

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION		
<p>Counsel For The State Bar</p> <p>Christine A. Souhrada Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 Tel: (415) 538-2183</p> <p>Bar # 228256</p>	<p>Case Number(s): 12-H-17379 - PEM</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.2em;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em;">FILED <i>pm</i></p> <p style="text-align: center;">MAY 02 2013</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Gayle Anne-Marie Gutekunst 1819 Polk Street, #315 San Francisco, CA 94109 Tel: (415) 865-0920</p> <p>Bar # 91826</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: GAYLE ANNE-MARIE GUTEKUNST <input type="checkbox"/></p> <p>Bar # 91826</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 May 30, 1980.
- (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."

- (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-14484
 - (b) Date prior discipline effective November 2, 2011
 - (c) Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct, rule 4-100(B)(3) [failure to render appropriate accounts to a client]
 - (d) Degree of prior discipline private reproof
 - (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.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

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(13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

See Attachment at page 11

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of two (2) 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.

- (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: Respondent attended Ethics School on August 9, 2012, and passed the test given at the end of the session.
- (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 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:**

A. Respondent's Duty to Initiate and Participate in Fee Arbitration

Respondent must initiate fee arbitration within thirty (30) days from the effective date of this matter, including making any payment(s) and filing fees required by the organization conducting the fee arbitration to start the process. The fee arbitration will be for the \$32,500 in fees that James and Paula Steinway ("the Steinways") paid Respondent on January 8, 2008 as detailed in the stipulation in case no. 11-O-14484. Respondent must not request more fees than have already been paid by, or on behalf of, the Steinways.

Respondent must provide the Office of Probation with a copy of the conformed filing within forty-five (45) days from the effective date of this matter. Respondent must immediately provide the Office of Probation with any information requested regarding the fee arbitration to verify Respondent's compliance.

Respondent must fully and promptly participate in the fee arbitration as directed by the organization conducting the fee arbitration. Respondent will not be permitted to raise the statute of limitations as a defense to the fee arbitration. Respondent understands and agrees that the Office of Probation may contact the entity conducting the fee arbitration for information.

Respondent must accept binding arbitration on the arbitration request form. If the arbitration proceeds as non-binding, however, Respondent must abide by the arbitration award and forego the right to file an action seeking a trial de novo in court to vacate the award.

B. Disputed Funds Must be Held in Trust by Respondent

Respondent must keep the disputed funds in a separate interest-bearing trust account (not an IOLTA). If Respondent has removed the disputed funds from trust, Respondent must open a separate interest-bearing trust account and deposit the disputed funds into such account within forty-five (45) days from the effective date of discipline. Respondent must provide evidence, e.g. a copy of Respondent's bank statement showing that the disputed funds have been placed in trust within sixty (60) days from the effective date of this matter, and a statement under penalty of perjury that the funds have remained in trust with each of Respondent's quarterly and final reports.

C. Respondent's Duty to Comply with the Arbitration Award

Within fifteen (15) days after issuance of any arbitration award or judgment or agreement reflected in a stipulated award issued pursuant to a fee arbitration matter, Respondent must provide a copy of said award, judgment or stipulated award to the Office of Probation.

Respondent must abide by any award, judgment or stipulated award of any such fee arbitrator and agrees to provide proof thereof to the Office of Probation within thirty (30) days after compliance with any such award, judgment or stipulated award. If the award, judgment or stipulated award does not set forth a deadline for any payment, Respondent is to make full payment within thirty (30) days of the issuance of any such award, judgment or stipulated award. Respondent must provide proof thereof to the Office of Probation within thirty (30) days after payment.

To the extent that Respondent has paid any fee arbitration award, judgment or stipulated award prior to the effective date of this matter, Respondent will be given credit for such payment(s) provided satisfactory proof of such payment(s) is or has been provided to the Office of Probation.

D. Fee Arbitration Conditions can be Satisfied by Respondent's Full Payment to the Steinways

The Fee Arbitration Conditions can also be satisfied by Respondent's full payment of \$32,500 in fees that the Steinways paid Respondent on January 8, 2008, plus interest of 10% per annum from July 11, 2009 within thirty (30) days from the effective date of this matter. Satisfactory proof of payment must be received by the Office of Probation within forty-five (45) days from the effective date of this matter.

