

State Bar Court of California
Hearing Department
San Francisco

<p>Counsel For The State Bar</p> <p>Erica L. M. Dennings Office of the Chief Trial Counsel State Bar of California 180 Howard Street San Francisco, CA 94105</p> <p>Bar # 145755</p>	<p>Case Number (s)</p> <p>06-O-15057; 07-O-10970; 07-O-11260; 07-O-12270; 07-O-12482</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED <i>AS</i></p> <p>FEB 24 2009</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Gregory John Tokarczyk 1405 Regent Street #5 Redwood City, CA 94061</p> <p>Bar # 150924</p>	<p>Submitted to: Assigned Judge</p>	
<p>In the Matter Of:</p> <p>Gregory John Tokarczyk</p> <p>Bar # 150924</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</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 **December 4, 1990**.
- (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 **25** 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
 - (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 surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. **Respondent did not inform his clients, the courts, or opposing counsel in any of the cases he was handling that he entered a rehabiliaton facility and would be unable to handle his cases while he was away. This omission deprived the clients of the opportunity to seek new counsel and forced the courts and opposing counsel to assume he was being non responsive.**
- (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. **Reed, Nijjar, and Kaur each lost their causes of actions and each had to employ new counsel due to respondent's misconduct. Rodriguez had a judgment entered against him because of respondent's misconduct. Respondent's misconduct required additional court resources to set aside the dismissal in the Reed matter, and to set aside the judgment in the Rodriguez matter.**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **Respondent has not taken any steps to atone for his**

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. **Respondent failed to cooperate in the Nijjar and Rodriguez matters and responded late in the Reed, Kaur, and Skiba matters.**
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **Respondent's misconduct in five client matters constitutes multiple acts 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 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 \$ o n i n 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

Respondent was admitted to the practice of law on December 4, 1990 and has no prior record of discipline.

Respondent suffers from bipolar disorder and a chemical dependency to alcohol and cocaine. Respondent was hospitalized in psychiatric wards on several occasions between 1992 and 1996 due to these conditions.

Effective June 17, 1996, respondent was enrolled inactive pursuant to Business and Professions Code section 6007(b)(3) due to his bipolar disorder and chemical dependency issues. Effective June 27, 2003, respondent was returned to active status. Respondent returned to the practice of law. At time he returned to active status, respondent was sober.

In 2005, respondent relapsed and started abusing alcohol and cocaine. This relapse was the major cause of his misconduct in that he could not keep track of dates or documents.

In 2006, respondent started participating in the Lawyers' Assistance Program.

From October 13, 2006 through February 2007, Respondent entered COPAC, a residential, secondary treatment facility for chemical dependency. Respondent is currently seeing a psychiatrist two times per month. Respondent is taking medication to address his illnesses.

Respondent has provided documents corroborating his bipolar disorder, chemical dependency, and treatment for these disorders.

D. Discipline:

- (1) **Stayed Suspension:**
 - (a) Respondent must be suspended from the practice of law for a period of **one year**.
 - 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 **two years**, 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 **six months**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she 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 checked="" type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input checked="" 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:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GREGORY JOHN TOKARCZYK (#150924)
CASE NUMBER(S): 06-O-15057, 07-O-10970, 07-O-11260, 07-O-12270
 07-O-12482, ET AL.

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he/she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

General Background

From on or about October 15, 2006 to February 12, 2007, respondent was in a residential treatment center for substance abuse in Mississippi. While respondent was at the residential treatment center, he communicated with clients and others concerning his practice. He also received notice of upcoming events, such as motions and trial setting orders. Although respondent had some attorneys make appearances for him and do work on some matters, he did not make arrangements to have an attorney who was responsible for his caseload and practice while he was at the treatment center.

Case No. 07-O-10970

Facts

On or about August 25, 2004, Carolyn Reed ("Reed") hired respondent to represent her in a personal injury matter after being injured in Longs Drugstore ("Longs") on June 30, 2004.

Respondent filed suit against Longs on behalf of Reed on the date the statute of limitations was to expire, June 30, 2006, in case no. 1-06-CV-066599, *C. Reed vs. Longs Drugs of Milpitas* in the Santa Clara County Superior Court.

Respondent did not notify Reed that he entered a residential treatment center from October 15, 2006 to February 12, 2007. Respondent did not make any arrangements to assure Reed's matter was covered while he was in the treatment center, including not requesting another attorney handle her matter while he was away, or notifying the court of his unavailability.

