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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
Counsel For The State Bar ANTHONY GARCIA Senior Trial Counsel Office of the Chief Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2515 Telephone: (213) 765-1277 Bar # 171419	Case Number(s): 12-O-17706-PEM 13-O-12417	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED  NOV 04 2014 </div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent TERRY JOHN WALKER Law Offices of Terry John Walker 3200 Fourth Avenue, Suite 208 San Diego, CA 92103 Telephone: (619) 297-0808 Bar # 78478	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: GEORGE HARVEY BYE Bar # 56666 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 20, 1973**.
- (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."

(Effective January 1, 2014)

Stayed Suspension

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- (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (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 or a separate attachment entitled "Prior Discipline."
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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. **See Attachment to Stipulation, at page 10.**
- (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.

(Effective January 1, 2014)

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **Restitution:** Respondent failed to make restitution. **See Attachment to Stipulation, at page 11.**
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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 subsequent rehabilitation.

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(13) No mitigating circumstances are involved.

Additional mitigating circumstances

No Prior Discipline and Pretrial Stipulation. See Attachment to Stipulation, at page 10.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of **one year**.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), 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 **one year**, 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:**

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In the Matter of: GEORGE HARVEY BYE	Case Number(s): 12-O-17706, 13-O-12417
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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
Rocio Gonzalez, Claudio Urena	\$5,000	July 1, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than **90 days after the effective date of the discipline in this matter.**

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

- 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:
 - a. 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.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: GEORGE HARVEY BYE

CASE NUMBERS: 12-O-17706, 13-O-12417

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 12-O-17706 (Complainants: Rocio Gonzalez and Claudio Urena)

FACTS:

1. On January 17, 2011, Rocio Gonzalez and Claudio Urena (collectively "clients") hired Respondent to try to regain title to their home and to file a Chapter 7 bankruptcy petition for Urena.

2. When the clients hired Respondent, their lender had foreclosed on their home and it had been sold on July 12, 2010, at a trustee's sale.

3. Between January and July 2011, the clients paid Respondent \$5,000 for his legal services.

4. On October 27, 2011, Respondent filed a lawsuit against the clients' lender in San Diego Superior Court, but failed to serve the defendants.

5. On October 28, 2011, Respondent filed an Application and Motion for a Temporary Restraining Order in San Diego Superior Court and served the defendants. Respondent sought to keep the lenders from taking possession of the clients' home. On October 31, 2011, the Superior Court denied the Application and Motion for a Temporary Restraining Order finding that the matter was filed post-foreclosure and that another department of the Superior Court had already entered a judgment in an unlawful detainer action on Respondent's clients property. The court held that it did not have the authority or jurisdiction to overturn the previous decision.

6. On November 1, 2011, Respondent filed a bankruptcy petition on Urena's behalf in the United States Bankruptcy Court. Respondent applied for, and was granted, permission to pay the filing fees for Urena's bankruptcy in two (2) equal payments.

7. On November 1, 2011, Respondent made the first bankruptcy payment and agreed to make the second payment 30 days later. The bankruptcy court notified Respondent that failure to timely pay the filing fee would result in Urena's bankruptcy being dismissed.

8. On March 13, 2012, the bankruptcy court dismissed Urena's bankruptcy because the second half of the filing fee had not been paid.

9. On April 7, 2012, Respondent filed an Amended Application and Motion for a Temporary Restraining Order in San Diego Superior Court. Respondent again sought to keep the lenders from

taking possession of the clients' home. On April 10, 2012, the Superior Court denied the Amended Application and Motion for a Temporary Restraining Order without prejudice.

10. In June 2012, Respondent served an amended complaint upon the defendants, did not serve the original complaint upon the defendants, and did not file the amended complaint in Superior Court.

11. On July 18, 2012, the court learned that Respondent served the amended complaint upon the defendants and not the original complaint and that Respondent had not filed the amended complaint in Superior Court. The Superior Court set an Order to Show Cause ("OSC") re dismissal for August 31, 2012. Respondent had notice of the OSC.

12. On August 31, 2012, Respondent failed to appear at the OSC hearing regarding dismissal and the court dismissed the clients' lawsuit.

13. The clients hired new counsel to try to regain title to their home and on November 5, 2012, the clients filed a motion to set aside the dismissal that the Superior Court granted on March 7, 2013.

14. In November 2012, Urena hired new counsel to refile his bankruptcy. On November 19, 2012, Urena's new counsel refiled his bankruptcy.

CONCLUSION OF LAW:

15. By not serving the summons and original complaint upon the lender in the clients' civil matter, not filing the amended complaint in the clients' civil matter in Superior Court, by failing to appear at the OSC hearing regarding dismissal on August 31, 2012, and by not timely paying the second half of the filing fee in Urena's bankruptcy matter, Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

MITIGATING CIRCUMSTANCES.

No Prior Discipline:

Respondent was admitted to practice law in California on December 20, 1973, and had practiced for more than thirty-nine (39) years with no record of discipline at the time the earliest misconduct in this stipulation commenced. Respondent's many years in practice with no discipline is entitled to significant weight in mitigation. (*Friedman v. State Bar* (1990) 51 Cal.3d 235, 245 [20 years in practice with no prior record was entitled to highly significant weight in mitigation].)

