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State Bar Court of California Hearing Department San Francisco STAYED SUSPENSION		
Counsel For The State Bar Carla L. Cheung Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2291 Bar # 291562	PUBLIC MATTER	Case Number(s): 17-H-01129 For Court use only FILED  JUL 13 2017 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent Howard R. Melamed 319 Lennon Lane Walnut Creek, CA 94598 (925) 932-0417 Bar # 40962		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: PETER LEO KUTRUBES Bar # 176024 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 **March 28, 1995**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **11** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".

(Effective July 1, 2015)



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- (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 **14-O-00096 and 14-O-02416. See attachment at pg. 6.**
 - (b) Date prior discipline effective **January 2, 2015.**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Rules of Professional Conduct, rules 3-110 [failure to perform with competence] and 4-100(A) [failure to maintain entrusted funds]; Business and Profession Code section 6068(m) [failure to communicate]. See attachment at pg. 8.**
 - (d) Degree of prior discipline **Public Reapproval.**
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property..

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- (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, pg. 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 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.

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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. **See attachment, pg. 8.**
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. **See attachment, pg. 8.**
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

See attachment, pg. 8.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **two years**.
- 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

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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: **Respondent currently resides outside the state of California. Respondent must provide to the Office of Probation satisfactory proof of attendance of six hours of participatory MCLE classes in ethics, given by a certified provider.**
- (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.**

No MPRE recommended. Reason: **Respondent was ordered to take the examination as part of a previous disciplinary proceeding (State Bar Case Nos. 14-O-00096 and 14-O-02416).**

- (2) **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: PETER LEO KUTRUBES

CASE NUMBER: 17-H-01129

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. 17-H-01129 (Public Reapproval Violation)

FACTS:

1. Respondent entered into a stipulation for a public reapproval for a period of two years with conditions in State Bar Case Nos. 14-O-00096 and 14-O-02416. On December 12, 2014, the State Bar Court issued an Order Approving the Stipulation and imposing the public reapproval with conditions. The reapproval and conditions became effective January 2, 2015.

2. On December 15, 2014, the State Bar of California, Office of Probation ("Probation") mailed a letter to respondent outlining all the terms and deadlines associated with respondent's reapproval conditions. Respondent received the letter. On January 23, 2015, Probation Deputy Ivy Cheung held a required meeting with respondent over the telephone, and discussed the reapproval conditions. Respondent failed to comply with the following seven conditions by their respective deadlines, as described below.

a. Within four months of the effective date of the reapproval, respondent must develop a Law Office Management Plan ("LOMP"), which must be approved by Probation. The due date for this condition was May 2, 2015. Respondent submitted a LOMP, which Probation received on May 1, 2015, however Probation determined that it was insufficient. On May 4, 2015, Probation sent respondent a letter asking him to address the specified deficiencies. Respondent provided a revised LOMP, which Probation received on May 12, 2015, and approved. Consequently, respondent was 10 days late in complying with the condition.

b. Within one year of the effective date of the reapproval, respondent must provide Probation with satisfactory proof of attendance at a session of the State Bar Client Trust Accounting ("CTA") School, and passage of the test given at the end of that session. The due date for this condition was January 2, 2016. Respondent submitted a quarterly report for the period of October-December 2015, which Probation received January 8, 2016. In the report, respondent submitted proof of his successful completion of CTA School. Consequently, respondent was six days late in complying with the condition.

c. Within one year of the effective date of the reapproval, respondent must provide Probation with 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. The due date for this condition was January 2, 2016. Respondent submitted a quarterly report for the period of October-December 2015, which Probation received January 8, 2016. In the report, respondent submitted proof of his successful completion of Ethics School. Consequently, respondent was six days late in complying with the condition.

d. Within one year of the effective date of the reproval, respondent must provide Probation with satisfactory proof of completion of no less than six hours of Minimum Continuing Legal Education ("MCLE") approved courses in law office management, attorney client relations, and/or general legal ethics. The due date for this condition was January 2, 2016. Respondent submitted a quarterly report for the period of October-December 2015, which Probation received January 8, 2016. In the report, respondent submitted proof that he completed more than six hours of MCLE-approved courses in general legal ethics. Consequently, respondent was six days late in complying with the condition.

e. Within one year of the effective date of the reproval, respondent must provide Probation with proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners. The due date for this condition was January 2, 2016. Respondent submitted proof of passage May 30, 2017. Consequently, respondent was 514 days late in complying with the condition.

f. Respondent must submit a written final report to Probation no earlier than twenty days before the last day of the condition period and no later than the last day of the condition period. The due date for this condition was no later than January 2, 2017. Respondent submitted his final written report to Probation on June 19, 2017. Consequently, respondent was 168 days late in complying with the condition.

g. Respondent must submit written quarterly reports to Probation on each January 10, April 10, July 10 and October 10 of the condition period (two years), beginning April 10, 2015. Respondent submitted a quarterly report for the period of October-December 2016, which was received by Probation on January 11, 2017. Consequently, respondent was one day late in complying with the condition.

CONCLUSIONS OF LAW:

3. By failing to develop and submit an approved LOMP to Probation by May 2, 2015; by failing to submit proof of successful completion of CTA School, Ethics School, and at least six hours of qualifying MCLE-approved courses to Probation by January 2, 2016; by failing to submit proof of passage of the MPRE to Probation by January 2, 2016; by failing to submit a written final report to Probation by January 2, 2017; and by failing to submit a quarterly report for the period of October-December 2016 to Probation by January 10, 2017, respondent failed to comply with the conditions of his public reproval, in wilful violation of Rules of Professional Conduct, rule 1-110.

AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.5(a)): Respondent received a public reproof in State Bar Case Nos. 14-O-00096 and 14-O-02416. In case no. 14-O-00096, respondent stipulated to violating Rules of Professional Conduct, rule 3-110(A), and Business and Profession Code, section 6068(m), in a client matter for failing to file a marriage dissolution petition and failing to inform the client that the petition had not been filed. In case no. 14-O-02416, respondent stipulated to violating Rules of Professional Conduct, rule 4-100(A), for misusing his Client Trust Account ("CTA"). In that matter, respondent used his CTA as a general operating account and issued a \$900 check against insufficient funds. In aggravation, respondent stipulated to having committed multiple acts of misconduct. In mitigation, respondent was given consideration for having practiced law since 1995 with no prior record of discipline, and for entering into a pre-filing, dispositive stipulation.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent violated seven conditions of his public reproof, which constitute multiple acts of wrongdoing.

MITIGATING CIRCUMSTANCES.

Extraordinary Good Character (Std. 1.6(f)): Respondent submitted nine character letters from people in the legal and general communities who are aware of the full extent of respondent's misconduct. The letters are from attorneys, clients and members of respondent's church. The letters attest to respondent's honesty, integrity and professionalism. Additionally, the letters attest that respondent has held a leadership position within his church, has made regular charitable contributions of time and financial support, and has provided significant *pro bono* legal services for his clients and other members of the community.

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].)

Family Problems: At the time of the misconduct, respondent was suffering from extreme difficulties in his personal life related to issues surrounding an immediate member of respondent's family. (*In re Naney* (1990) 51 Cal.3d 186, 197 [mitigation credit for marital problems if extreme and directly responsible for the misconduct].) Although respondent's family member is still having issues, respondent has not committed any further misconduct.

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).)

In this matter, respondent failed to comply with seven conditions attached to his public reproof. Standard 2.14 applies to the failure to comply with reproof conditions and provides: “Actual suspension is the presumed sanction for failing to comply with a condition of discipline. The degree of sanction depends on the nature of the condition violated and the member’s unwillingness or inability to comply with disciplinary orders.”

Additionally, Standard 1.8(a) applies because of respondent’s prior record of discipline. Standard 1.8(a) provides: “If a member has a single prior record of discipline, the sanction must be greater than the previously imposed sanction unless the prior discipline was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.” Respondent’s previous misconduct, which included failure to perform, failure to communicate, and commingling, was serious. The misconduct occurred between 2011 and 2014, and is therefore not remote in time. Therefore, the level of respondent’s discipline in this matter should be greater than a public reproof, in accordance with Standard 1.8(a).

In aggravation, respondent committed multiple acts of misconduct, and has a prior record of discipline. In mitigation, respondent has demonstrated extraordinary good character, significant *pro bono* and charitable contributions, extreme difficulties in his personal life at the time of misconduct, and respondent has entered into a pre-filing, dispositive stipulation. Additionally, respondent has completed all the conditions of his previous reproof. Balancing the mitigating and aggravating factors, discipline at the mid-range of the Standards – a lengthy stayed suspension – is appropriate.

Case law is instructive. In *Conroy v. State Bar* (1990) 51 Cal. 3d 799, the attorney received a private reproof with conditions, including that he was required to take and pass the Professional Responsibility Examination (PRE) within one year of the effective date of the reproof. The attorney failed to complete the exam within one year, but did so thereafter. The misconduct was aggravated by the attorney’s one prior record of discipline, as well as his failure to participate in the disciplinary proceedings at the Hearing Department level, where he defaulted. The misconduct was mitigated by his eventual, untimely fulfillment of the PRE requirement. The California Supreme Court imposed discipline consisting of a one-year of stayed suspension and one year of probation with conditions including 60 days of actual suspension.

Like the attorney in *Conroy*, respondent eventually, if untimely, fulfilled his reproof conditions. Respondent's misconduct is more serious than in *Conroy*, because respondent failed to comply with seven reproof conditions. However, respondent is entitled to more mitigation and much less aggravation, since the attorney in *Conroy* defaulted and respondent is participating and entering into a pre-filing, dispositive stipulation. Accordingly, the level of discipline imposed in this matter should be lower than that in *Conroy*.

In light of the foregoing, a two-year stayed suspension with a two-year probationary period will serve the purposes of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of June 26, 2017, the discipline costs in this matter are \$3,215. 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 MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

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

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In the Matter of Peter Leo Kutrubes	Case number(s): 17-H-01129
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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.

June 23, 2017

Date

6/28/17

Date

6/30/17

Date

PLA Kutrubes

Respondent's Signature

Howard Melamed

Respondent's Counsel Signature

Carla Cheung

Deputy Trial Counsel's Signature

Peter Kutrubes

Print Name

HOWARD Melamed

Print Name

Carla Cheung

Print Name

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In the Matter of: Peter Leo Kutrubes	Case Number(s): 17-H-01129
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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.

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.)**

Date

July 13, 2017


PAT E. MCELROY
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 July 13, 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:

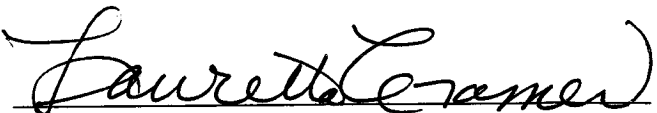
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

HOWARD RICHARD MELAMED
319 LENNON LN
WALNUT CREEK, CA 94598 - 2418

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

Carla L. Cheung, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 13, 2017.



Laurretta Cramer
Case Administrator
State Bar Court