A Case Management Conference ("CMC") was set in Reed's case for November 7, 2006

at the time of filing. Respondent had notice of the CMC, but he failed to appear.

An Order to Show Cause ("OSC") was set for December 14, 2006 for respondent to show cause why the matter should not be dismissed for his absence at the CMC and for failing to serve the defendant with the lawsuit within the required time period. On or about November 9, 2006, notice of the December 14, 2006 OSC hearing was mailed to all parties, including respondent. Respondent had notice of the OSC.

Respondent failed to appear for the OSC on December 14, 2006. As a result, the court dismissed Reed's case with prejudice on the court's own motion for failure to appear and/or failure to show cause in writing why the dismissal should not be entered.

In or about January 2006, Reed called respondent to determine the status of her case, leaving a message for respondent to return her call. Respondent did not return Reed's telephone call.

Respondent did not notify Reed that her case was dismissed with prejudice by the court on December 14, 2006 as a result of respondent's failure to appear for the OSC.

In or about January 2007, Reed again called respondent to determine the status of her case, leaving a message for respondent to return her call. Respondent did not return Reed's telephone call.

In or around January of 2007, Reed visited respondent's office located at 161 E Jackson Street, #200, in San Jose, California.

Reed spoke with respondent's former secretary, Raquel, who told her she no longer worked for respondent, but worked for a different attorney in that office.

Reed asked Raquel for respondent's new office address and phone number. Raquel requested that Reed not ask her any questions about respondent and suggested that Reed call the State Bar of California.

On or about February 12, 2007, Reed filed a complaint against respondent with the State Bar.

In or about February 2007, State Bar investigator Crystal Velazco ("Velazco") notified Reed that respondent's new office address was 12 South 1st Street, Suite 719 in San Jose, California.

Reed went to the South 1st Street address and found, by looking through the mail slot, that respondent's office was empty.

Reed hired attorney Joseph William Campbell ("Campbell") to represent her in her case against Longs after she discovered respondent had moved offices without notifying her of his new address or phone number.

On Reed's behalf, Campbell filed a motion to vacate the dismissal based on neglect of counsel under Code of Civil Procedure section 473.

In or about May 2007, Campbell called respondent and left a message asking him to send Reed's case file. Respondent did not respond to Campbell's phone call or send Reed's client file.

Since Reed was unable to obtain a copy of her client file from respondent, Reed had to pay a fee of \$60.00 to obtain additional copies of her medical records.

On May 2, 2007, the court filed an order granting the motion to vacate and restored the case to the Court's Civil Active List.

On or about February 23, 2007, Velazco wrote respondent a letter requesting a response to Reed's allegations by April 6, 2007.

Respondent did not request an extension to respond to Velazco's February 23, 2007 letter and did not respond to Reed's allegations by April 6, 2007.

On or about July 2, 2007, respondent replied to the allegations by Ms. Reed in a letter.

Conclusions of Law

By not taking steps to have another attorney handle Reed's case while he was at the residential treatment center, failing to appear at the November 7, 2006 CMC and the December 14, 2006 OSC, and failing to properly serve the defendant within the required time period, resulting in Reed's action being dismissed, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By not informing Reed that he entered a residential treatment center and that he did not make arrangements to handle her case while he was away, not informing Reed that her case was dismissed, and not notifying Reed that he had moved his office, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal service, in wilful violation of section 6068(m) of the Business and Professions Code.

By not returning Reed's telephone calls regarding the status of her case, respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in wilful violation of section 6068(m)..

By not promptly returning the client file to Reed at her request, respondent failed to promptly release a file upon termination of employment in wilful violation of rule 3-700(D)(1).

By not responding for more than four months to Velazco's letter, respondent failed to cooperate with and participate in the State Bar investigation in wilful violation of section 6068(i).

Case No. 07-O-11260

Facts

On January 31, 2005, Gurmeet Kaur ("Kaur") hired respondent to represent her in a dissolution of marriage proceeding pending in the Superior Court of California, County of Santa Clara, case no. 1-03-FL-111349, *Bhupinder S. Isher vs Gurmeet K. Isher*.

On May 13, 2005, respondent filed a substitution of attorney in the *Isher v. Isher* matter substituting himself in place of Kaur.

