

State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION			
Counsel For The State Bar Manuel Jimenez Senior Trial Counsel	Case Number(s): 13-0-13004-PEM	For Court use only PUBLIC MATTER	
180 Howard Street San Francisco, CA 94105 (415) 538-2288			
Bar # 218234 Counsel For Respondent	-	SEP 2 1 2015	
Michael Emery Dietrick Law Offices of Michael Dietrick 765 Baywood Drive, Suite 227 Petaluma, CA 94954 (707) 763-5019		STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	
	Submitted to: Settlement Ju	ıdge	
Bar # 92150	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING		
In the Matter of: ALLEN CLARENCE HASSAN	STAYED SUSPENSION; NO ACTUAL SUSPENSION		
	PREVIOUS STIPULATION REJECTED		
Bar # 104024			
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 **September 14, 1982**.
- (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 11 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: (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(h) & 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) Intentional/Bad Faith/Dishonesty: Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) Misrepresentation: Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) Concealment: Respondent's misconduct was surrounded by, or followed by concealment.
- (5) Overreaching: Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) Uncharged Violations: Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) 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..

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<u>(Do no</u>	ot write	e above this line.)
(8)		Harm: Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
(9)	\boxtimes	Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Attachment to Stipulation at page 8.
(10)		Candor/Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
(11)		Multiple Acts: Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment to Stipulation at page 8.
(12)		Pattern: Respondent's current misconduct demonstrates a pattern of misconduct.
(13)		Restitution: Respondent failed to make restitution.
(14)		Vulnerable Victim: The victim(s) of Respondent's misconduct was/were highly vulnerable.
(15)		No appravating circumstances are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) Remorse: Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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) Solution (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. See Attachment to Stipulation at page 8.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

No Prior Discipline, Volunteer Service, and Pre-Trial Stipulation - See Attachment to Stipulation at page 8.

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 fitness to practice and present learning and ability in the general 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) \boxtimes **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) X 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:

Substance Abuse Conditions		Law Office Management Conditions
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Medical Conditions
 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**:

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ALLEN CLARENCE HASSAN

CASE NUMBER: 13-O-13004-PEM

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. 13-O-13004 (State Bar Investigation)

FACTS:

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1. Respondent primarily works as a medical doctor, but is also a licensed attorney who handles a small number of predominately personal injury matters. On December 6, 2012, Senin Rapatalo ("Rapatalo") went to respondent's office seeking legal representation in a worker's compensation matter. Rapatalo is not a native English speaker. Rapatalo informed respondent that the Workers' Compensation Appeals Board scheduled a hearing in her matter for January 10, 2013. She paid respondent \$600 dollars and received a receipt with the notation, "Legal/Dr. Hassan." Rapatalo had a reasonable, subjective understanding based upon the facts and understanding surrounding the establishment of the professional relationship that she hired respondent as her attorney. Yet, instead, respondent performed a medical examination on Rapatalo.

2. On January 10, 2013, the Honorable Dudley R. Phenix, Workers' Compensation Judge, held a hearing in the matter of *Rapatalo v. Edgewood Guest Home et al.*, Workers' Compensation Appeals Board, case nos. ADJ 7611337 (ADJ 7611314; ADJ 7780168). Rapatalo appeared for the hearing. Respondent did not appear. Rapatalo informed Judge Phenix that she had hired respondent. During the judge's questioning of Rapatalo, the judge became aware that Rapatalo paid respondent \$600 of a \$1,000 fee. The judge ordered respondent to personally appear at the next hearing, scheduled for February 21, 2013.

3. On February 14, 2013, Judge Phenix received a letter from respondent which stated, in part, (1) "I did not indicate to [Rapatalo] that I was her legal counselor. I indicated I would write a medicallegal type report, which I did," (2) "It is not unusual for the patients to assume that because I am a doctor lawyer that I will be their lawyer," and (3) "I do not wish to appear for her in the future, and will not appear for her in the future..."

4. On February 21, 2013, Judge Phenix held a hearing on the matter. Respondent failed to appear. The judge issued a Notice of Intent and Notice to Appear, ordering respondent to appear on March 29, 2013, to determine whether or not the court should sanction respondent \$2,500 for failing to appear.

