

JUN 17 2016

<sup>3</sup> Respondent tested positive for muscle relaxant, anti-anxiety drugs, and other medications.

guilty to three separate charges of driving under the influence of drugs (California Vehicle Code section 23152, subd. (a)). On November 28, 2011, the Butte County Superior Court entered Respondent's convictions on those charges.

On January 24, 2014, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) transmitted certified copies of Respondent's three convictions to the State Bar Court pursuant to sections 6101-6102 and California Rules of Court, rule 9.5, et seq.

On February 21, 2014, the Review Department of the State Bar Court issued orders referring Respondent's three convictions to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the facts and circumstances surrounding Respondent's convictions are found to involve moral turpitude or other misconduct warranting discipline. These matters were consolidated shortly thereafter.

On April 14, 2014, Respondent contacted the State Bar's Lawyer Assistance Program (LAP) to assist with her substance abuse issue. Respondent sought to participate in the State Bar Court's ADP. This matter was referred to the ADP on May 19, 2014.

On June 9, 2014, Respondent submitted a declaration to the court, establishing a nexus between her substance abuse issue and the charges in this matter.

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) on June 9, 2014. The Stipulation set forth the factual findings, legal conclusions, and mitigating and aggravating circumstances. The Stipulation was received by the court on June 9, 2014. On June 27, 2014, Respondent signed a LAP Participation Plan.

Following briefing by the parties, the court issued a Confidential Statement of Alternative Dispositions and Orders dated August 25, 2014, formally advising the parties of: (1) the discipline which would be recommended to the Supreme Court if Respondent successfully completed the ADP, and (2) the discipline which would be recommended if Respondent failed to

successfully complete or was terminated from the ADP. After agreeing to those alternative dispositions, Respondent executed the Contract and Waiver for Participation in the State Bar Court's ADP, the court accepted Respondent for participation in the ADP, and Respondent's period of participation in the ADP began on August 25, 2014.

On April 4, 2016, after receiving a certificate of one year of participation in the LAP, the court issued an order finding that Respondent successfully completed the ADP.

### **Findings of Fact and Conclusions of Law**

The parties' Stipulation, including the court's order approving the Stipulation, is attached and hereby incorporated by reference, as if fully set forth herein.

In case no. 13-C-17598, the facts and circumstances surrounding Respondent's criminal conviction do not involve moral turpitude, but do involve other misconduct warranting discipline.<sup>4</sup>

In case no. 14-C-00324, Respondent stipulated that although the facts and circumstances surrounding her criminal conviction do not involve moral turpitude, they do involve other misconduct warranting discipline.

In case no. 14-C-00323, the facts and circumstances surrounding Respondent's criminal conviction do not involve moral turpitude, but do involve other misconduct warranting discipline.<sup>5</sup>

In aggravation, Respondent engaged in multiple acts of misconduct and caused significant harm. In mitigation, Respondent cooperated with the State Bar by entering into a

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<sup>4</sup> The limited facts and circumstances articulated in the stipulation did not support the parties' stipulated conclusion that the facts and circumstances surrounding this conviction involved moral turpitude. (Cf. *In the Matter of Guillory* (May 19, 2015) \_\_ Cal. State Bar Ct. Rptr. \_\_ [2015 WL 2406159].)

<sup>5</sup> The limited facts and circumstances articulated in the stipulation did not support the parties' stipulated conclusion that the facts and circumstances surrounding this conviction involved moral turpitude.

pretrial stipulation.<sup>6</sup> In addition, it is appropriate to consider Respondent's successful completion of the ADP as a further mitigating circumstance in this matter.

### **Discussion**

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but rather to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve confidence in the legal profession.

(*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative discipline recommendations if Respondent successfully completed the ADP and if she did not successfully complete the ADP, the court considered the parties' briefs on discipline as well as certain standards and case law. In particular, the court considered Former Standards<sup>7</sup> 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, and 2.12(b), and *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208; *In re Kelley* (1990) 52 Cal.3d 487; and *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 108.

Because Respondent has now successfully completed the ADP, this court, in turn, now recommends to the Supreme Court the imposition of the lower level of discipline, set forth more fully below, contained in the Confidential Statement of Alternative Dispositions and Orders.

### **Recommended Discipline**

It is hereby recommended that respondent Heather Michelle Salvador, State Bar no. 249150, be suspended from the practice of law in California for one year, that execution of

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<sup>6</sup> Respondent had no prior record of discipline; however, she had only been admitted to practice law in this state for three years at the onset of the present misconduct.