Pretrial Stipulation:

Respondent has acknowledged his misconduct and stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, thereby avoiding the necessity of a trial and saving State Bar time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

AGGRAVATING CIRCUMSTANCES

Harm (Standard 1.5(f)):

In this matter, Respondent collected attorney fees from clients who were financially distressed and he failed to perform legal services for his clients. Respondent has not refunded the fees to his clients.

Accordingly, Respondent's clients have been without their funds for more than three years. In addition, Respondent's clients had to hire new counsel to represent their interests. Respondent caused significant harm to his clients, which constitutes an aggravating circumstance pursuant to standard 1.5(f).

Failure to Make Restitution (Standard 1.5(i)):

Respondent has not refunded the clients' advance fees.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (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.) Nevertheless, the California Supreme Court does not follow the standards "in talismanic fashion." (*Howard v. State Bar* (1990) 51 Cal.3d 215, 221.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

The sanction applicable to Respondent's misconduct is found in Standard 2.5, which applies to Respondent's violation of rule 3-110(A) of the Rules of Professional Conduct. Standard 2.5 (c) provides that reproof is appropriate for failing to perform legal services properly in a single client matter.

In this case, it is appropriate to deviate upward from the discipline suggested by Standard 2.5(c). Although Respondent failed to perform for a single client, he failed to perform in two of the clients matters: regain title to clients' home and Urena's bankruptcy. But, Respondent's misconduct is insufficient to require actual suspension as suggested by Standard 2.5(b) because although Respondent's performance violated Rules of Professional Conduct, rule 3-110(A), he did perform some legal services for his clients. In the civil matter, Respondent prepared and filed restraining orders, a complaint and an amended complaint for his clients, and in the bankruptcy matter, Respondent prepared and filed the first bankruptcy and obtained a payment plan for the filing fees.

Respondent accepts responsibility for failing to properly serve the defendants in the civil matter as evidenced by this stipulation, and Respondent's clients did not lose their cause of action against their lender. Likewise, in the bankruptcy matter, Respondent prepared and filed the first bankruptcy and obtained a payment plan for the filing fees. Urena was able to refile the bankruptcy with the assistance of new counsel.

The aggravating factors in this matter all stem from the fact that Respondent has not yet refunded the legal fee that the clients paid him. However, Respondent has agreed to refund their fee within 90 days of the effective date of discipline in this matter.

In light of the particular facts of this matter, and balancing the mitigating factors against the aggravating factors, a reproof would be insufficient to address the misconduct in this matter, but a one-year stayed suspension with a requirement that Respondent refund Gonzalez/Urena's fees within 90 days, is appropriate to address Respondent's misconduct and will serve to protect the public, the courts and the legal profession, maintain high professional standards, and preserve public confidence in the legal profession.

The level of discipline is supported by case law. In *Gold v. State Bar* (1989) 49 Cal.3d 908, the attorney was found culpable of two matters of failing to perform services and failing to communicate properly with his clients. Gold also deceived his client in one of the matters. He had no prior record of discipline in 25 years of practice. A four-member Supreme Court majority imposed a three year suspension stayed on conditions including 30 days actual suspension. In reducing the actual suspension from the 90 days recommended by the State Bar Court, the Court relied on significant mitigation.

In the instant matter, there are fewer incidences of misconduct than there were in the *Gold* matter, there is no evidence of deceit, and Respondent has been practicing 16 years longer than Gold. Therefore, stayed suspension instead of a actual suspension is an appropriate discipline for the misconduct in this matter.

DISMISSALS.

The parties respectfully request that the Court dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
13-O-12417	Four	3-110(A)
13-O-12417	Five	6068(m)
13-O-12417	Six	4-100(B)(1)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 4, 2014, the prosecution costs in this matter are \$5,600. 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.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of Ethics School or the



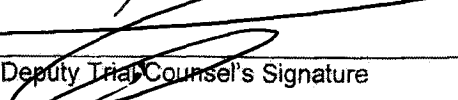
Multistate Professional Responsibility Exam. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of: GEORGE HARVEY BYE	Case number(s): 12-O-17706, 13-O-12417
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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>10/17/14</u> Date	 Respondent's Signature	<u>George Harvey Bye</u> Print Name
<u>10/17/2014</u> Date	 Respondent's Counsel Signature	<u>Terry John Walker</u> Print Name
<u>10/20/14</u> Date	 Deputy Trial Counsel's Signature	<u>Anthony Garcia</u> Print Name

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In the Matter of: GEORGE HARVEY BYE	Case Number(s): 12-O-17706, 13-O-12417
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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.

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.)**

NOVEMBER 3, 2014
Date


GEORGE E. SCOTT, JUDGE PRO TEM
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 November 4, 2014, 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:

TERENCE J. WALKER
LAW OFC TERRY JOHN WALKER
3200 4TH AVE STE 208
SAN DIEGO, CA 92103

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

ANTHONY J. GARCIA, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 4, 2014.



Bernadette C.O. Molina
Case Administrator
State Bar Court