5. On March 29, 2013, Judge Phenix held a hearing in the matter. Respondent appeared an hour late to the hearing. The judge took testimony from both Rapatalo and respondent.

6. On May 15, 2013, Judge Phenix issued an order sanctioning respondent \$1,000, payable to the Workers' Compensation Appeals Board, for his failure to appear on February 21, 2013, and his late appearance on March 28, 2013. Respondent did not report the sanction to the State Bar. Respondent paid the sanction on September 12, 2014, approximately 16 months later, and only after the State Bar became involved.

7. On July 9, 2013, a State Bar investigator wrote to respondent at his State Bar membership records address. In the letter, the investigator described the allegations under investigation and requested a written response no later than July 23, 2013. The letter was not returned as undeliverable. Respondent did not respond to the letter.

8. On February 11, 2014, a State Bar investigator emailed respondent and attached the July 9, 2013 letter to the email, and requested an immediate response. Respondent did not respond to the allegations.

9. On August 25, 2014, the State Bar wrote to respondent at his official membership records address to give notice of the State Bar's intent to file a Notice of Disciplinary Charges.

10. On September 15, 2014, respondent's personal assistant called the State Bar and stated, "This is about the letter that we got from you guys on August 25, 2014..." Respondent did not otherwise respond to any of the previous letters.

11. On December 14, 2014, respondent filed an answer to the State Bar's Notice of Disciplinary Charges, stating he had moved his address and did not get the mail sent to his official membership records address.

CONCLUSIONS OF LAW:

12. By failing to appear at the February 21, 2013, hearing held in the matter *Rapatalo v*. *Edgewood Guest Home et al.*, Workers' Compensation Appeals Board, case nos. ADJ 7611337 (ADJ 7611314; ADJ 7780168), as ordered by Judge Dudley R. Phenix, and failing to pay the \$1,000 sanction issued by Judge Phenix against respondent for approximately 16 months, respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forebear in wilful violation of Business and Professions Code section 6103.

13. By failing to report to the State Bar the \$1,000 sanction Judge Dudley R. Phenix issued against respondent, respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time respondent had knowledge of the imposition of the judicial sanction, in wilful violation of Business and Professions Code section 6068(0)(3).

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14. By failing to provide a written response to the State Bar Investigator's July 9, 2013 letter and February 11, 2014 email regarding the allegations in Rapatalo matter, or otherwise cooperate in the investigation of the Judge Dudley R. Phenix disciplinary referral, respondent failed to cooperate in a disciplinary investigation, in willful violation of section 6068(i) of the Business and Professions Code.

AGGRAVATING CIRCUMSTANCES.

Indifference (Std. 1.5(g)): Respondent demonstrated indifference toward rectification or atonement when he denied wrongdoing and impugned his client, Senin Rapatalo's credibility to Workers' Compensation Appeals Board Judge Dudley R. Phenix. Respondent's indifference constitute an aggravating circumstance

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent committed three acts of misconduct by failing to obey a court order, failing to report judicial sanctions, and failure to cooperate with the State Bar investigation. Respondent's multiple acts of misconduct constitute an aggravating circumstance pursuant to Standard 1.5(b).

MITIGATING CIRCUMSTANCES.

Good Character (Std. 1.6(f)): Respondent provided 8 character reference letters from a wide range of references in the legal and general communities, who are aware of the full extent of respondent's misconduct. Respondent's good character constitutes a mitigating circumstance pursuant to Standard 1.6(f).

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Although respondent's misconduct is serious, he is entitled to some mitigation for having practiced law, part-time, for approximately 32 years without discipline. (In the Matter of Riordan (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49.)

Civic Service and Charitable Work: For many years respondent was active with the Flying Samaritans, Mother Lode Chapter, an organization of doctors who operate a monthly clinic named Alma Luminosa at San Quintin, on the Rancho Los Pinos, approximately 200 miles south of the Mexican-American border. Until 2008, respondent made quarterly trips to treat farm workers in Baja, Mexico. Because of respondent's age, he has not participated since 2008. Respondent's involvement with Flying Samaritans can be of limited mitigative value. Civic service and charitable work can be mitigation as evidence of good character. (In the Matter of Respondent K (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359. Porter v. State Bar (1990) 52 Cal.3d 518, 529.)

