

FILED *vs*

AUG 27 2012

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

In the Matter of)
)
EUGENE MARTIN HANNON,)
)
Member No. 85632,)
)
A Member of the State Bar.)

Case No.: 10-O-05217-LMA (11-O-14004)

MODIFICATION ORDER



This matter is before the court on respondent EUGENE MARTIN HANNON'S August 7, 2012 request for reconsideration of the court's July 25, 2012 decision and order of involuntary inactive enrollment. In his motion, respondent seeks the modification of the court's restitution recommendation to require that respondent make restitution in the principal sum of \$27,500.66 jointly to Ty Preston Barber, Cameron Barber, and Trevor Magno instead of to Tyrone Barber and Rose Magno. Respondent also seeks to delete the requirement that he pay interest on the \$27,500.66.

The State Bar joins in respondent's request to make the restitution payable jointly to Ty Preston Barber, Cameron Barber, and Trevor Magno, but opposes his request to delete the interest requirement.

The court will make the restitution payable jointly to Ty Preston Barber, Cameron Barber, and Trevor Magno, but will not delete the interest requirement (*Martin v. State Bar* (1991) 52 Cal.3d 1055, 1064 [as a rule, restitution should include interest]).

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ORDER

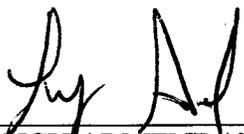
The court orders that its July 25, 2012 decision and order of involuntary inactive enrollment is MODIFIED as follows:

On page 16 of the decision and order, the first full sentence, which begins "The court further recommends," is DELETED, and the following sentence is substituted in its place:

The court further recommends that EUGENE MARTIN HANNON be ordered to make restitution jointly to Ty Preston Barber, Cameron Barber, and Trevor Magno in the amount of \$27,500.66 plus 10 percent interest per annum from July 18, 2007 (or to the Client Security Fund to the extent of any payment from the fund to Ty Preston Barber, Cameron Barber, or Trevor Magno, plus interest and costs in accordance with Business and Professions Code section 6140.5).

The time within which the parties may seek review of the court's July 25, 2012 decision and order begins to run from the date on which this modification order is served. (Rules Proc. of State Bar, rule 151(B).)

Dated: August 27, 2012.



LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on August 27, 2012, I deposited a true copy of the following document(s):

MODIFICATION ORDER

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:

WILLIAM M. BALIN
345 FRANKLIN ST
SAN FRANCISCO, CA 94102

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

ERICA L. M. DENNINGS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 27, 2012.



Mazie Yip
Case Administrator
State Bar Court