On or about September 20, 2005, respondent and Kaur attended an OSC hearing. At the hearing, Kaur and her former husband, Bhupinder Isher ("Isher"), entered into a stipulation dividing their community property interest in a duplex in Union City, California.

The Stipulation and Order stated that the duplex would be appraised and, within 90 days of receiving the appraisal report, Isher would pay Kaur for her share of the duplex. Kaur would then quitclaim her share to Isher. This would resolve all issues of division of community property of the marriage.

On or about September 21, 2005, respondent filed the Stipulation and Order regarding the division of the duplex.

Months after September 20, 2005, Kaur informed respondent that Isher had not paid her for her share of the duplex as ordered by the court on September 20, 2005. Respondent agreed to file a motion compelling Isher to comply with the Stipulation and Order.

After September 20, 2005, respondent failed to file a motion on Kaur's behalf and took no further steps to enforce the stipulation requiring Isher to pay Kaur.

Respondent did not notify Kaur that he entered a residential treatment center from October 15, 2006 to February 12, 2007. Respondent did not make any arrangements to assure Kaur's matter was covered while he was in the treatment center, including not requesting another attorney handle her matter while he was away.

At the September 20, 2005 OSC hearing, respondent told Kaur that he would move his office in the next month. However, respondent did not provide Kaur with his new office address at that time or at any time afterwards. Respondent then moved his office.

After Kaur told respondent she had not received her portion of the value of the duplex, respondent told Kaur he would file a motion to compel Isher to comply with the court's order. Thereafter, Kaur left several messages for respondent inquiring whether a hearing date was set for the motion to compel.

Eventually, respondent called Kaur and gave her a purported date for a hearing on the motion. Kaur notified her employer that she would miss work the date of the hearing.

Prior to the purported hearing date, Kaur and her aunt, Neera Singh ("Singh"), called respondent to determine the status of the case, leaving messages for respondent to return their calls.

On the date of the purported hearing, while Kaur was en route to the courthouse, respondent called Kaur to say he was in Atlanta and that the hearing was cancelled.

Thereafter, respondent told Kaur that he rescheduled the hearing. Kaur again took time off work again to attend the hearing. While en route to the purported rescheduled hearing, respondent called to say that the hearing was cancelled.

Thereafter, Kaur called respondent on several occasions to determine the status of her case, leaving messages for him to return her calls. Respondent did not return Kaur's calls.

In truth and fact, respondent had neither filed a motion to compel compliance with the September 20, 2005 order nor set a hearing regarding the order.

Respondent's statements to Kaur that there was a hearing date set for the motion were misrepresentations.

On or about February 21, 2007, Kaur hired attorney, Michael J. Santoro ("Santoro"), to substitute in as her attorney of record in her pending dissolution proceeding.

Santoro sent respondent a substitution of attorney form and requested that he sign and return it. Santoro also requested a copy of Kaur's file. Respondent did not respond to Santoro's letter or return Kaur's file.

On or about April 23, 2007, Santoro called respondent's State Bar membership phone number of (408) 313-0129 and discovered that the voice mailbox was full and would not accept any messages.

On or about April 23, 2007, Santoro sent respondent an email to respondent's email address, gtokarczyk@sbcglobal.net, again requesting that he return Kaur's file and sign the substitution of attorney form. Respondent did not respond to Santoro's email or return Kaur's file.

Santoro called respondent on numerous occasions to get the substitution of attorney and to request Kaur's file, leaving messages for respondent to return his calls. Respondent failed to return Kaur's calls.

On May 3, 2007, Santoro's assistant called respondent and spoke to him. Respondent apologized for not responding to Santoro's mail and said that he would respond to Santoro's messages soon.

Respondent never responded to Santoro's letter, messages or email, and did not provide Kaur's file.

On or about March 13, 2007, Kaur filed a complaint against respondent with the State Bar of California.

On or about April 16, 2007 and May 4, 2007, Velazco wrote respondent letters requesting a response to Kaur's allegations by May 1, 2007 and May 18, 2007, respectively.

On or about July 2, 2007, respondent responded to Kaur's allegations.

Conclusions of Law

By not pursuing Kaur's case, including failing to file a motion to compel Isher to comply with the September 20, 2005 stipulation and order, and not assigning Kaur's case to another attorney while he was at the residential treatment center, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

By not informing Kaur that he entered a residential treatment center and that he did not make arrangements to pursue her case while he was away and by not informing Kaur of his new office address and telephone number, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent agreed to provide legal services in wilful violation of section 6068(m) of the Business and Professions Code.