If the Client Security Fund ("CSF") has reimbursed the Steinways for all or any portion of the principal amount(s), Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs. To the extent the CSF has paid only principal amounts, Respondent will still be liable for interest payments to the Steinways. Any restitution to the CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent must pay all restitution to the Steinways before making payment to CSF. Satisfactory proof of payment(s) to CSF must be received by the Office of Probation within thirty (30) days of any payment.

E. Effect of Respondent's Failure to Comply with Fee Arbitration Conditions

Respondent understands that failure to strictly comply with these conditions regarding fee arbitration may result in this Court imposing additional discipline (with attendant costs) and conditions upon Respondent, including ordering Respondent to pay back the full amount of \$32,500 paid to Respondent by the Steinways plus 10% interest from July 11, 2009.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Gayle Anne-Marie Gutekunst

CASE NUMBER(S): 12-H-17379

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 12-H-17379

FACTS:

1. On September 21, 2011, Respondent signed a stipulation in State Bar case number 11-O-14484 in which she stipulated to misconduct and agreed to receive a private reproof and to comply with conditions attached to the reproof for a period of one year. The conditions attached to the reproof were specified in the stipulation that Respondent signed.
2. On October 12, 2011, the State Bar Court issued an order imposing a private reproof upon respondent in case number 11-O-14484. The State Bar Court order required Respondent to comply with the stipulated conditions attached to the reproof.
3. On October 12, 2011, the stipulation and order were filed with the State Bar Court. On that same date, Respondent was served with the order and received it.
4. By on October 12, 2011 Respondent had actual knowledge of the reproof conditions and reproof order.
5. The reproof conditions and reproof order became effective on November 2, 2011.
6. PROVIDING THE OFFICE OF PROBATION PROOF THAT LETTER HAS BEEN SENT OFFERING TO INITIATE FEE ARBITRATION CONDITION:

One of the reproof conditions provided as follows:

“Within 60 days after the effective date of discipline, respondent will: 1) provide to the Office of Probation proof that she has sent a letter, by certified mail, to both James and Paula Steinway offering to initiate a fee arbitration...”

7. Respondent violated this condition of her reproof by failing to timely provide the Office of Probation proof that she has sent a letter, by certified mail, to both James and Paula Steinway offering to initiate a fee arbitration within 60 days after the effective date of discipline. Respondent provided this proof with her first quarterly report to the Office of Probation; however, this was 69 days after the effective date of discipline and therefore Respondent was late in complying with this condition.

8. PROVIDING THE OFFICE OF PROBATION WITH ANY RESPONSE REGARDING THE OFFER TO ARBITRATE CONDITION:

One of the reproof conditions provided as follows:

“Within 60 days after the effective date of discipline, respondent will:... 2) provide the Office of Probation with any response regarding the offer to arbitrate. Respondent’s letter shall state that James and Paul Steinway may choose whether the arbitration will be binding or non-binding. Respondent must abide by the client’s choice regarding whether the arbitration will be binding or non-binding.”

9. Respondent violated this condition of her reproof by failing to timely provide the Office of Probation with any response regarding the offer to arbitrate within 60 days after effective date of discipline. Respondent provided information regarding any response with her first quarterly report to the Office of Probation; however, this was 69 days after the effective date of discipline and therefore Respondent was late in complying with this condition.

10. QUARTERLY REPORTING CONDITION

One of the conditions of the reproof required respondent to submit reports as follows:

“Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. 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 the reproof during the preceding calendar quarter. Respondent must also state in each report 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 thirty (30) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.”

11. Respondent violated this condition by failing to submit the quarterly report due on April 10, 2012 until June 5, 2012; and by failing to submit the final report due on November 2, 2012 until January 7, 2013.

12. REPORTING TO THE OFFICE OF PROBATION OF STATUS OF FEE ARBITRATION CONDITION

One of the conditions of the reproof required respondent to submit reports as follows:

“With each quarterly report respondent will report to the Office of Probation whether and when the arbitration is scheduled and the results thereof.”

13. Respondent violated this condition by failing to timely report the status of the fee arbitration due in her July 10, 2012 and November 2, 2012 reports until October 9, 2012 and January 7, 2013, respectively.

