

(Do not write above this line.)

State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION		
Counsel For The State Bar Treva R. Stewart Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2452 Bar # 239829	Case Number(s): 15-O-15089	For Court use only PUBLIC MATTER FILED <i>V.R.</i> JAN 12 2017 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Eusevio Padilla Attorney at Law 1260 Lake Blvd. Ste. 215 Davis, CA 95616-5667 Bar # 248478	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING STAYED SUSPENSION; NO ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: EUSEVIO PADILLA Bar # 248478 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 **May 2, 2007**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



JRS

(Do not write above this line.)

- (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..

(Do not write above this line.)

- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice. See Stipulation Attachment, page 10.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See Stipulation Attachment, page 10.
- (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 Stipulation Attachment, page 10.
- (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. See Stipulation Attachment, page 10.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances N/A

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.

(Do not write above this line.)

- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances are involved.**

Additional mitigating circumstances

Pretrial Stipulation. See Stipulation Attachment, page 10.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and 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) **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

(Do not write above this line.)

- (3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (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
- 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:**

(Do not write above this line.)

In the Matter of: EUSEVIO PADILLA	Case Number(s): 15-O-15089
---------------------------------------------	--------------------------------------

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
JUAN AND ALEJANDRA ALCARAZ	\$500.00	February 1, 2017

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than the time specified in the Stipulation Attachment, page 12.

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 revocation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
 - a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

(Do not write above this line.)

- 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: EUSEVIO PADILLA

CASE NUMBER: 15-O-15089

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. 15-O-15089 (Complainants: Juan and Alejandra Alcaraz)

FACTS:

1. In May 2012, Juan and Alejandra Alcaraz (“complainants”) hired respondent to file a petition of co-sponsorship to obtain a visa for their minor daughter. Respondent did not prepare a written fee agreement.

2. Respondent told complainants that the fee would be \$1,000 up front and \$1,000 upon completion of services, for a total of \$2,000. In May 2012, complainants deposited \$1,000 into an account designated by respondent. Prior to the completion of services, respondent requested an additional \$500 from complainants. Complainants paid the \$500 by check in July 2012. In total, complainants paid respondent \$1,500.

3. In May 2012, respondent submitted a visa application to the U.S. Department of State National Visa Center (“National Visa Center”). However, respondent failed to properly submit payments, on behalf of Juan Alcaraz and complainants’ daughter, to the National Visa Center for the Affidavit of Support (“AOS”), and an Immigrant Visa Application (“TV application”), until August 5, 2012.

4. By September 2012, complainants had provided respondent with all requested documents. Respondent informed complainants that he would submit the necessary documents, and send copies of same to complainants, within four weeks. However, respondent failed to thereafter submit the AOS or any other documents, or provide any paperwork to complainants.

5. Between January 21, 2013 and May 5, 2014, complainants e-mailed respondent 20 times to request an update on the status of their matter. Respondent responded once by e-mail on February 4, 2014, that he would contact complainants the following week, but he did not do so.

6. On June 15, 2015, complainants sent respondent an e-mail which terminated him and requested return of their client file and a full refund.

7. Between June 16, 2015 and August 29, 2015, complainants e-mailed respondent five times regarding their requests for a refund and return of their client file. Although respondent responded by e-

mail on July 7, 2015 and August 14, 2015, that he would return their client file and provide a refund, he did not do so.

8. Respondent did not return the client file until August 2, 2016, after respondent had been informed of the State Bar investigation.

9. Respondent did not provide complainants with an accounting.

10. Respondent did not earn any of the \$1,500 fees complainants paid.

11. Respondent refunded complainants \$1,500 on December 22, 2016, after respondent had been informed of the State Bar investigation. Respondent has agreed to refund complainants an additional \$500 for interest, by January 31, 2017.

CONCLUSIONS OF LAW:

12. By failing to submit the AOS, or otherwise file the necessary documents to complete the petition of co-sponsorship for complainant's daughter, respondent intentionally, recklessly, and repeatedly failing to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

13. By failing to provide complainants with an update on the status of their matter in response to their 20 e-mail requests made between January 21, 2013 and May 5, 2014, respondent failed to respond promptly to reasonable status inquiries that respondent received in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

14. By failing to return complainants' client file, in response to complainants' termination of respondent and request for return of their client file on June 15, 2015, respondent failed to promptly release to the client, at the request of the client, all the clients' papers and property, upon termination, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

15. By failing to respond to complainants' June 15, 2015 termination and request for a refund of the \$1,500 respondent received from complainants as advanced fees, respondent failed to render an appropriate accounting to a client regarding those funds, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

16. By failing to refund the \$1,500 unearned advanced fees complainants requested on June 15, 2015, until December 22, 2016, respondent failed to promptly refund any part of a fee paid in advance that has not been earned, upon termination, in willful violation of the Rules of Professional Conduct, rule 3-700(D)(2).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)):

Respondent admits to committing five acts of misconduct.

