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State Bar Court of California Hearing Department Los Angeles STAYED SUSPENSION		
<p>Counsel For The State Bar</p> <p>Jamie Kim Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1182</p> <p>Bar # 281574</p>	<p>Case Number(s): 16-O-10178-DFM</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 2em;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 1.5em;">FILED</p> <p style="text-align: center;">✓ JAN 27 2017</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Donald William McVay Rancho Santa Fe Law Group, APC P.O. Box 103 Rancho Santa Fe, CA 92067 (858) 945-4556</p> <p>Bar # 103882</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: DONALD WILLIAM MCVAY</p> <p>Bar # 103882</p> <p>A Member of the State Bar of California (Respondent)</p>		

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 **July 21, 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."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **three billing cycles following the effective date of the Supreme Court order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **13-O-16105, 14-C-03996 and 15-O-10613 (see attachment, pages 7-8).**
 - (b) Date prior discipline effective **November 25, 2016**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules 2-100(A) and 4-200(A) of the Rules of Professional Conduct and Business and Professions Code sections 6068(a) and 6106**
 - (d) Degree of prior discipline **Two-years' stayed suspension, two-years' probation with conditions, including a one-year actual suspension.**
 - (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.

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- (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..
- (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.
- (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 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 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.
- (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

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product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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

Additional mitigating circumstances

Pretrial Stipulation, see attachment, page 8.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one (1) 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 **one (1) year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

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- (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: **Pursuant to respondent's prior discipline in Case Nos. 13-O-16105, 14-C-03996 and 15-O-10613, which became effective on November 25, 2016, respondent is already required to attend Ethics School.**
- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:

- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

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No MPRE recommended. Reason: Pursuant to respondent's prior discipline in Case Nos. 13-O-16105, 14-C-03996 and 15-O-10613, which became effective on November 25, 2016, respondent is already required to take the MPRE.

(2) Other Conditions:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: DONALD WILLIAM MCVAY

CASE NUMBER: 16-O-10178-DFM

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. 16-O-10168 (State Bar Investigation)

FACTS:

1. On October 2, 2015, at respondent's direction, the Social Security Administration Treasury ("SSA") deposited respondent's social security benefit payment in the amount of \$857.50 into respondent's client trust account at JP Morgan Chase Bank, account number xxx-xx-8459 ("CTA"). The funds deposited were for respondent's personal use and did not belong to a client or any other third party.

2. On November 3, 2015, at respondent's direction, the SSA deposited respondent's social security benefit payment in the amount of \$857.50 into respondent's CTA. The funds deposited were for respondent's personal use and did not belong to a client or any other third party.

3. On December 3, 2015, at respondent's direction, the SSA deposited respondent's social security benefit payment in the amount of \$857.50 into respondent's CTA. The funds deposited were for respondent's personal use and did not belong to a client or any other third party.

4. On December 31, 2015, at respondent's direction, the SSA deposited respondent's social security benefit payment in the amount of \$857.50 into respondent's CTA. The funds deposited were for respondent's personal use and did not belong to a client or any other third party.

CONCLUSIONS OF LAW:

5. By having funds belonging to respondent deposited into respondent's client trust account from October 2, 2015 to December 31, 2015, respondent engaged in commingling, in willful violation of Rules of Professional Conduct, rule 4-100(A).

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent has one prior record of discipline.