CONCLUSIONS OF LAW:

14. By failing to timely provide to the Office of Probation with proof that she sent a letter, by certified mail, to both James and Paula Steinway offering to initiate fee arbitration within 60 days of the effective date of discipline; by failing to timely provide to the Office of Probation with any response regarding the offer to arbitrate within 60 days of the effective date of discipline; by failing to timely submit the April 10, 2012 quarterly report; by failing to submit the November 2, 2012 final report; by failing to timely report the status of the fee arbitration due July 10, 2012; and by failing to report the status of the fee arbitration due November 2, 2012, Respondent failed to comply with conditions attached to her private reproof administered by the State Bar in wilful violation of Rules of Professional Conduct, rule 1-110.

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline: Respondent has a prior disciplinary matter, specifically, case no. 11-O-14484, effective November 2, 2011, the matter which resulted in the private reproof underlying this present matter. In that case Respondent admitted to culpability for failing to render appropriate accounts to a client.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial in case no. 12-H-17379, thereby saving the State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2009) 4 Cal. State Bar Ct. Rptr. 980, 993-94.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a “process of fixing discipline” pursuant to a set of written principles to “better discharge the purposes of attorney discipline as announced by the Supreme Court.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

As discussed above, Respondent has one prior record of discipline. Standard 1.7(a) requires that where an attorney is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the attorney 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.

Thus, since Respondent's prior imposition of discipline was a private reproof, the discipline imposed in the present matter must be greater.

The discipline applicable to Respondent's current misconduct is found in Standard 2.9 which provides that "culpability of a member of a wilful violation of rule 1-110, Rules of Professional Conduct, shall result in suspension."

Although Respondent violated multiple terms of her reproof, she has made efforts to satisfy those terms and has come into compliance. Respondent has participated in the discipline proceedings and is entering into this stipulation to settle her disciplinary matter prior to trial, indicating that she appreciates the seriousness of the charges in the instant proceeding and comprehends the importance of participating. Respondent is acknowledging the wrongfulness of her acts through this stipulation. Considering all of these factors, progressive discipline is warranted, but actual suspension is not necessary to fulfill the purposes of discipline. Based upon the above-described standards, a two year stayed suspension accompanied by a one year probationary period serves the purposes of State Bar discipline.

The stipulated level of discipline is also in line with case law involving similar misconduct. In *Conroy v. State Bar* (1990) 51 Cal. 3d 799, the attorney violated the terms of his reproof and then defaulted in the disciplinary proceeding. The Court imposed a one year stayed suspension with 60 days actual suspension, finding that the attorney's non-compliance with his reproof conditions and failure to participate in the disciplinary proceedings evidenced a contemptuous attitude toward the disciplinary proceedings and failure to acknowledge the wrongfulness of his acts. (*Id.* at 805-806). In this matter, these aggravating concerns are not present, as stated above. Thus, the level of discipline imposed upon Respondent here is properly less than that imposed in *Conroy*.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was April 17, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

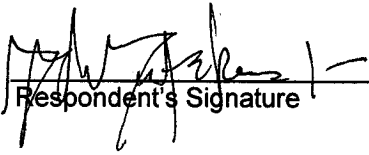
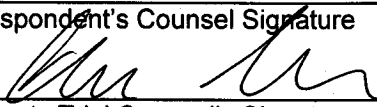
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 17, 2013, the prosecution costs in this matter are \$3,349. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: GAYLE ANNE-MARIE GUTEKUNST (SBN 91826)	Case number(s): 12-H-17379
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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>4-22-13</u> Date	 Respondent's Signature	<u>Gayle Anne-Marie Gutekunst</u> Print Name
<u>4/22/13</u> Date	 Deputy Trial Counsel's Signature	<u>Christine A. Souhrada</u> Print Name

(Do not write above this line.)

In the Matter of:
GAYLE ANNE-MARIE GUTEKUNST (SBN
91826)

Case Number(s):
12-H-17379

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.

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.)**

May 2, 2013

Date

Pat McElroy

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 May 2, 2013, 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:

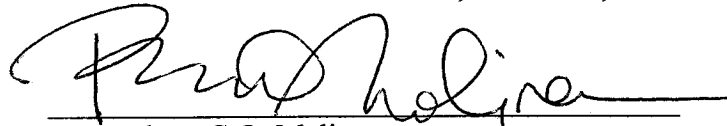
by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

GAYLE ANNE-MARIE GUTEKUNST
1819 POLK ST # 315
SAN FRANCISCO, CA 94109

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

CHRISTINE A. SOUHRADA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 2, 2013.



Bernadette C.O. Molina
Case Administrator
State Bar Court