By not returning Kaur's telephone calls regarding the status of her case, respondent failed

to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in wilful violation of section 6068(m).

By informing Kaur that he had filed a motion to compel compliance with the September 20, 2005 order, that hearing dates had been set for such alleged motion, and that the purported hearings were cancelled, when in fact respondent never filed a motion and hearing dates were never set, respondent committed acts involving moral turpitude, dishonesty or corruption in wilful violation of section 6106.

By not promptly returning the client file to Kaur or Santoro as requested, respondent failed to promptly release a file at the termination of employment in wilful violation of rule 3-700(D)(1).

By not responding to the investigator for more than two months, respondent failed to cooperate with and participate in the State Bar investigation in wilful violation of section 6068(i).

Case No. 06-O-15057

On or about August 20, 2006, Robert Skiba ("Skiba") met with respondent to discuss his possible representation in a pending dissolution of marriage proceeding, *Skiba vs. Skiba*, Alameda County Superior Court case no. VF05212629.

On or about August 23, 2006, Skiba signed a retainer agreement with respondent. Respondent agreed to file a motion to resolve issues relating to the sale of properties and the payment of the mortgage on one property for a fee of \$600. Respondent agreed to file the papers by August 24, 2006. Skiba issued three checks to respondent in the amount of \$200 each to be cashed over a one month period.

By September 18, 2006, not having heard from respondent, Skiba had not heard from respondent and had drafted the appropriate court orders and motions with the assistance of a paralegal. He had also successfully put a stop payment on the checks.

On or about September 18, 2006, respondent called Skiba and told him that he would review the documents Skiba had prepared, make revisions, provide them to Skiba for approval, and then file the documents with the court on September 27, 2006. Respondent requested \$300 initially, with another \$300 due when the work was complete and the documents filed with the court.

On or about September 22, 2006, Skiba sent the documents to respondent via email.

On or about September 24, 2006, Skiba gave respondent a check for attorney's fees, dated September 22, 2006, in the amount of \$300.00 and an additional check for filing fees in the amount of \$40.00 to the Alameda Superior Court.

On or about August 24, 2006, the date that respondent was supposed to file a motion on Skiba's behalf, Skiba called respondent on his cell phone and left a message, asking respondent

to return his call. Respondent did not respond to the telephone call.

On or about Friday, August 25, 2006, Skiba again called respondent on his cell phone. Respondent's voice mailbox was full, preventing Skiba from leaving a message.

On or about September 27, 2006, the second date that respondent agreed to file the motion on Skiba's behalf, Skiba called respondent on his cell phone and found that the number was disconnected.

After September 2006, respondent took no steps to file the documents for Skiba.

Skiba never heard from respondent again and respondent did no further work on Skiba's case, including not filing the documents.

Thereafter, Skiba called respondent on several occasions to determine the status of the case. Skiba could not leave messages because respondent's cell phone was no longer working.

Respondent cashed the \$300 check from Skiba on September 25, 2006.

Respondent's services were of little or no value to Skiba.

Respondent did not return any portion of the \$300.00 in fees that Skiba paid.

By failing to refund any portion of the fees Skiba paid, respondent wilfully failed to refund promptly any part of a fee paid in advance that has not been earned.

As of February 15, 2007 respondent's membership address was listed as 161 E. Jackson Street, #200, San Jose, California. The phone number listed was (408) 998-5999.

On February 15, 2007 Velazco called respondent at (408) 998-5999 and found that the phone number was disconnected.

On or about February 15, 2007, attorney Thomas Thomatos ("Thomatos"), who was representing respondent in a personal matter, informed Velazco that respondent had moved his office and that his current address is 12 S. 1st Street, Suite 719, San Jose, CA 95113 and that his cell phone number is (408) 313-0129.

Respondent did not update his membership records address and phone number with the State Bar until April 20, 2007, more than thirty days after he moved.

On or about January 9, 2007, Velazco wrote respondent a letter requesting a response to Skiba's allegations by January 23, 2007.

On or about January 29, 2007, Velazco wrote respondent a second letter requesting a response to Skiba's allegations by February 12, 2007. Velazco enclosed a copy of the January 9, 2007 letter.

On or about February 15, 2007, respondent contacted Velazco and confirmed receiving the State Bar's letters. Respondent advised Velazco that he would respond to Skiba's allegations by Monday, February 19, 2007.

