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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar R. Kevin Bucher Deputy Trial Counsel 845 S. Figueroa Street Los Angeles, CA 90017-2515 (213) 765-1630 Bar # 132003	Case Number(s): 15-O-11292; 15-O-13650(law)	For Court use only FILED DEC 10 2015 <i>Yeo</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
In Pro Per Respondent Sharon Marie Drew 555 Saturn Blvd. B1031 San Diego, CA 92154 (424) 355-1893 Bar # 182936	PUBLIC MATTER	
In the Matter of: SHARON MARIE DREW Bar # 182936 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

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 11, 1996**.
- (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 **21** 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):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - 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.
- (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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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. **See attachment, page 17.**
- (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, page 18.
- (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 aggravating 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. **See attachment, page 18.**
- (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.

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- (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:

No prior discipline, see attachment, page 18.
Pre-filing Stipulation, see attachment, page 18.

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:
- (b) The above-referenced suspension is stayed.
- (2) **Probation:**
- Respondent must be 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)
- (3) **Actual Suspension:**
- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **six months**.
- 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:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, 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.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) 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.
- (4) 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.
- (5) 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.

- (6) 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.
- (7) 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.
- (8) 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 Ethics School, and passage of the test given at the end of that session.
 No Ethics School recommended. Reason: .
- (9) 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.
- (10) The following conditions are attached hereto and incorporated:

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|---|---|
| <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 during the period of actual suspension or within one year, whichever period is longer. **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) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) **Other Conditions:** _____

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In the Matter of: SHARON MARIE DREW	Case Number(s): 15-O-11292; 15-O-13650 (15-O-13650)
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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

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

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:
- 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: SHARON MARIE DREW

CASE NUMBERS: 15-O-11292; 15-O-13650(Inv.)

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 15-O-11292; 15-O-13650(Inv.) (State Bar Investigation)

FACTS:

1. At all relevant times to the stipulated facts herein, Respondent maintained a client trust account at J.P. Morgan Chase Bank (the “CTA”). At all relevant times, Respondent deposited maintained only personal funds in the CTA, and no client funds.

2. In July 2010, following similar misconduct to that set forth below, Respondent received a letter from the State Bar warning her not to use her CTA for personal expenses. Respondent continued to use the CTA solely for personal expenses since at least 2010.

3. During the period between December 8, 2014 and June 22, 2015, Respondent made the following electronic transactions, withdrawals or payments from the CTA against insufficient funds, when she knew there were insufficient funds in the account to cover the transactions:

<u>Electronic Transaction Date</u>	<u>\$ Amount of Transaction</u>	<u>Resulting CTA Balance</u>
December 8, 2014	235.27	-232.46
December 9, 2014	15.84	-247.94
December 9, 2014	1.00	-248.94
January 29, 2015	366.78	-11.85
January 29, 2015	7.48	-19.43
February 3, 2015	24.19	-23.52
February 17, 2015	144.51	-62.42
June 22, 2015	10.00	-4.70

4. Between between November 7, 2014 and June 22, 2015, Respondent made the following 206 electronic transactions against her CTA balance, all for personal use:

<u>Electronic Payment Date</u>	<u>Payee</u>	<u>\$ Amount of Debit</u>
11/07/14	Transfer to Personal Checking Account	325.00
11/17/14	Transfer to Personal Checking Account	200.00
11/18/14	Transfer to Personal Checking Account	950.00
11/25/14	Prohas Enterprises	7.41
11/26/14	Transfer to Personal Checking Account	2,500.00
12/03/14	Transfer to Personal Checking Account	800.00
12/05/14	Transfer to Personal Checking Account	300.00
12/08/14	Best Buy	235.27
12/09/14	NY Upper Crust	15.48
12/09/14	Auto Air	1.00
12/11/14	Comfort Inn	79.25
12/17/14	Non-Chase ATM Withdrawal	37.45
12/17/14	CVS	24.47
12/17/14	99 Cents Only	81.56
12/17/14	Chevron	34.28
12/17/14	TJ Maxx	272.02
12/17/14	Target	55.22
12/17/14	Ross	166.20
12/18/14	Transfer to Personal Checking Account	3,000.00
12/19/14	Miguel's	9.16
12/22/14	Restaurant Bar	18.68
12/22/14	Restaurant Bar	3.89
12/22/14	Wal Mart	75.38
12/22/14	Oxxo Bufadora	3.18
12/22/14	Non-Chase ATM	72.59

