
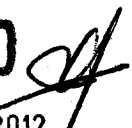


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<b>State Bar Court of California</b>		kwiktag® 152 141 680
<b>Hearing Department San Francisco STAYED SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Christine Souhrada Deputy Trial Counsel 180 Howard Street, 7th fl. San Francisco, CA 94105 (415) 538-2183  Bar # 228256	<b>Case Number(s):</b> 11-O-18386	<b>For Court use only</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  AUG 31 2012  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel For Respondent</b>  Scott Drexel 1325 Howard Ave #151 Burlingame, CA 94010 (650) 918-8328  Bar # 65670	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
<b>In the Matter of:</b> Steven C. Lynes  Bar # 174020  A Member of the State Bar of California (Respondent)		

**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 12, 1994.
- (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 13 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."

(Effective January 1, 2011)

Stayed Suspension



- (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):
  - Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are 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 11-O-15543, 11-O-15674, and 11-O-17190
  - (b)  Date prior discipline effective undetermined. The hearing department decision was issued on July 12, 2012.
  - (c)  Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rules 4-100(B)(3) [2 counts], 3-700(D)(1) and 3-700(D)(2), and Business and Professions code, sections 6068(m) [2 counts] and 6068(i).
  - (d)  Degree of prior discipline 90 days' actual suspension
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (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.

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- (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.
- (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 \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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(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**

#### D. Discipline:

(1)  **Stayed Suspension:**

- (a)  Respondent must be suspended from the practice of law for a period of two years.
- 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:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is 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.)

#### E. Additional Conditions of Probation:

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  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.
- (3)  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.
- (4)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of 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.

- (5)  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.

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- (6)  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.
- (7)  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 State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  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.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input 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 within one year. **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 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Other Conditions:**

(Do not write above this line.)

In the Matter of: Steven C. Lynes	Case Number(s): 11-O-18386
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Kim and Gregory Patterson	\$2,000	8/3/2010

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than six months before the end of his probationary period.

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency
Kim and Gregory Patterson	\$500	quarterly

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
  1. the name of such client;
  2. the date, amount and source of all funds received on behalf of such client;
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
  4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
  1. the name of such account;
  2. the date, amount and client affected by each debit and credit; and,
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.

3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.





10. On December 12, 2011, a State Bar Investigator sent a letter to respondent regarding the Patterson complaint. The State Bar Investigator's letter requested that respondent respond in writing to the specified allegations of misconduct being investigated by the State Bar in the Patterson complaint. Soon thereafter, respondent received the State Bar Investigator's letter, but failed to provide a written response to the allegations of misconduct in the Patterson complaint.

#### CONCLUSIONS OF LAW:

11. By failing to perform any services of value for the Pattersons in the bankruptcy matter, respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

12. By failing to respond to the Pattersons telephone calls and messages requesting an update on the status of the bankruptcy matter, 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 willful violation of Business and Professions Code, section 6068(m).

13. By failing to refund any portion of the unearned fees to the Pattersons, respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

14. By not providing a written response to the State Bar Investigator's letter regarding the allegations in the Patterson complaint, or otherwise cooperate in the investigation of the Patterson complaint, respondent failed to cooperate and participate in a disciplinary investigation in willful violation of section 6068(i) of the Business and Professions Code.

#### AUTHORITIES SUPPORTING DISCIPLINE.

Under Standard 2.4(b) culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

Under Standard 2.6(a), violation of any of the enumerated provisions of the Business and Professions Code, including Sections 6068, "shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3." It should be noted that since the violation underlying this standard is respondent's failure to cooperate with the State Bar, the "victim" is the State Bar, not the client, and the harm was the additional difficulty caused to the investigation without respondent's cooperation.

Standard 2.10 states that "a violation of any provision of the Business and Professions Code not specified in these standards or of a wilful violation of any Rule of Professional Conduct not specified in these standards shall result in reproof or suspension according to the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3." As a violation of rule 3-700 is not addresses elsewhere in the standards, standard 2.10 applies.

All of the above standards direct us to examine the extent or gravity of the misconduct as well as the harm to the victim. In the present matter, the misconduct involved respondent failing to perform and communicate in a single client matter, subsequently failing to refund fees to the client, and then failing

to cooperate with the State Bar's investigation. The harm to the client was a delay in their bankruptcy proceedings and the loss of the use of the \$2,000 they paid to respondent.

Standards 2.10 and 2.4(b), which address respondent's misconduct involving his client, both mandate a range from reproof to suspension<sup>1</sup>. Standard 2.6(a), which, in this case, does not involve client harm or misconduct involving a client, sets a range between suspension and disbarment. As the violation underlying standard 2.6 (a) does not involve a client or client harm, it is appropriate for the discipline to be on the lower end of the range set forth in that standard. However, as there was some client harm caused by the violations underlying standards 2.4(b) and 2.10, discipline in the midrange of those standards would be appropriate. Thus, looking solely at the violations in the present case, a period of stayed suspension would be appropriate.

However, as noted above, this is not respondent's first instance of discipline.

Standard 1.7(a) addresses the effect of prior discipline and states

"If a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust."