On or about February 20, 2007, respondent contacted Velazco and requested an extension until the next day on February 21, 2007. Velazco granted respondent's request for an extension to 5 p.m. February 21, 2007.

Respondent did not respond to the investigator's letters regarding Skiba's allegations until on or about July 2, 2007.

Conclusions of Law

By not filing the motion or taking any other steps to resolve the property issues between Skiba and his former spouse, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A).

By not returning Skiba's telephone calls regarding the status of his case, respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which respondent had agreed to provide legal services in wilful violation of section 6068(m).

By not returning any portion of the \$300.00 in fees that Skiba paid, respondent failed to refund promptly any part of the fee paid in advance that has not been earned, in wilful violation of rule 3-700(D)(2).

By not updating his membership address and phone number with the State Bar as required by Business and Professions Code section 6002.1, Respondent wilfully violated Business and Professions Code, section 6068(j).

By not responding to the investigator's letters for more than five months respondent failed to cooperate with and participate in the State Bar investigation in wilful violation of section 6068(i).

Case No. 07-O-12270

On or about June 27, 2006, Bhupinder Kaur Nijjar (Nijjar") employed respondent to represent her in a dissolution action filed by her husband, *Sukhbir Singh v. Bhupinder Kaur Nijjar*, Alameda County Superior Court case number HF06273672 ("dissolution matter") and to file a civil lawsuit against her husband for fraud relating to an alleged wrongful conversion of community property funds. Nijjar paid respondent advanced fees of \$6,000 and agreed to bill her at an hourly rate of \$200. Although respondent did not subsequently provide any billing statements to Nijjar, she eventually paid respondent a total of \$14,000 in fees and \$320 for costs.

The dissolution matter, *Singh v. Nijjar*, case number HF06273672

On or about August 25, 2006, petitioner Singh's attorney in the dissolution matter, Nikki Clark ("Clark"), served interrogatories on respondent. The responses were due on October 1, 2006. Respondent failed to obtain responses from Nijjar or to provide responses to Clark.

Respondent did not notify Nijjar that he entered a residential treatment center from October 15, 2006 to February 12, 2007. Respondent did not make any arrangements to assure Nijjar's matter was covered while he was in the treatment center, including not requesting

another attorney handle her matter while he was away, or notifying the court of his unavailability.

On or about December 1, 2006, Clark sent respondent a meet and confer letter which requested responses to the interrogatories and stated that she would file a motion to compel responses if he failed to provide responses. Respondent failed to respond to Clark's letter or to respond to the interrogatories.

On or about January 5, 2007, Clark filed a motion to compel discovery responses and for sanctions.

At a hearing on March 27, 2007, respondent signed a stipulation in which he agreed, inter alia, to provide discovery to Clark by April 9, 2007. The Court also set hearings for April 13, 2007 and May 3, 2007 in the case.

Thereafter, respondent failed to produce the discovery.

On or about April 13, 2007 respondent failed to appear at court for the hearing.

On or about May 3, 2007 respondent appeared in court on Nijjar's matter. At that time, the court ordered sanctions against Nijjar in the amount of \$1,000 for failure to provide discovery. The court also ordered that Nijjar provide discovery by May 9, 2007. The court also ordered respondent to pay \$500 in sanctions for his failure to appear at the April 13, 2007 hearing.

On or about May 22, 2007, Nijjar employed another attorney to represent her in the dissolution matter.

The civil action *Nijjar v. Singh* case number HG0631143

On December 6, 2006 respondent filed a civil suit for fraud on Nijjar's behalf against her husband, Sukhbir Singh and others, *Bhupinder Kaur Nijjar v. Sukhbir Singh, Kehar Singh, and Kulwant Singh*, Alameda County Superior Court case number HG0631143 ("civil suit").

On or about March 7, 2007, defendants' attorney in the civil action, Michel Rouhani, filed a demurrer and motion to expunge lis pendens arguing that the cause of action of the civil lawsuit was also pending in the dissolution case.

Respondent did not file an opposition to the demurrer or to the motion to expunge lis pendens.

On April 9, 2007, the court issued an order sustaining the demurrer and dismissing the entire complaint. The court also granted the motion to expunge the lis pendens and sanctioned respondent in the amount of \$750, payable by April 25, 2007. The compliance date for paying the sanctions was later extended to May 10, 2007.