12/22/14	Non-Chase ATM	147.32
12/22/14	Target	758.56
12/22/14	Transfer to Personal Checking Account	2,000.00
12/22/14	Withdrawal	3,400.00
12/23/14	Home Depot	557.73
12/23/14	Calimax Maneadero	51.82
12/23/14	Home Depot	392.29
12/23/14	Dows At Bonita Shell	9.00
12/24/14	Oxxo Parcelas	0.81
12/24/14	Gas Depot Station	43.97
12/29/14	Hosp Veterinario	259.87
12/30/14	Farm Gnc Mu San Pedro	70.84
01/02/15	Wal Mart	103.48
01/02/15	Subway	10.51
01/02/15	Farm Liz Ensenada	77.11
01/05/15	Coppel Palmeras	146.66
01/05/15	Home Depot	39.05
01/08/15	Non-Chase ATM Withdrawal	37.05
01/08/15	Non-Chase ATM Withdrawal	107.10
01/12/15	Geico	247.06
01/14/15	Cbl Gfi Software	39.99
01/15/15	Amazon Video	4.99
01/16/15	Costco	334.95
01/16/15	Wal Mart	222.34
01/16/15	Restaurant Bar	13.50
01/16/15	Restaurant Bar	19.46
01/16/15	Non-Chase ATM Withdrawal	72.54
01/16/15	Transfer to Personal Checking Account	750.00

01/20/15	Calimax Maneadero	14.57
01/22/15	ATM Withdrawal	40.00
01/22/15	Lowe's	387.34
01/22/15	Petco	161.65
01/22/15	Petco	28.05
01/22/15	Wm Supercenter	58.83
01/23/15	Costco	61.38
01/23/15	Shell Oil	16.49
01/23/15	Shell Oil	19.68
01/23/15	Non-Chase ATM Withdrawal	203.51
01/26/15	Non-Chase ATM Withdrawal	41.15
01/26/15	Transfer to Personal Checking Account	900.00
01/28/15	Com Mexicana	205.64
01/28/15	Farm Liz Ensenada	138.76
01/29/15	Costco	366.78
01/29/15	Amazon	7.48
02/03/15	Hosp Veterinario	24.19
02/03/15	Pink Estet Carina	15.90
02/09/15	Oxxo Bufadora	3.09
02/09/15	7-Eleven	7.70
02/09/15	Arco Paypoint	12.44
02/09/15	Chevron	44.41
02/09/15	Target	169.65
02/10/15	Transfer to Personal Checking Account	2,000.00
02/11/15	Non-Chase ATM	75.04
02/11/15	Non-Chase ATM	5.00
02/13/15	Com Mexicana	98.35
02/17/15	Costco	432.86

02/17/15	Restaurant Bar	34.72
02/17/15	Non-Chase ATM	144.51
02/26/15	Non-Chase ATM	109.53
02/27/15	7-Eleven	5.39
02/27/15	Non-Chase ATM	74.87
02/27/15	Non-Chase ATM	5.00
03/02/15	Costco	97.45
03/03/15	Non-Chase ATM	74.65
03/03/15	Petsmart	409.17
03/03/15	Best Buy	155.10
03/04/15	Vzwlss	145.59
03/04/15	Apple Store	53.95
03/04/15	Apple Store	107.95
03/04/15	Macy's	145.80
03/04/15	Macy's	86.40
03/04/15	Ann Taylor	208.44
03/04/15	CSI	12.94
03/04/15	Non-Chase ATM Withdrawal	203.00
03/05/15	Gila Rut Salon	214.92
03/05/15	Sushiya	62.92
03/05/15	Best Western	97.90
03/05/15	Main Street	16.71
03/05/15	Starbucks	37.75
03/06/15	Transfer to Personal Checking Account	500.00
03/09/15	Costco	287.98
03/09/15	Design Mantic	38.00
03/09/15	Non-Chase ATM	85.95
03/16/15	Non-Chase ATM	105.78

03/18/15	Com Mexicana	26.45
03/19/15	Restaurant Bar	33.59
03/19/15	Non-Chase ATM	341.46
03/20/15	One Travel	72.00
03/20/15	Non-Chase ATM	211.94
03/23/15	Usairways	836.70
03/23/15	Usairways	836.70
03/23/15	Usairways	836.70
03/23/15	Usairways	836.70
03/23/15	Oxxo Maderero	4.54
03/23/15	Costco	524.58
03/23/15	Non-Chase ATM	108.77
03/23/15	ARCO	55.11
03/23/15	ARCO	44.18
03/23/15	TJ Maxx	65.52
03/23/15	Barnes Noble	73.61
03/23/15	Port of SD	4.75
03/23/15	Maritime Museum	84.00
03/23/15	LAZ Parking	20.00
03/23/15	7-Eleven	36.41
03/23/15	USS Midway Museum	98.00
03/23/15	USS Midway Museum	90.12
03/23/15	USS Midway Photos	25.00
03/23/15	USA Snack Soda Vending	3.00
03/23/15	Pirates Dinner Gift	66.92
03/23/15	Target	159.95
03/23/15	Gap Outlet	216.41
03/23/15	Claire's	25.38