<sup>7</sup> Effective July 1, 2015, the standards were amended. As the Confidential Statement was prepared prior to the amending of the standards, this court relied on and applied the standards that were in effect at the time the Confidential Statement was signed.

that period of suspension be stayed, and that she be placed on probation<sup>8</sup> for a period of two years subject to the following conditions:

1. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of Respondent's probation.
2. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including Respondent's current office address and telephone number, or if no office is maintained, the address to be used for State Bar purposes, Respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.
3. 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 of the conditions of Respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
4. Subject to the assertion of applicable privileges, Respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to Respondent personally or in writing, relating to whether Respondent is complying or has complied with Respondent's probation conditions.
5. Within 30 days after 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.
6. Within one year after the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
7. Respondent must comply with all provisions and conditions of her Participation Agreement/Plan with the Lawyer Assistance Program (LAP) and must provide the Office of Probation with certification of completion of the LAP. Respondent must

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<sup>8</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

immediately report any non-compliance with any provision(s) or condition(s) of her Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of Respondent's participation in the LAP and her compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.

At the expiration of the probation period, if Respondent has complied with all conditions of probation, Respondent will be relieved of the stayed suspension.

### **Multistate Professional Responsibility Examination**

It is recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court order imposing discipline in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

### **Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

### **Direction Re Decision and Order Sealing Certain Documents**

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 5.388 of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 5.12 of the Rules of Procedure.


It is further ordered that protected and sealed material will only be disclosed to:

(1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court, and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized


individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Dated: June 17, 2016

  
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LUCY ARMENDARIZ  
Judge of the State Bar Court

**State Bar Court of California**  
**Hearing Department**  
**San Francisco**  
**ALTERNATIVE DISCIPLINE PROGRAM**

<b>Counsel For The State Bar</b>  <b>Robin Brune</b> <b>Senior Trial Counsel</b> <b>180 Howard Street</b> <b>San Francisco, CA 94105</b> <b>Telephone: (415) 538-2218</b>  <b>Bar # 149481</b> <b>In Pro Per Respondent</b>  <b>Heather Michelle Salvador</b> <b>P.O. Box 4401</b> <b>Chico, CA 95927</b> <b>Telephone: (530) 774-7699</b>  <b>Bar # 249150</b> <b>In the Matter Of:</b> <b>HEATHER MICHELLE SALVADOR</b>  <b>Bar # 249150</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>Case Number (s)</b> <b>13-C-17598;</b> <b>14-C-00323;</b> <b>14-C-00324</b>	<b>(for Court's use)</b>  <b>PUBLIC MATTER</b>  <b>FILED</b>  <b>AUG 25 2014</b>  <b>STATE BAR COURT CLERK'S OFFICE</b> <b>SAN FRANCISCO</b>  <b>Submitted to: Program Judge</b>  <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>
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**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 **June 1, 2007**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **10** pages, excluding 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."



(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [see 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:
- (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, page 9.**
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See Attachment, page 9.**
- (8) ☐ **Restitution:** Respondent failed to make restitution.
- (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 convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Pretrial Stipulation - See Attachment, page 9.**

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

IN THE MATTER OF:        HEATHER MICHELLE SALVADOR

CASE NUMBERS:            13-C-17598; 14-C-00323; 14-C-00324

**FACTS AND CONCLUSIONS OF LAW.**

The 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. 13-C-17598 (Conviction Proceedings)**

**PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:**

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

2. On January 14, 2011, the Butte County District Attorney filed a criminal complaint in the Butte County Superior Court, case no. SCR 81692, charging respondent with a two count complaint. Count One alleged a violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs], a misdemeanor, with a special allegation that the respondent drove a vehicle with a passenger under the age of 14 at the time of the offense. Count Two alleged a violation of Penal Code section 273(a)(b), [cruelty to a child by endangering health], a misdemeanor, for endangering the health of a seven-year old child of which she had the care and custody.

3. On February 14, 2011, respondent was arraigned on the charges. She pled not guilty and the Court released her on her own recognizance. As part of her conditions of release, respondent was ordered to obey all laws and not to drive with any measurable alcohol or prescription medication that would affect her driving.

4. On November 14, 2011, respondent entered a plea of guilty to Vehicle Code Section 23152(a), for driving under the influence of drugs and the special allegation of driving under the influence with a passenger under the age of 14 at the time of the offense. The court dismissed the special allegation and count two upon the motion of the district attorney.