Respondent did not inform Nijjar that she was ordered to pay sanctions in the dissolution matter.

Respondent did not inform Nijjar that the civil action was dismissed.

On or about May 7, 2007, Nijjar went to respondent's office to obtain her file as she had decided to hire new counsel. Respondent did not give Nijjar the complete file.

Nijjar's new attorney, Daniel Walter, informed Nijjar that there were documents missing from the dissolution file.

Nijjar called respondent on several occasions, requesting that he provide all documents from her file. Respondent failed to return her phone calls or to provide the complete file.

On or about December 7, 2006, respondent wrote Nijjar a letter regarding the status of the cases and billing matters. The letter stated that the initial \$6,000 she paid had been exhausted and that she would need to pay an additional \$4,000 in order for respondent to continue working on the case. Nijjar paid respondent \$4,000 on December 28, 2006. Respondent also stated he would provide a detailed statement the next month. Respondent did not provide a billing statement.

On numerous occasions, Nijjar asked respondent for an accounting of legal services provided. Respondent did not provide a statement.

Respondent's services were of little or no value to Nijjar.

At no time did respondent refund any of the \$14,000 paid by Nijjar.

By not refunding any part of the fees Nijjar paid to him, respondent failed to refund promptly any part of a fee paid in advance that has not been earned.

On or about June 29 and July 18, 2007, Velazco wrote respondent letters requesting a response to the allegations in the Nijjar matter. Respondent did not respond to the allegations.

On or about August 2, 2007, respondent spoke to Supervising Trial Counsel Allen Blumenthal ("Blumenthal") who reminded respondent he had not responded to the investigator in the Nijjar matter.

Thereafter, respondent failed to provide a response, thereby failing to cooperate with and participate in the State Bar investigation

Conclusions of Law

By not taking steps to handle Nijjar's dissolution case while he was at the residential treatment center, not obtaining interrogatory answers from Nijjar, not providing discovery responses to Clark, resulting in sanctions, and not appearing at the April 13, 2007 hearing, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A).

By not taking steps to handle Nijjar's civil case while he was at the residential treatment center, and by not taking any steps to pursue the claims in Nijjar's civil lawsuit, including not filing an opposition to the demurrer or to the motion to expunge lis pendens, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A).

By not informing Nijjar that he entered a residential treatment center and that he did not make arrangements to pursue her cases while he was away, not informing Nijjar about the interrogatories and sanctions, and not informing her that the civil suit was dismissed, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services in wilful violation of section 6068(m).

By not providing all the documents from the dissolution file to Nijjar, respondent failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in wilful violation of rule 3-700(D)(1).

By not providing a billing statement or in any way accounting for the fees Nijjar paid him, respondent failed to render appropriate accounts to a client regarding all funds of the client coming into Respondent's possession in wilful violation of rule 4-100(B)(3) .

By not refunding any part of the fees Nijjar paid to him, respondent failed to refund promptly any part of a fee paid in advance that has not been earned in wilful violation of rule 3-700(D)(2).

By not providing a response to the investigator's letters regarding the Nijjar matter, respondent failed to cooperate and participate in a disciplinary investigation in wilful violation of section 6068(i).

Case No. 07-O-12482

Facts

Prior to January 26, 2006 Benny Rodriguez ("Rodriguez") employed respondent to defend him in a civil lawsuit filed against him alleging breach of contract, fraud, and negligence. *Karen Quesada v. Benny Rodriguez, dba Rodriguez Remodeling*, Santa Clara Superior Court case number 1-04-CV-024411. The lawsuit was based on remodeling work Rodriguez did for Quesada. Rodriguez represented himself in pro per until he employed respondent.

On or about November 29, 2005 a default was entered against Rodriguez.

On or about January 26, 2006, respondent filed an order on stipulation to vacate entry of default against Rodriguez in the case.

On or about May 30, 2006 the court sent respondent a notice to appear at a mediation status conference.

Respondent did not notify Rodriguez that he entered a residential treatment center from October 15, 2006 to February 12, 2007. Respondent did not make any arrangements to assure Rodriguez's matter was covered while he was in the treatment center, including not requesting another attorney handle his matter while he was away, or notifying the court of his unavailability.