Pretrial Stipulation: Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court 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].)

AUTHORITIES SUPPORTING DISCIPLINE.

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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.) 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).)

In this matter, Respondent admits to committing three acts of professional misconduct. Standard 1.7(a) requires that where a Respondent "commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed." The most severe sanction applicable to Respondent's misconduct is found in Standard 2.8(a), which applies to Respondent's violation of Business and Professions Code section 6103. Standard 2.8(a) provides that disbarment or actual suspension is appropriate for disobedience or violation of a court order related to the member's practice of law, the attorney's oath, or the duties required of an attorney under Business and Professions Code section 6103.

In the instant matter, respondent and State Bar are stipulating to a one-year stayed suspension with twoyears probation, which represents a downward departure from standard 2.8(a). It is appropriate to impose a lessor sanction than what is otherwise specified in a specific standard where mitigating circumstances, considered alone and in balance with aggravating circumstances, have the net effect of demonstrating that a lessor sanction is needed to fulfill the primary purposes of discipline. (Std. 1.7(c).) Such is the situation in this matter.

Several factors support a downward departure from standard 2.8(a). The misconduct appears to be aberrational and unlikely to be repeated, and thus respondent does not present a threat to public protection. Respondent's misconduct is discrete in that it involves one client and occurred within a short span of time. Furthermore, in balancing the aggravating and mitigating factors, the following factors

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support a downward deviation: (1) respondent's 32 years of discipline free practice, (2) respondent's willingness to enter into a pretrial stipulation, (3) respondent's character evidence, (4) and respondent's age of nearly 80 years.

Respondent's misconduct is similar to the misconduct at issue in *In the Matter of Riordan* (Review Dept. 2007), 5 Cal. State Bar Ct. Rptr. 41. *Riordan* supports a 1 year stayed suspension. While the *Riordan* decision predates the adoption of Standard 2.8(a), the analysis is relevant. Respondent's misconduct is subject to similar aggravating and mitigating circumstances to that of *Riordan*. In *Riordan*, the Review Department recommended a 6-month stayed suspension for violations of rule 3-110(A), section 6103, and section 6068(o)(3). The court in *Riordan* noted, that "respondent's misconduct appears to be limited to this one...matter." Similarly, respondent's misconduct in the instant matter is aberrational. Unlike *Riordan*, respondent's misconduct did not take place over a prolonged period of years. The Review Department found that Riordan's misconduct was aggravated by multiple acts of misconduct (found but discounted) and harm to the administration of justice, and mitigated by no prior record of discipline over 17-years of practice, no further misconduct, good character (diminished), and cooperation with the State Bar by entering into a factual stipulation.

On balance, considering standard 2.8(a), in light of the fact that the mitigation in this matter substantially outweighs the aggravation, and that the conduct appears unlikely to reoccur, a one year stayed suspension is appropriate.

DISMISSALS.

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

<u>Case No.</u>	<u>Count</u>	Alleged Violation
13-0-13004	One	3-110(A)
13-O-13004	Two	4-200(A)

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 28, 2015, the prosecution costs in this matter are \$7,282.00. 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 <u>not</u> receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

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In the Matter of:	Case number(s):
ALLEN CLARENCE HASSAN	13-O-13004-PEM

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.

9.15-15	Ollen (Nasson	Allen Clarence Hassan	
Date	Respondent's Signature	Print Name	
9-15-15	lut the	Michael E. Dietrick	
Date	Respondent's Counsel Signature	Print Name	
9-17-2015	MA	Manuel Jimenez	
Date	Deputy Trial Counsel's Signature	Print Name	

In the Matter of: ALLEN CLARENCE HASSAN

Case Number(s): 13-O-13004-PEM

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:



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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.)

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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 September 21, 2015, 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:

MICHAEL EMERY DIETRICK LAW OFFICES OF MICHAEL DIETRICK 765 BAYWOOD DR STE 227 PETALUMA, CA 94954

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Manuel Jimenez, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on September 21, 2015.

Jeorge Hue

Case Administrator State Bar Court