5. On November 28, 2011, the court suspended the imposition of sentence and placed respondent on summary probation for a period of thirty-six months. The court further ordered that respondent serve 30 days in jail (for which respondent was given 30 days credit for time served), attend and successfully complete an alcohol education class, pay fines and fees of \$5,781 (\$1,732 for each conviction), as well as pay restitution and administrative costs and fines.

6. On December 5, 2013, respondent reported her conviction to the State Bar.

7. On February 21, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances

surrounding the offense(s) for which the respondent was convicted involved moral turpitude or other misconduct warranting discipline.

#### FACTS:

8. On October 15, 2010, at 7:44 a.m., a reporting party called to report that the driver of a Mercury Minivan - - ultimately identified as respondent - - was driving erratically all over the road and even onto the sidewalk. The reporting party followed the vehicle from Highway 32 onto eastbound 9<sup>th</sup> Street to southbound Broadway Street in Chico, where the vehicle stopped in front of the Chico County Day School. The reporting party watched the vehicle until the arrival of a sergeant from the Chico Police Department. The arresting officer arrived shortly thereafter.

9. The sergeant observed a young girl exit the vehicle and head into the school. He also contacted respondent and told the arresting officer that she appeared to be impaired.

10. The arresting officer contacted respondent who stated she knew she was driving poorly and that she was very tired. The arresting officer noticed that respondent's speech was slurred, she paused for inappropriate lengths of time, and that her eyelids were heavy and droopy. The arresting officer did not notice any odor of alcohol and asked respondent if she was on any medications. Respondent reported she was not on any medications, but stated that the evening before, at approximately 10:00 p.m., she had taken some medications for back pain, Clonidine and Vicodin, and that she was feeling groggy.

11. The arresting officer had respondent perform some field sobriety tests. Respondent swayed from side to side while standing. She was unable to hold one leg raised for more than two seconds and she could not write out the alphabet without making corrections.

12. The arresting officer arrested respondent and transported her to Enola Hospital where a blood sample was taken at 8:38 a.m. Respondent tested positive for carisoprodol 4.46 mg/L and meprobamate 29.07 mg/L; hydrocodone .04 mg/L. Carisoprodol is a muscle relaxant and is often an ingredient in sleeping pills. Meprobamate is an anti-anxiety tranquilizer, and Vicodin is a prescription medication for pain.

#### CONCLUSIONS OF LAW:

13. The facts and circumstances surrounding the above-described violation of Section 23152(a) of the Vehicle Code, of which the respondent was convicted, did involve moral turpitude and warrants discipline.

#### Case No. 14-C-00324 (Conviction Proceedings)

#### PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

14. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

15. On January 14, 2011, the Butte County District Attorney filed a criminal complaint in the Butte County Superior Court, case no. SCR 81693, charging respondent with a one count complaint alleging a violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs],

a misdemeanor, with a further allegation that there was another pending charge against respondent for Vehicle Code section 231052(a) [offense date of October 15, 2010].

16. On February 14, 2011, Respondent was arraigned on the charges. She pled not guilty and the Court released her on her own recognizance. As part of her conditions of release, respondent was ordered to obey all laws and not to drive with any measurable alcohol or prescription medication that would affect her driving.

17. On November 14, 2011, respondent entered a plea of guilty to Vehicle Code Section 23152(a), for driving under the influence of drugs.

18. On November 28, 2011, the court convicted respondent. The court suspended the imposition of sentence and placed respondent on summary probation for a period of thirty-six months. The court further ordered that respondent serve 30 days in jail (for which respondent was given 30 days credit for time served) attend and successfully complete an alcohol education class, pay fines and fees of \$5,781 (\$1,732 for each conviction) as well as pay restitution and administrative costs and fines.

19. On December 5, 2013, respondent reported her conviction to the State Bar.

20. On February 21, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which the respondent was convicted involved moral turpitude or other misconduct warranting discipline.

#### FACTS:

21. On October 29, 2010, at about 10:00 p.m., a citizen called the Chico Police Department to report a possible DUI driver-ultimately identified as respondent. The citizen reported that he was following a green Mercury SUV that was driving very slowly and weaving. The citizen reported that the driver failed to stop for a stop sign and was driving over the white edge line of the roadway. The vehicle was traveling well under the speed limit, traveling very slowly and weaving. The citizen reported that the vehicle was last seen north bound on Warner Street.

