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

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<p>Counsel For The State Bar</p> <p>Cydney Batchelor Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204</p> <p>Bar # 114637</p>	<p>Case Number (s)</p> <p>08-O-13723-PEM</p>	<p>(for Court's use)</p> <p><b>PUBLIC MATTER</b></p> <p><b>FILED</b></p> <p>JUL 14 2010</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Frederick H. Brennan PO Box 3778 Napa, CA 94558 Tele: 707/266-4621</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>Bar # 178184</p> <p>In the Matter Of:</p> <p>FREDERICK H. BRENNAN</p> <p>Bar # 178194</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 December 1, 1995.
- (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 14 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".

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- (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: 2011 (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.
- (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:**

See attached

**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. see attached
- (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. see attached
- (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. see attached
- (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. see attached
- (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. see attached
- (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**

None

**D. Discipline:**

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of one (1) 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 (2) 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 thirty (30) days.

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

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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 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: \_\_\_\_\_

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- (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:** None

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

**IN THE MATTER OF:                      FREDERICK H. BRENNAN**

**CASE NUMBER:                              08-O-13723-PEM**

**FACTS AND CONCLUSIONS OF LAW.**

**Facts:**

1.        Since at least 1990 and continuing through at least August 2007, respondent and Cynthia Williams ("Williams") were close friends, and respondent had also represented her on various legal matters.

2.        Prior to on or about October 2006, respondent agreed to assist Williams in a personal injury matter in which she was one of the defendants, *Gamboa v. City of Suisun*, Solano County Superior Court Case No. FCS028328 (the "*Gamboa* matter"). Specifically, respondent agreed to oversee and advise Williams regarding the litigation in the *Gamboa* matter. Respondent was not counsel of record in the *Gamboa* matter; instead, Williams was represented by counsel of record that was paid for by Williams' homeowner's insurance company.

3.        After agreeing to assist her in the *Gamboa* matter, respondent requested Williams to loan him some money, and suggested to Williams that she falsely state to her homeowners insurance company that the loan proceeds represented respondent's attorney's fees in the *Gamboa* matter, as follows:

a.        On June 12, 2007, respondent sent an e-mail to Williams, requesting:

"Here's how to handle it if you get a call asking about my bill and they say, we thought Mr. Brennan was doing this out of friendship.

We figured that once [the homeowner's insurance company] got the tender and saw that 846 applied, that defense would immediately be raised and that Mr. Brennan's involvement would cease.

When the defense wasn't immediately raised, it got to the point where Mr. Brennan had no choice but to bill.

The last bill I've seen from him is around \$5,200 dollars."

b.        Soon thereafter, Williams received respondent's June 12, 2007 e-mail, but refused to make the loan to respondent as he requested.

c. On July 13, 2007, respondent sent an e-mail to Williams requesting, in part:

“(1) You *lend* [sic] me an additional \$5250.00 on top of the \$750.00 I previously borrowed from you, so that I owe you a total of \$6,000.

(2) Although it is a loan, we will denominate the \$5250.00 as attorney’s fees so that, if it becomes necessary to sue [your homeowners insurance company, your counsel of record, opposing counsel or the opposing party], there is a paper-trail showing that you actually paid me for my services. (The fact that the payment is a loan is privileged information.)”

d. Soon thereafter, Williams received respondent’s July 13, 2007 e-mail, but again refused to make the loan to respondent as he requested.

e. On August 14, 2007, respondent sent a letter to Williams, in which he requested in part:

“I have an idea that may help you in the event you do decide to pursue an action against [your homeowner’s insurance company and/or your counsel of record].

I’ll send you a check in the amount of \$4,200.00 (I came up with some money.) As soon as that check clears, you cut me a check for \$3,400.00 and mark it ‘Attorney Fees Gamboa.’ (The difference, of course, is the \$800 I owe you.)”

That way, if you do pursue [your homeowner’s insurance company and/or your counsel of record], you can honestly say that you remitted attorney’s fees to me.”

f. Soon thereafter, Williams received the August 14, 2007 letter, but refused to comply with respondent’s request in the letter. At that point, respondent did not pursue his request to her any further.

**Conclusions of Law:** By thrice requesting Williams to loan him money and then falsely claim to her homeowners insurance company that the loan proceeds represented attorneys’ fees that she had paid to respondent on the *Gamboa* matter (rather than a personal loan to him), respondent committed acts involving moral turpitude, dishonesty and corruption in willful violation of section 6106 of the Business and Professions Code.

## **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was June 22, 2010.



## DISMISSAL.

The parties respectfully request the Court to dismiss the following alleged violation in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
08-O-13723	One	Rule of Professional Conduct 3-300

## COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of June 4, 2010, the estimated prosecution costs in this matter are approximately \$2296. 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.