However, "the aggravating force of prior discipline is generally diminished if the misconduct underlying it occurred during the same time period." *In the Matter of Sklar* (Rev. Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619. The misconduct underlying respondent's prior disciplinary matter (11-O-15543 et. al.) spanned from 2009 to 2011 and involved three client matters. Thus the misconduct occurred in the same time period as the misconduct in the present matter.

This prior discipline is still considered an aggravating circumstance; however, there are additional considerations as laid out in *In the Matter of Sklar* (Rev. Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602:

"Prior discipline is a proper factor in aggravation "[w]henver discipline is imposed." [citation omitted] ... Nonetheless, the aggravating force of prior discipline is generally diminished if the misconduct underlying it occurred during the same time period. [citation omitted] Since part of the rationale for considering prior discipline as having an aggravating impact is that it is indicative of a recidivist attorney's inability to conform his or her conduct to ethical norms [citation omitted], it is therefore appropriate to consider the fact that the misconduct involved here was contemporaneous with the misconduct in the prior case. ... *We therefore consider the totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period been brought as one case.*" *Id.* at 619. (emphasis added)

Thus, to determine the appropriate level of discipline in this case, we must consider the totality of the findings in the prior disciplinary matter (11-O-15543 et. al.) and the presently charged misconduct. In his prior disciplinary matter, respondent was found culpable of failure to account (2 counts), failure to communicate (2 counts), failure to return file, failure to return unearned fees, and failure to cooperate in a State Bar investigation. This misconduct spanned from 2009 to 2011 and involved three client

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<sup>1</sup> It is important to note that although *actual* suspension is specified elsewhere in the standards (see std. 2.2 and 2.3) none of the standards applicable here specify that the suspension must be actual.

matters. The court also found aggravation in that there were multiple acts of misconduct and gave respondent mitigation credit for having no prior record of discipline over 14 years of practice. Standard 2.2(b) requires a minimum three-month actual suspension for a violation of Rules of Professional Conduct, rule 4-100 (failure to account), irrespective of mitigating circumstances. Thus, the court appropriately recommended a 90-day actual suspension.

In the present case, respondent failed to perform, failed to respond to client inquiries and failed to refund unearned fees in a single client matter, and failed to cooperate with the State Bar. The present misconduct spanned from 2010 to 2011.

Thus, pursuant to *Sklar*, the appropriate question is what would the discipline have been had all the charged misconduct from both cases been brought as one case. The present case involves no failure to account, which was the most serious violation in the previous case, and the violation which, under the standards, requires a minimum discipline of three months actual suspension irrespective of mitigating circumstances. Also, the prior disciplinary matter involved three client matters, which was an aggravating circumstance as it constituted multiple acts of misconduct. Thus, although the present misconduct brings the number of client matters involved from three to four, multiple acts of misconduct as an aggravating factor was already taken into consideration in the prior discipline.

Since there is no additional aggravation and the charges in the present case are not as serious as the charges in the prior case as described above, the appropriate level of discipline had the cases been brought as one would be the same as it was in the previous case, i.e., 90 days' actual suspension.

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was August 8, 2012.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**


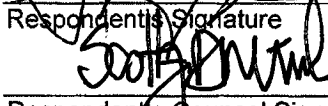
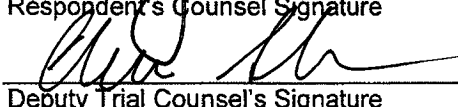
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 8, 2012, the prosecution costs in this matter are \$3,269. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Steven C. Lynes	Case number(s): 11-O-18386
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**SIGNATURE OF THE PARTIES**

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

<u>8/17/12</u> Date	 Respondent's Signature	<u>Steven C. Lynes</u> Print Name
<u>8/21/12</u> Date	 Respondent's Counsel Signature	<u>Scott Drexel</u> Print Name
<u>8/21/12</u> Date	 Deputy Trial Counsel's Signature	<u>Christine Souhrada</u> Print Name

(Do not write above this line.)

In the Matter of: Steven C. Lynes	Case Number(s): 11-O-18386
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### STAYED SUSPENSION ORDER

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

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On p. 1, A. (1) – Respondent's admission date is corrected to read "December 7, 1994."
2. On p. 2, (8) Payment of disciplinary costs – Insert the years "2014 and 2015" after "two billing cycles."
3. On p. 2, B. (1) Degree of prior discipline – Add "two years' stayed suspension and two years' probation."

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 5.58(E) & (F), 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.)**

Date Aug 30, 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 31, 2012, 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:

SCOTT JOHN DREXEL  
1325 HOWARD AVE #151  
BURLINGAME, CA 94010

- 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:

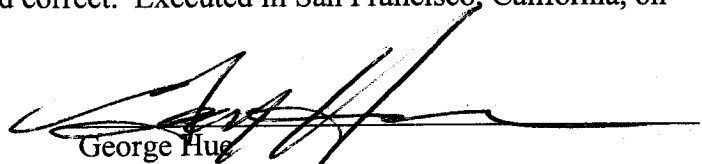
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- 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:

Christine Souhrada, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 31, 2012.

  
George Hue  
Case Administrator  
State Bar Court