On or about December 12, 2006, the court held a trial setting conference in the case. At respondent's request, attorney Thomatos appeared on behalf of Rodriguez. At the trial setting conference, the court set a settlement conference for February 28, 2007 and trial for March 5, 2007. Respondent received notice of the settlement conference and trial. Respondent did not inform Rodriguez about the settlement conference. Respondent did not inform Rodriguez about the trial date until sometime after February 12, 2007.

On or about December 20, 2006, Quesada propounded discovery on Rodriguez- requests for admissions, requests for production of documents, and form interrogatories. Respondent did not provide responses to the discovery.

On or about February 9, 2007 the court issued an order granting Quesada's motion to compel discovery responses and ordered that respondent provide discovery and pay \$1,640 in sanctions within twenty days of the order. Respondent did not provide discovery responses. Respondent failed to pay the \$1,640 sanctions.

On or about March 5, 2007, the case went to trial. Quesada and her attorney appeared, as did respondent. Rodriguez did not appear. The court granted Quesada's motion in limine precluding Rodriguez from introducing documents and witnesses that should have been identified in interrogatories. The court also granted a motion deeming the requests for admissions admitted.

Respondent did not inform the court about his recent stay at the residential treatment center or that he had not informed Rodriguez about the discovery or the trial date until after February 12, 2007.

Respondent did not request a continuance of the trial or take any other steps to protect Rodriguez's rights and interests at the trial.

The court entered a judgment in favor of Quesada and against Rodriguez in the amount of \$200,000.

The notice of entry of judgment was filed on March 6, 2007.

An amended judgment in the amount of \$250,000 was filed on March 14, 2007.

On or about March 21, 2007 respondent filed a motion for new trial.

On or about May 21, 2007 respondent was substituted out as Rodriguez's attorney of record.

On or about July 30 and August 15, 2007, Velazco wrote respondent letters requesting a response to the allegations in the Rodriguez matter.

Thereafter, respondent failed to provide a response, thereby failing to cooperate with and participate in the State Bar investigation.

Conclusions of Law

By not taking steps to handle Rodriguez's case while he was at the residential treatment center, not providing discovery responses, resulting in evidence and witness preclusion orders, not taking steps to assure Rodriguez attended the trial, and not requesting a continuance or taking other action to protect Rodriguez's interests at the trial, respondent intentionally,

recklessly, and repeatedly failed to perform legal services with competence in wilful violation of rule 3-110(A).

By not informing Rodriguez about the motions to compel discovery, the order compelling discovery, the sanctions, the settlement conference date, and that he was entering a residential treatment center, respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in wilful violation of section 6068(m).

By not paying the sanctions, respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of section 6103.

By not providing a response to the investigator's letters regarding the Rodriguez matter, respondent failed to cooperate and participate in a disciplinary investigation in wilful violation of section 6068(i).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was February 11, 2009.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.3, offenses involving moral turpitude, fraud, dishonesty or concealment toward a court, client shall result in actual suspension or disbarment depending on the extent to which the victim of the misconduct was harmed.

The respondent in *Taylor v. State Bar* (1974) 11 Cal.3d424 received three months actual suspension for failure to complete a matter for a client due to entering active military service, which prevented him from finishing the case for this client.

The misconduct in this case is more serious than that of the respondent in *Taylor*.

FINANCIAL CONDITIONS, RESTITUTION.

Within one year from the effective date of discipline in this matter, respondent must make restitution to Bhupinder K. Gill (formerly Nijjar) or the Client Security Fund if it has paid, in the principal amount of \$10,000 plus interest at the rate of 10% per annum from December 28, 2006 in monthly installments in the minimum amount of \$500 per month until paid in full and furnish satisfactory evidence of such restitution to the Office of Probation. Payments shall be made on the first day of each month. Respondent understands, and agrees, that some payments must be greater than \$500 in order to complete the payment of restitution, including interest, in full within one year of the effective date of the discipline. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him or her during that reporting period.

Within one year from the effective date of discipline in this matter, respondent must make restitution to Robert Skiba or the Client Security Fund if it has paid, in the principal amount of \$300 plus interest at the rate of 10% per annum from September 25, 2006 in monthly installments until paid in full and furnish satisfactory evidence of such restitution to the Office of Probation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him or her during that reporting period.