22. A Chico Police Department Volunteer located the vehicle northbound on Esplanade Avenue and broadcasted the location to the Chico Police Department dispatch. A police officer located respondent and followed her northbound on Esplanade Avenue. The officer observed the respondent drift to the right, and her right tires collided with the raised curb. The officer also observed the vehicle suddenly stop in the middle of "Kalico Kitchen." The officer activated his forward red lights and respondent pulled into the Taco Bell parking lot.

23. A second officer, [the arresting officer], arrived at the scene and spoke to respondent. Respondent admitted she collided with the curb and that she was driving poorly. She reported that she was texting on her cell phone while driving. The arresting officer confirmed that respondent had received three messages and sent two from her cell phone.

24. The arresting officer asked respondent to get out of the vehicle. The arresting officer observed that respondent was very unbalanced while she was standing outside her vehicle. He observed that her speech was slurred and her pupils were very constricted. Respondent told the arresting officer

that she was taking Motrin and Norco. The officer noted green prescription pills (Clonazepam) and yellow pills (Norco) in the respondent's possession.

25. The arresting officer had the respondent perform some field sobriety tests. Respondent was unable to walk in a straight line. She was unable to perform a one leg stand, putting her leg down 5 times in 11 seconds.

26. The arresting officer transported respondent to Enloe Hospital for a blood draw. Respondent tested positive for carisoprodol .28 mg/L; doxylamine .09mg/L; meprobamate 2.99 mg/L, hydrocodone .09 mg/L, positive for benzodiazepines "class."

#### CONCLUSIONS OF LAW:

27. The facts and circumstances surrounding the above-described violation(s) of Section 23152(a) of the Vehicle Code, of which the respondent was convicted, did not involve moral turpitude but did involve other misconduct warranting discipline.

#### Case No. 14-C-00323 (Conviction Proceedings)

#### PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

28. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

29. On September 12, 2011, the Butte County District Attorney filed a criminal complaint in the Butte County Superior Court, case no. SCR 83636, charging respondent with a one count complaint which alleged a violation of Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs], a misdemeanor, with a further allegation that there were three additional pending charges against respondent for violations of Vehicle Code Section 23152(a) [offense dates of October 15, 2010; October 29, 2010; and January 11, 2011].

30. Respondent was arraigned on the charges on September 26, 2011. She originally pled not guilty and the Court released her on her own recognizance. As part of her conditions of release, respondent was ordered to obey all laws and not to drive with any measurable alcohol or prescription medication that would affect her driving.

31. On November 14, 2011, respondent entered a plea of guilty to Vehicle Code Section 23152(a), for driving under the influence of drugs.

32. On November 28, 2011, the court convicted respondent. The court suspended the imposition of sentence and placed respondent on summary probation for a period of thirty-six months. The court further ordered that respondent serve 30 days in jail (for which respondent was given 30 days credit for time served) attend and successfully complete an alcohol education class, pay fines and fees of \$5,781 (\$1,732 for each of the three convictions) as well as pay restitution and administrative costs and fines.

33. On December 5, 2013, respondent reported her conviction to the State Bar.

34. On February 21, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which the respondent was convicted involved moral turpitude or other misconduct warranting discipline.

#### FACTS:

35. On May 13, 2011, just before midnight, a Chico police officer was dispatched to respond to a report of a motor vehicle accident on Mulberry Street at East 19<sup>th</sup> Street in Chico.

36. An eyewitness reported to the officer that he was standing on the porch at a near-by residence when he heard a loud collision behind him. He turned in time to see a black Nissan settling back onto the ground. Respondent was driving the black Nissan. The eyewitness ran over to help. Respondent appeared to be uninjured but, after speaking to her, the eyewitness thought she might be intoxicated.

37. The reporting officer observed that respondent's vehicle was up against a parked white Ford Probe, and the Ford Probe had been pushed into a gray Honda Civic. The reporting officer located the respondent seated in the black Nissan. He observed that her eyes were red, watery, and bloodshot, her face was slack and relaxed and she had a thick tongue and slurred speech. He could smell a slight odor of alcohol on her breath and she appeared to have a blank stare.

38. The officer observed respondent place two small oblong tablets on her tongue. The officer directed respondent to spit out the tablets. Respondent told the officer that the tablets were Melatonin to help her sleep. Respondent appeared to be extremely tired and would doze off as the officer spoke to her. She reported to the officer that she took 1 mg tablets of Clonazepam and 200 mg tablets of Seroquel throughout the day.

