingested.
2. On September 20, 2002, respondent met with Sendyk; they signed a document entitled, "Legal Services Agreement" ("LSA"), and Sendyk paid respondent \$500.00 in advanced attorney fees.
3. The LSA provided that respondent would write a demand letter and prepare a civil complaint for the \$500.00 in advanced fees, and any further work to be performed would be provided at the rate of \$150.00 per hour, paid in advance.
4. Respondent failed ever to send a demand letter on Sendyk's behalf.
5. On August 27, 2003, respondent filed a civil complaint on Sendyk's behalf, in the matter entitled *Sendyk v. Quaker Oats Company, et al.*, US District Court for the Northern District of California (San Jose) Docket No. 03-CV-03949-JW.
6. After March 11, 2003, Sendyk made numerous attempts to contact respondent by email and telephone, to no avail.
7. Respondent failed to refund unearned attorney fees to Sendyk until after he was notified by the State Bar that she had filed a complaint against him, at which point he refunded the attorney fees to her in full.



Conclusions of Law: By willfully failing to respond to Sendyk's attempts to contact him, respondent failed to communicate adequately with his client, in violation of Business and Professions Code section 6068(m). By willfully failing to refund the unearned attorney fees until after the intervention of the State Bar, respondent failed to return unearned attorney fees promptly, in violation of Rule of Professional Conduct 3-700(D)(2).

**Case No. 07-O-10962 (Montague):**

Facts:

1. On January 31, 2003, respondent was employed by Kris Montague ("Montague") to represent her in a marital dissolution matter. At that time, Montague paid him \$4000.00 in advanced attorney fees.
2. Respondent met with Montague a couple times, and also spoke with her by phone a few times. Thereafter, however, respondent failed to perform any legal services on Montague's behalf, to respond to her attempts to contact him, or to refund any unearned attorney fees to her.

Conclusions of Law: By repeatedly failing to perform any legal services on Montague's behalf, respondent failed to perform competently the legal services for which he was employed, in violation of Rule of Professional Conduct 3-110(A). By willfully failing to respond to Montague's attempts to contact him, respondent failed to communicate adequately with his client, in violation of Business and Professions Code section 6068(m). By willfully failing to refund unearned attorney fees until after the intervention of the State Bar, respondent failed to return unearned fees promptly, in violation of Rule of Professional Conduct 3-700(D)(2).

**PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(7), was June 18, 2007.

**AUTHORITIES SUPPORTING DISCIPLINE.**

Standards for Attorney Sanctions for Professional Misconduct, stds. 1.2(b)(i), 1.2(b)(iv), 1.2(e)(v), 1.7, 2.4(b), 2.6(a), and 2.10; *In re Silverton* (2005) 36 Cal.4th 81; and *In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703. Regarding the effect of respondent's prior discipline, see *Lewis v. State Bar* (1973) 9 Cal.3d 704, 715

[prior discipline proper aggravating factor whenever discipline imposed] and *In the Matter of Sklar* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 602, [effect of prior discipline generally diminished when underlying misconduct occurred contemporaneously with current misconduct].

#### **AGGRAVATING CIRCUMSTANCES.**

Prior Discipline. In his prior discipline, respondent stipulated to violations of Rules of Professional Conduct 3-110(A), 3-700(D)(1) and 3-700(D)(2), and Business and Professions Code section 6068(m). The misconduct stipulated to herein was contemporaneous with the misconduct in the prior case, and predated the imposition of the prior discipline. The stipulated discipline in the prior case was: 30 days actual suspension and until respondent complied with std. 1.4(c)(ii). Respondent has been on suspension continuously in that discipline from March 25, 2006 to the present.

#### **MITIGATING CIRCUMSTANCES.**

##### **Additional Mitigating Circumstance.**

Restitution: Although he did not do so until after the intervention of the State Bar, respondent immediately paid full restitution plus interest to Sendyk and Montague as soon as he was notified by the State Bar that they had filed complaints against him. In August 2006, respondent paid Sendyk \$1463.00; in April 2007, respondent paid Montague \$4360.42.

Chemical Dependency Treatment: Respondent has reported to the State Bar that his misconduct occurred when he was addicted to alcohol. Before the intervention of the State Bar, on his own volition and at his own expense, respondent had begun to address an addiction to alcohol by entering into and completing a residential treatment program for alcoholism.