Significant Harm to Client, Public or Administration of Justice (Std. 1.5(j)):

Respondent's failures to complete the services for which he was hired and promptly refund unearned fees to complainants delayed the completion of complainants daughter's immigration matter, and deprived complainants of their funds, which created a financial hardship and prevented them from hiring other counsel.

Indifference (Std. 1.5(k)):

Respondent's failure to attempt to rectify or atone for the consequences of his misconduct, despite complainants' repeated requests for him to perform the services he was hired for and updates on the status of their matter, demonstrates indifference on respondent's part.

Highly Vulnerable Victim (Std. 1.5(n)):

Complainants' daughter, the beneficiary of respondent's services, was a highly vulnerable victim due to her minority and immigration status.

MITIGATING CIRCUMSTANCES.

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*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]; *In the Matter of Spaitth* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

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

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) 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).)

Std. 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."

Stds. 2.2(b), 2.7(c), and 2.19, apply to the five acts of misconduct to which respondent admitted. The most severe sanction is found in std. 2.7(c), which presumes suspension or reproof for performance (Rule of Professional Conduct rule 3-110(A)) and communication (Business & Professions Code section 6068(m)) violations limited in time and scope and, depending on the extent of misconduct and client harm. (While Std. 2.7(b) also presumes suspension or reproof, the bulk of respondent's misconduct involves the violations covered by std. 2.7(c).)

Case law supports a period of stayed suspension in this case.

In *Van Sloten v. State Bar* (1989) 48 Cal. 3d 921, the Supreme Court suspended Van Sloten for six months, stayed, and placed him on probation for one year, for abandoning his client in a divorce matter. After performing some initial services, Van Sloten failed to take action or withdraw. Also, he ignored repeated calls from his client over a one-year period, speaking to her only once. Van Sloten had no prior discipline in five years of practice. Van Sloten's failure to appear for oral argument was found to demonstrate a lack of appreciation for the disciplinary process, and was, therefore, a factor in aggravation.

Like Van Sloten, respondent failed to provide the services in a single client matter, ignored his client's efforts to communicate with him, and had an approximate five year period of discipline-free practice. However, respondent ignored his client's efforts to contact him for a longer period than Van Sloten. Also, there are more aggravating circumstances present here than in *Van Sloten*, including that respondent's misconduct caused harm to complainants, involved a highly vulnerable victim, and demonstrated indifference. Thus a higher level of discipline than that imposed in *Van Sloten* is warranted.

On balance, respondent's misconduct, along with the aggravating and mitigating factors, warrant a one-year suspension, stayed, and two years' probation. This recommendation is sufficient to protect the public, the courts and the legal profession; maintain the highest professional standards; and preserve public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of December 22, 2016, the discipline costs in this matter are \$3,139.00. 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.

RESTITUTION.

As set forth on the Financial Conditions page of this stipulation, page 6, respondent must pay Juan and Alejandra Alcaraz the principal amount of \$500, no later than January 31, 2017. If the principal amount

of \$500 is not paid in full by January 31, 2017, interest at 10% per annum will begin to accrue on February 1, 2017.

Respondent must provide proof of the payment to the Office of Probation no later than 30 days after the effective date of the Supreme Court Order in this matter.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

Respondent may not receive MCLE credit for completion of State Bar Ethics School and/or any other education course(s) to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: EUSEVIO PADILLA	Case number(s): 15-O-15089
---------------------------------------------	--------------------------------------

SIGNATURE OF THE PARTIES

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

<u>12/22/16</u> Date	<u>Eusevio Padilla</u> Respondent's Signature	<u>Eusevio Padilla</u> Print Name
<u> </u> Date	<u>N/A</u> Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>12/28/16</u> Date	<u>Treva R. Stewart</u> Deputy Trial Counsel's Signature	<u>Treva R. Stewart</u> Print Name

(Do not write above this line.)

In the Matter of: EUSEVIO PADILLA	Case Number(s): 15-O-15089
--------------------------------------	-------------------------------

STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

1. On page 1 of the stipulation, in the case caption, Padilla's State Bar membership number is listed two times as "248478." Each of the those erroneous listings is CHANGED to "248748."
2. On page 6 of the stipulation, in paragraph a., at the end of the last line, "page 12" is CHANGED to "pages 11 and 12."

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.)**

Jan 12, 2017

Date



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 January 12, 2017, 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:

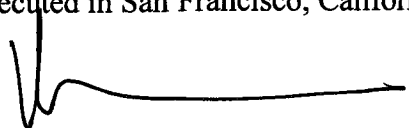
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

EUSEVIO PADILLA
1260 LAKE BLVD STE 215
DAVIS, CA 95616 - 5667

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

Treva R. Stewart, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 12, 2017.



Vincent Au
Case Administrator
State Bar Court