39. The officer conducted some field sobriety tests on respondent. When the officer asked respondent to place her feet together, she fell forward. When the officer asked her to open her eyes wide for a horizontal gaze Nystagmus Test, respondent was unable to keep her eyes open. As soon as she closed her eyes, she fell forward and the officer had to catch her to keep her from falling. Due to the officer's concern for respondent's safety, no further field sobriety tests were conducted.

40. The officer arrested respondent and transported her to Enloe Hospital for a blood sample. After two vials of blood were taken, the officer took the respondent to the Chico Police Department for booking. However, en route to the police department, respondent became worse and the officer returned to Enloe hospital where respondent was admitted for further treatment. The officer attempted to complete additional investigation at the hospital, but respondent was unable to answer any questions coherently and was unable to stand or write her signature.

41. The respondent tested positive for 3.28 mg/L carisoprodol and 12.0 mg/l meprobamate.

42. A second officer, who prepared the accident report, reported that respondent was driving northbound on Mulberry Street. She struck a parked car, [Ford Probe], forcing her own car to spin around, facing southbound in a northbound lane. The force of the collision pushed the parked car up onto the curb and into the car in front of it [Honda Civic].

43. Respondent's arrest on May 13, 2011, (case no. SCR83036) constituted a violation of her court-ordered conditions of release in case nos. SCR81692 and SCR81693.

#### CONCLUSIONS OF LAW:

44. The facts and circumstances surrounding the above-described violation of Section 23152(a) of the Vehicle Code, of which the respondent was convicted, did involve moral turpitude and warrants discipline.

#### AGGRAVATING CIRCUMSTANCES.

**Multiple Acts of Misconduct** (Standard 1.5 (b)). The respondent committed three criminal offenses. This represents multiple acts of misconduct.

**Significant Harm** (Standard 1.5 (f)): On all three of the respondent's offenses, she posed great risk of harm to the public due to her driving under the influence of prescription medications. On her third offense, she hit a parked car, which then was pushed into a second car, causing damage to both cars.

#### MITIGATING CIRCUMSTANCES

##### **Additional Mitigating Circumstances**

**Pre-trial Stipulation:** The respondent is entitled to mitigation for entering into a full stipulation with the Office of the Chief Trial Counsel, 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 Sickel* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994).

#### COSTS OF DISCIPLINARY PROCEEDINGS.

The respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 15, 2014, the prosecution costs in this matter are \$4,730. The 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: HEATHER MICHELLE SALVADOR	Case number(s): 13-C-17598; 14-C-00323; 14-C-00324
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### SIGNATURE OF THE PARTIES

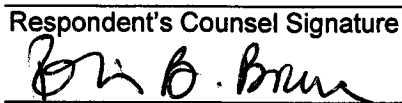
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

6/3/2014  
Date

  
Respondent's Signature

HEATHER M. SALVADOR  
Print Name

6/9/2014  
Date

Respondent's Counsel Signature  
  
Deputy Trial Counsel's Signature

Print Name  
ROBIN B. BRUNE  
Print Name

(Do not write above this line.)

In the Matter of:  
HEATHER MICHELLE SALVADOR

Case Number(s):  
13-C-17598; 14-C-00323; 14-C-00324

### ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☒ All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date

Aug 25, 2014

  
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 25, 2014, I deposited a true copy of the following document(s):

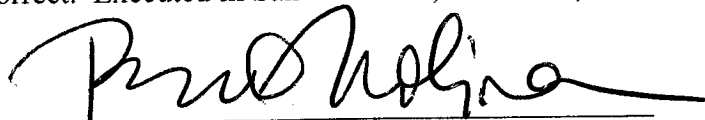
### STIPULATION RE FACTS AND CONCLUSIONS OF LAW

☒ By personally delivering a copy of said document(s) to:

ROBIN B. BRUNE  
180 HOWARD STREET, 6<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94105

HEATHER M. SALVADOR  
180 HOWARD STREET, 6<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on August 25, 2014.



Bernadette C.O. Molina  
Case Administrator  
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 June 17, 2016, I deposited a true copy of the following document(s):

### DECISION AND ORDER SEALING CERTAIN DOCUMENTS

### STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:

HEATHER M. SALVADOR  
PO BOX 4401  
CHICO, CA 95927-4401

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

ROBIN BRUNE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 17, 2016.



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Bernadette Molina  
Case Administrator  
State Bar Court