03/23/15	Transfer to Personal Checking Account	1,000.00
03/24/15	Goodys Sushi Gril	48.38
03/24/15	Hilton	235.88
03/24/15	Hilton	245.88
03/24/15	McDonald's	18.31
03/24/15	Villa Flk	4.08
03/24/15	Subway	18.68
03/24/15	Coach	243.42
03/24/15	Transfer to Personal Checking Account	1,100.00
03/25/15	Pirates Dinner Adventure	180.00
03/25/15	Courtyard Marriott	137.86
03/25/15	Courtyard Marriott	137.86
03/25/15	Mongus Grill	10.25
03/25/15	Non-Chase ATM	352.03
03/26/15	Non-Chase ATM	352.12
03/27/15	Costco	5.26
03/27/15	Costco	531.53
03/27/15	San Quintin Ensenada	34.29
03/30/15	Est Serv El Capitan	34.10
03/30/15	Com Mex Rosarita II	15.90
03/30/15	ATM Withdrawal	100.00
03/30/15	ARCO	13.84
03/30/15	ARCO	23.00
03/31/15	Razoodonations	25.00
03/31/15	Non-Chase ATM	103.46
03/31/15	Transfer to Personal Checking Account	50.00
04/01/15	Amazon Video On Demand	3.99
04/01/15	Amazon Video On Demand	4.99

04/01/15	Amazon Video On Demand	4.99
04/06/15	Non-Chase ATM	101.51
04/09/15	Hosp Veterinario	102.09
04/09/15	Non-Chase ATM	75.09
04/09/15	LA Cima Oil Co	41.54
04/09/15	Shell Service Station	8.66
04/09/15	Shell Service Station	2.99
04/09/15	Non-Chase ATM	102.75
04/09/15	BMW of San Diego	48.57
04/09/15	Petsmart	155.42
04/09/15	Home Depot	187.75
04/10/15	Einstein Bros	11.34
04/10/15	Gentle Touch Car Wash	49.99
04/10/15	Hotels.Com	56.54
04/10/15	Hotels.Com	84.06
04/10/15	Wal Mart	343.16
04/10/15	Home Depot	12.30
04/10/15	Non-Chase ATM	203.00
04/10/15	Transfer to Personal Checking Account	1,000.00
04/13/15	Postal Annex of San Diego	95.00
04/13/15	Chase Quickpay Transfer	500.00
04/13/15	Transfer to Personal Checking Account	500.00
04/13/15	Transfer to Personal Checking Account	1,000.00
04/16/15	Withdrawal	1,126.00
04/17/15	Transfer to Personal Checking Account	500.00
04/17/15	Transfer to Personal Checking Account	1,200.00
04/20/15	Transfer to Personal Checking Account	500.00
04/21/15	Transfer to Personal Checking Account	400.00

04/22/15	Transfer to Personal Checking Account	500.00
04/27/15	Transfer to Personal Checking Account	500.00
04/27/15	Transfer to Personal Checking Account	500.00
04/27/15	Transfer to Personal Checking Account	300.00
05/01/15	Transfer to Personal Checking Account	500.00
05/04/15	Transfer to Personal Checking Account	75.00
05/06/15	Transfer to Personal Checking Account	1,000.00
05/11/15	Transfer to Personal Checking Account	1,500.00
05/11/15	Transfer to Personal Checking Account	300.00
05/20/15	Transfer to Personal Checking Account	300.00
05/22/15	Non-Chase ATM	73.26
05/26/15	Transfer to Checking	700.00
06/22/15	Albertson's	10.00

5. Respondent closed the CTA after she received notice of the State Bar investigations of the present matters.

CONCLUSIONS OF LAW:

6. By depositing and maintaining personal funds in the CTA, and by making electronic transactions, withdrawals and payments from the CTA to pay for her personal expenses, Respondent deposited funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).

7. By making electronic transactions, withdrawals and payments from her client trust account when she knew there were insufficient funds in the account to cover the transactions, Respondent committed acts involving moral turpitude, dishonesty, or corruption, in willful violation of Business and Professions Code section 6106.

AGGRAVATING CIRCUMSTANCES.

Indifference (Std. 1.5(k)): Respondent received a letter from the State Bar in July 2010, warning her not to use her CTA for personal use. Nonetheless, since 2010, Respondent has continued to use the CTA for personal use only. On May 22, 2015, after it was determined that Respondent had been misusing her CTA between November 2014 and May 2015, Respondent was interviewed by a State Bar

investigator. She was informed that withdrawing funds from her CTA for personal use was a violation of the Rules of Professional Conduct. However, on June 22, 2015, she again withdrew funds for personal use against insufficient funds, demonstrating indifference toward rectification for the consequences of her misconduct.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent misuse of her CTA on 205 occasions over an eight month period, between November 2014 and June 2015, and on other occasions dating back to at least 2010, and her use of her account in making transactions against insufficient funds is evidence of multiple acts of misconduct and is an aggravating circumstance. (See *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498, 555.)

MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent's misconduct is serious and may recur as evidenced by her indifference to date. She is entitled to some mitigation for her years of discipline free practice, but the weight of that mitigation is diminished by the seriousness of her misconduct (See *In the Matter of Kueker* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr 583 [record of 14 years of practice without discipline was mitigating but could not outweigh the seriousness of the attorney's misconduct and aggravating circumstances]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511 [15 years of blemish free practice not compelling where attorney's misconduct serious and repeated].)

No Harm (Std. 1.6(c)): While Respondent's misconduct was wilful and continued for a long period of time, she did not maintain any client funds in her CTA during the period of misconduct, and there was thus no harm to the public, a client or the administration of justice.

Pre-filing Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the filing of disciplinary charges, 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.

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 Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) 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).)

Respondent is culpable of commingling funds in her CTA by repeatedly depositing personal funds into the account and using the funds for personal purposes. She also committed acts of moral turpitude making electronic transactions, withdrawals and payments from her client trust account when she knew there were insufficient funds in the account to cover the transactions

Standard 2.2(a) provides that actual suspension for a period of three months is the presumed level of discipline in cases involving commingling in violation of rule 4-100 of the Rules of Professional Conduct. Standard 2.11 provides disbarment or actual suspension is the presumed sanction for an act of moral turpitude, depending on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim, the impact on the administration of justice and extent to which the misconduct related to the member’s practice of law.

In the present matter, Respondent’s misconduct was wilful and continued for a period of at least five years. Significantly, there were no client funds maintained in her CTA and thus no harm to a client. Respondent has practiced in the State of California for 19 years with no prior discipline. However, Respondent’s indifference to her ethical responsibilities, as evidenced by the fact that she has continued to use her CTA for personal reasons for the past five years, despite being informed by State Bar that it was disciplinable misconduct to do so, is extremely aggravating. The interest of protecting the public, the courts and the legal profession will be served by a one year suspension, stayed, with one year of probation, including conditions that Respondent be actually suspended for the first six months, and that she take and pass the MPRE and attend both Ethics School and State Bar Ethics School Client Trust Accounting School, and pass the tests given at the end of each session, during the period of her probation.

In *Aronin v. State Bar* (52 Cal.3d 276) , the Supreme Court held that commingling client funds with attorney’s funds, failure to return unexpended costs to client, signing of clients’ names to purportedly verified pleading, failure to communicate with client, and breach of agreement with a client, warranted suspension from practice of law for three years with actual suspension for nine months. In its decision, that Court stated “the Standards for Attorney Sanctions for Professional Misconduct state that a commingling of client funds or other violation of [former] rule 8-101 without a willful misappropriation ‘shall result in *at least a three month actual suspension* from the practice of law, *irrespective of mitigating circumstances.*’” While the misconduct in the present case does not rise to the level of that in *Aronin*, specifically in that there was no client harm, Respondent did commit acts of moral turpitude by making electronic transactions against insufficient funds, and her misconduct is in no way aberrational. Accordingly there is no reason to deviate from the standards. Discipline greater than the minimum 90 days afforded by Standard 2.2(a) and less than that in *Aronin* is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of November 1, 2015, the prosecution costs in this matter are \$\$3,066. 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 State Bar Ethics School, State Bar Client Trust Accounting School, (Rules Proc. of State Bar, rule 3201.)

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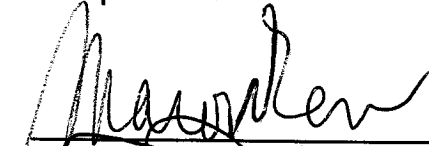
In the Matter of SHARON MARIE DREW	Case number(s): 15-O-11292; 15-O-13650(inv-)
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SIGNATURE OF THE PARTIES


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 Fact, Conclusions of Law and Disposition.

11.13.15
Date

11.24.15
Date



Respondent's Signature



Deputy Trial Counsel's Signature

Sharon Marie Drew

Print Name

R. Kevin Bucher

Print Name

(Do not write above this line.)

In the Matter of: SHARON MARIE DREW	Case Number(s): 15-O-11292; 15-O-13650(Inv.)
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ACTUAL 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.)**

12/8/15
Date


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 Los Angeles, on December 10, 2015, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION

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 Los Angeles, California, addressed as follows:

**SHARON M. DREW
555 SATURN BLVD
BLDG B 1031
SAN DIEGO, CA 92154**

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

KEVIN BUCHER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 10, 2015.



Tammy Cleaver
Case Administrator
State Bar Court