#### **SUSPENSION TO BE CONCURRENT WITH SUSPENSION IN PRIOR DISCIPLINE.**

As noted above, respondent's misconduct in his prior discipline was contemporaneous with the misconduct set forth in full herein, and he has been on continuous actual suspension from the date of that prior discipline on March 25, 2006 until the present time. Accordingly, respondent's period of actual suspension set forth herein shall run

concurrent with the period of actual suspension in his prior discipline (Case No. 04-O-11273).

**RESPONDENT'S RELOCATION TO ISRAEL, CONCURRENT SUSPENSION, AND OTHER CONDITIONS TO RETURN TO ACTIVE STATUS .**

In mid-2006, respondent relocated to Israel to continue to address his chemical dependency issues. Accordingly, the parties have agreed that Respondent will not be placed on probation, but will have to satisfy a number of conditions before he can return to active status. In addition to complying with std. 1.4(c)(ii) of the Standards for Attorney Discipline, respondent will also have to demonstrate that he has undergone a meaningful and sustained period of rehabilitation from his chemical dependency (*Harford v. State Bar* (1990) 52 Cal.3d 93, 101; *In re Billings* (1990) 50 Cal.3d 358, 367). He will also have to provide proof that he has attended the State Bar Ethics School, and taken and passed the Ethics School test, and that he has passed the Multi-State Professional Responsibility Examination, both within one (1) year before being readmitted to active status.

**ELECTION NOT TO REQUEST STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM.**

By signing this stipulation, Respondent acknowledges that he was provided information about the State Bar Court's Alternative Discipline Program, that he was offered the opportunity to request referral to and participation in that program, and that he has elected not to do so.

**CALIFORNIA RULE OF COURT 9.20 EXCLUSION.**

It is not recommended that the California Supreme Court order respondent to comply with the provisions of California Rule of Court 955 because: he was required to do so in case no. S139644 (04-O-11273); he complied on May 30, 2006; and he has remained on continuous suspension since March 25, 2006.

(Do not write above this line.)

In the Matter of

MICHAEL CHAPNIK

Case number(s):

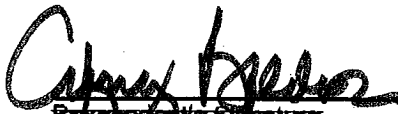
05-O-03866; 07-O-10962

### 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 Fact, Conclusions of Law and Disposition.

7/25/07

Date



~~Respondent's Signature~~

Deputy Trial Counsel's Signature

Cydney Batchelor

Print Name

Date

7/17/07

Date

Respondent's Counsel Signature

Print Name



~~Respondent's Counsel Signature~~

Respondent's Signature

Michael Chapnik

Print Name

(Do not write above this line.)

In the Matter of MICHAEL CHAPNIK	Case number(s): 05-O-03866; 07-O-10962
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## ORDER

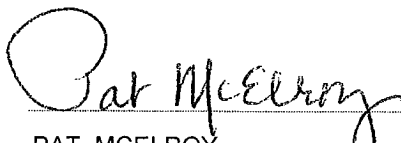
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ 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.
- ☐ All Hearing dates are vacated.

1. On page 4, section E(4), an "x" must be inserted in front of the box.
2. On page 5, section E(8), an "x" must be inserted in front of the box that states no Ethics School recommended. Reason: Respondent has to provide proof that he has attended State Bar Ethics School test within one year before being readmitted to active status.
3. On page 6, section F(1), an "x" must be inserted in front of the box that states no MPRE recommended. Reason: Respondent has to provide proof that he has passed the MPRE within one year before being readmitted to active status.

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.)**

August 20, 2007  
Date

  
PAT MCELROY  
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 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 August 21, 2007, 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:

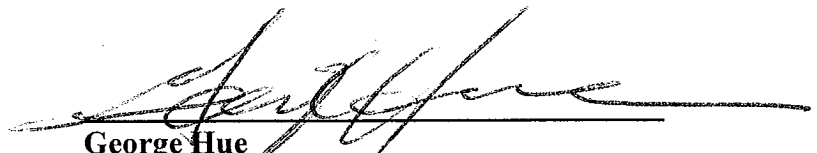
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**MICHAEL CHAPNIK  
P.O. BOX 226  
MILL VALLEY CA 94942 - 0226**

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

**CYDNEY BATCHELOR, Enforcement, San Francisco**

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **August 21, 2007**.

  
**George Hue**  
Case Administrator  
State Bar Court