Effective November 25, 2016, in State Bar Case Nos. 13-O-16105, 14-C-03996 and 15-O-10613 (S236894), the California Supreme Court issued its order imposing discipline as to respondent consisting of a two-years' stayed suspension, two-years' probation with conditions, including a one-year

actual suspension. In these matters, in Case No. 14-C-03996, respondent stipulated that a misdemeanor conviction from 2015 for a violation of Business and Professions Code section 6126(b) [unauthorized practice of law] was a crime involving moral turpitude. Respondent had engaged in the practice of law by representing a client while on administrative suspension with the State Bar. In Case No. 13-O-16105, respondent also stipulated to the receipt of illegal fees during this representation, in violation of rule 4-200(A) of the Rules of Professional Conduct. In Case No. 15-O-10613, respondent also stipulated to communicating with a represented party in violation of rule 2-100(A) of the Rules of Professional Conduct and holding himself out as entitled to practice law and actually practicing in one client matter, in violation of Business and Professions Code sections 6068(a) and 6106. Respondent also misrepresented to the State Bar Office of Member Services that he had not engaged in the unauthorized practice of law, when in fact he had, in violation of Business and Professions Code section 6106. The misconduct occurred from 2011-2015. Respondent's misconduct was mitigated by the absence of a prior record of discipline over 29 years of practice and a pretrial stipulation, and aggravated by multiple acts of misconduct and indifference.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent engaged in four acts of misconduct by having his Social Security benefit payment deposited into his CTA on four separate occasions.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for 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 Spauth* (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 Silvertan* (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).)

Standard 2.2(a) provides that actual suspension of three months is the presumed sanction for comingling. Here, respondent engaged in comingling by having his Social Security benefits, which represented funds belonging to respondent personally, deposited into his CTA. (*Arm v. State Bar* (1990) 50 Cal.3d 763 [use of a trust account for personal purposes constitutes comingling even if no client funds were deposited in the trust account].)

Standard 1.8(a) provides that if a member has a prior record of discipline, subsequent discipline for professional misconduct must be greater than the previously imposed sanction. Respondent's prior disciplinary matter involved three cases, State Bar case numbers 13-O-16105, which was initiated by the filing of a notice of disciplinary charges ("NDC") on October 3, 2014, 14-C-03996, which was initiated on February 12, 2015 by the transmittal of conviction, and 15-O-10613, the NDC for which was filed on October 22, 2015. By the time respondent began engaging in the misconduct at issue in this present matter, no discipline had been imposed against respondent; in fact, no discipline had even been recommended by the State Bar Court to the Supreme Court. In light of the fact that respondent was not subject to discipline at the time of the instant misconduct, a deviation from Standard 1.8(a) is appropriate.

In *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, the Review Department cited *In the Matter of Bach* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 631, and found that "part of the rationale for considering prior discipline as having an aggravating impact is that it is indicative of a recidivist attorney's inability to conform his or her conduct to ethical norms." The Review Department also found that in instances of contemporaneous misconduct, the totality of the findings in both matters should be analyzed together and an assessment made as to what level of discipline would have been appropriate had all the misconduct been charged together and heard as one case. (*Id.* at 619.)

Here, the weight given to respondent's prior discipline is diminished because the misconduct in respondent's prior discipline occurred during the same time period as the misconduct in the instant case. The last act of misconduct in respondent's prior disciplinary matter, Case No. 15-O-10613, occurred in March 2015, which was around the same time as the instant misconduct, which began in the fall of the same year. Therefore, pursuant to *In the Matter of Sklar, supra*, to determine the appropriate level of discipline in this matter, it is necessary to consider the totality of the misconduct in the instant case with the misconduct in respondent's prior discipline, as if both matters had been charged as one case.

Respondent's misconduct in his prior discipline involved a misdemeanor conviction involving moral turpitude for engaging in the unauthorized practice of law, communicating with a represented party and receiving illegal fees in violation of rules 2-100(A) and 4-200(A) of the Rules of Professional Conduct, respectively. Respondent also stipulated to violating Business and Professions Code sections 6068(a) and 6106 for engaging in the unauthorized practice of law. In the instant matter, respondent engaged in comingling. The most severe Standard triggered by the misconduct in both the present and prior disciplinary matter is Standard 2.15(c) for a misdemeanor conviction involving moral turpitude, which warrants actual suspension to disbarment. This sanction is much more severe than Standard 2.2(a), which applies to comingling and provides for only a three-months' actual suspension. Furthermore, had the instant matter been charged with respondent's prior discipline, the misconduct would have been mitigated by the absence of a prior record of discipline over 29 years of practice and entry into a pretrial stipulation, and aggravated by multiple acts of misconduct and indifference. Had the instant misconduct

been charged with respondent's prior disciplinary matter, the appropriate level of discipline would still have been a one-year actual suspension. Therefore, the appropriate level of discipline in the instant matter is a one-year stayed suspension with a one-year probation.