In the Matter of
Gregory J. Tokarczyk (#150924)

Case number(s):
06-O-15057; 07-O-10970; 07-O-11260; 07-O-12270;
07-O-12482

Substance Abuse Conditions

- a. Respondent must abstain from use of any alcoholic beverages, and shall not use or possess any narcotics, dangerous or restricted drugs, controlled substances, marijuana, or associated paraphernalia, except with a valid prescription.
- b. Respondent must attend at least **twelve(12)** meetings per month of:
- Alcoholics Anonymous
 - Narcotics Anonymous
 - The Other Bar
 - Other program **ATTENDANCE AT ABSTINENCE BASED SELF-HELP GROUP**

Respondent shall attend at least four (4) meetings per month of an abstinence based self-help group of his own choosing, including, inter alia, Alcoholics Anonymous, Narcotics Anonymous, Life Ring, S.M.A.R.T., S.O.S. Other self-help maintenance programs are acceptable if they include: (i) a subculture to support recovery (meetings); and (ii) a process of personal development that does not have financial barriers. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F. Supp. 303 [No first amendment violation where probationer given choice between AA and secular program].) The program called "Moderation Management" is not acceptable because it allows participant to continue to consume alcohol.

Before respondent attends the first self help group meeting, he shall contact the Office of Probation and obtain approval for the program that he has selected. Thereafter, on a quarterly basis with his quarterly and final written reports, respondent shall provide documentary proof of attendance at the meetings of the approved program to the Office of Probation, in a form acceptable to the Office of Probation.

As a separate reporting requirement, Respondent must provide to the Office of Probation satisfactory proof of attendance during each month, on or before the tenth (10th) day of the following month, during the condition or probation period.

- c. Respondent must select a license medical laboratory approved by the Office of Probation. Respondent must furnish to the laboratory blood and/or urine samples as may be required to show that Respondent has abstained from alcohol and/or drugs. The samples must be furnished to the laboratory in such a manner as may be specified by the laboratory to ensure specimen integrity. Respondent must cause the laboratory to provide to the Office of Probation, at the Respondent's expense, a screening report on or before the tenth day of each month of the condition or probation period, containing an analysis of Respondent's blood and/or urine obtained not more than ten (10) days previously.

- d. Respondent must maintain with the Office of Probation a current address and a current telephone number at which Respondent can be reached. Respondent must return any call from the Office of Probation concerning testing of Respondent's blood or urine within twelve (12) hours. For good cause, the Office of Probation may require Respondent to deliver Respondent's urine and/or blood sample(s) for additional reports to the laboratory described above no later than six hours after actual notice to Respondent that the Office of Probation requires an additional screening report.
- e. Upon the request of the Office of Probation, Respondent must provide the Office of Probation with medical waivers and access to all of Respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court who are directly involved with maintaining, enforcing or adjudicating this condition.

In the Matter of
Gregory J. Tokarczyk (#150924)

Case number(s):
06-O-15057; 07-O-10970; 07-O-11260; 07-O-12270;
07-O-12482

Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and 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 respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.

- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of **two (2)** times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for _____ d days or months or _____ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

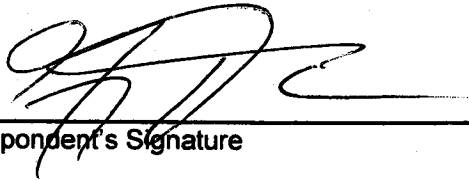
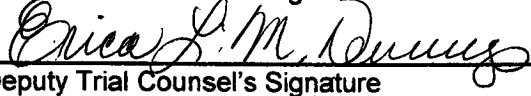
Other:

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In the Matter of GREGORY JOHN TOKARCZYK(#150924)	Case number(s): 06-O-15057; 07-O-10970; 07-O-11260; 07-O-12270; 07-O-12482
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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 Fact, Conclusions of Law and Disposition.

<u>2/11/09</u> Date	 Respondent's Signature	<u>Gregory John Tokarczyk</u> Print Name
<u>11 February 2009</u> Date	 Deputy Trial Counsel's Signature	<u>Erica L. M. Dennings</u> Print Name

(Do not write above this line.)

In the Matter Of Gregory John Tokarczyk	Case Number(s): 06-O-15057, et al.
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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.

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 9.18(a), California Rules of Court.)**

Feb 17, 2009
Date

Lucy A. Mendez
Judge of the State Bar Court
Lucy A. Mendez

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 February 24, 2009, 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:

GREGORY J. TOKARCZYK
1405 REGENT ST #5
REDWOOD CITY, CA 94061

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

ERICA DENNINGS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 24, 2009.



Laine Silber
Case Administrator
State Bar Court