## AUTHORITIES SUPPORTING DISCIPLINE.

Standards for Attorney Sanctions for Professional Misconduct 1.2(b)(ii), 1.2(e)(i), 1.2(e)(iv), 1.2(e)(v), 1.2(e)(vi), 1.3, 2.3; *Drociak v. State Bar* (1991) 52 Cal.3d 1085.

## AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct: The misconduct stipulated to herein represented multiple acts of misconduct.

## ADDITIONAL AGGRAVATING FACTOR.

Respondent's three requests to Williams that she make false financial claims to her homeowner's insurance company in litigation exposed her to serious civil and criminal charges, and if she had complied, would have resulted in a fraud on the civil court and harm to the administration of justice.

## MITIGATING CIRCUMSTANCES.

Candor and cooperation: Respondent has been candid and cooperative with the State Bar during its resolution of this case.

Extreme emotional and difficulties: Respondent has provided the State Bar with documentation that not long before the misconduct stipulated to herein, he became sober from a long-standing alcohol abuse problem, and commenced treatment for a bi-polar condition. Respondent has also

provided the State Bar with proof that he has maintained continuous participation in a program of alcohol recovery and has obtained continuous treatment for his bi-polar condition since the date of the misconduct herein.

Extreme family problems: Respondent has provided the State Bar with documentation that during the year of the misconduct stipulated to herein, his father died.

Extreme financial difficulties: Respondent has provided the State Bar with documentation that during the misconduct stipulated to herein, he experienced severe financial problems, but that those financial problems have since been ameliorated.

Good character: Respondent has provided the State Bar with documentation of his good character from seven members of the legal and general communities, who are familiar with the full extent of the misconduct stipulated to herein.

#### **ADDITIONAL MITIGATING CIRCUMSTANCES.**

No Prior Record of Discipline: Although the misconduct stipulated to herein is serious, the State Bar notes that respondent has no prior record of discipline since being admitted in December 1, 1995.

#### **STATE BAR ETHICS SCHOOL.**

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

#### **ATTENDANCE AT ABSTINENCE-BASED SELF-HELP GROUP.**

Respondent must 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, LifeRing, S.M.A.R.T., S.O.S. Other self-help maintenance programs are acceptable if they include: (1) a subculture to support recovery (meetings), and (2) 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].) If respondent wishes to attend meetings of an abstinence-based self help group that is not specified above, respondent shall obtain the approval of the Office of Probation to the other program before he will be given credit for attending such meetings. Failure to obtain advance approval from the Office of Probation may result in respondent being deemed out of compliance with the substance abuse condition of this stipulation. The program called "Moderation Management" is not acceptable because it allows the participant to continue consuming alcohol.

**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 (ADP); that he was offered the opportunity to request referral to and participation in the ADP; and that he has elected not to do so.

In the Matter of

Case number(s):

FREDERICK H. BRENNAN

08-O-13723-PEM

### 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 **four (4)** meetings per month of:
- Alcoholics Anonymous
  - Narcotics Anonymous
  - The Other Bar
  - Other program **see attached**

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 (10<sup>th</sup>) 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

Case number(s):

FREDERICK H. BRENNAN

08-O-13723-PEM

### 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 **one (1)** 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 ~~\_\_\_\_\_ 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 <b>FREDERICK H. BRENNAN</b>	Case number(s): <b>08-O-13723-PEM</b>
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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.

06/22/10  
Date

  
Respondent's Signature

FREDERICK H. BRENNAN  
Print Name

6/30/10  
Date

  
Deputy Trial Counsel's Signature

N/A  
Print Name

CYDNEY BATCHELOR  
Print Name

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In the Matter Of  <b>FREDERICK H. BRENNAN</b>	Case Number(s):  <b>08-O-13723-PEM</b>
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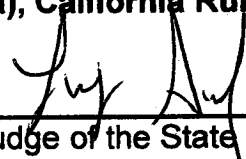
**ORDER**

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.)**

July 14, 2010  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court  
**LUCY ARMENDARIZ**

## 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 July 14, 2010, I deposited a true copy of the following document(s):

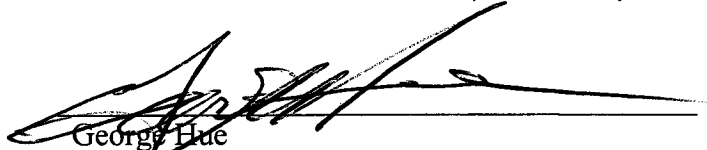
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING

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:  
  
FREDERICK H. BRENNAN  
PO BOX 3778  
NAPA, CA 94558
  
- by certified mail, No. \_\_\_\_\_, with return receipt requested, through the United States Postal Service at \_\_\_\_\_, California, addressed as follows:
  
- by overnight mail at \_\_\_\_\_, California, addressed as follows:
  
- by fax transmission, at fax number \_\_\_\_\_. No error was reported by the fax machine that I used.
  
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
  
- 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 July 14, 2010.

  
George Hue  
Case Administrator  
State Bar Court