Case law supports this level of discipline. In *Arm v. State Bar* (1990) 50 Cal.3d 763 an attorney with three prior records of discipline received discipline consisting of a five-year stayed suspension, five-years' probation with conditions, including an 18-month actual suspension. After receiving the Supreme Court order imposing a prior 60-day actual suspension against the attorney and before the discipline became effective, the attorney appeared in juvenile court to represent a client. During the hearing, the court attempted to schedule a hearing during the time period in which the attorney was suspended from the practice of law. The attorney failed to disclose this fact to the court, opposing counsel and his client and attempted to obtain a hearing prior to his suspension. The Supreme Court held that the attorney violated Business and Professions Code § 6068(d) for misleading a judge. The attorney also used his client trust account to pay a sanction, which constituted a personal debt. The attorney did not have sufficient funds in his personal account to pay the sanction and so used funds available in his trust account. The Supreme Court found that personal use of a trust account constituted commingling, even if no client funds were in the trust account. The Supreme Court found that despite the aggravation of two prior records of discipline, disbarment was not warranted in light of the attorney's mitigation, consisting of the absence of bad faith and absence of significant harm.

Like the attorney in *Arm*, respondent has engaged in acts of commingling by using his client trust account for personal purposes. Unlike *Arm*, respondent engaged in commingling on four separate occasions, as opposed to one; but respondent was not subject to discipline at the time of the misconduct and did not engage in misconduct beyond commingling. *Arm* shows that the misconduct of commingling, coupled with the misconduct of misleading a judge, warrants actual suspension. In light of *Sklar*, it is appropriate to consider the instant misconduct, commingling, with the misconduct in respondent's prior disciplinary matter to assess the appropriate level of discipline, as if the matters had been charged together. Respondent's prior discipline resulted in the imposition of a one-year actual suspension. Therefore, the appropriate level of discipline in the instant matter is a one-year stayed suspension with a one-year probation.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of January 20, 2017, the discipline costs in this matter are \$3,669. 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.

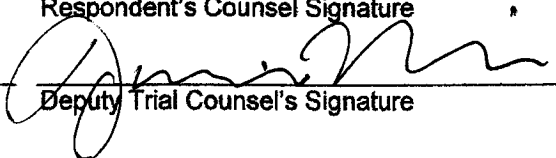
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In the Matter of: DONALD WILLIAM MCVAY	Case number(s): 16-O-10178-DFM
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SIGNATURE OF THE PARTIES

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

1-25-17  Donald William McVay
Date Respondent's Signature Print Name

1/26/2017  Jamie Kim
Date Deputy Trial Counsel's Signature Print Name

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In the Matter of: DONALD WILLIAM MCVAY	Case Number(s): 16-O-10178-DFM
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STAYED SUSPENSION ORDER

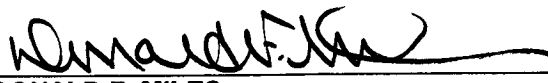
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

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

Page 7: "Case No. 16-O-10168" right before the recitation of the facts is deleted and in its place is inserted "Case No. 16-O-10178".

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.)**

1/27/17
Date


DONALD F. MILES
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 January 27, 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 Los Angeles, California, addressed as follows:

DONALD WILLIAM MCVAY
RANCHO SANTA FE LAW GROUP, APC
PO BOX 103
RANCHO SANTA FE, CA 92067

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

JAMIE J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 27, 2017.



Mazie Yip
Case Administrator
State Bar Court