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State Bar Court of California Hearing Department San Francisco REPROVAL		
Counsel For The State Bar Peter Allen Kilvans Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 (415) 538-2447 Bar # 236673	Case Number(s): 18-C-10166-PEM	For Court use only PUBLIC MATTER FILED APR 17 2018
In Pro Per Respondent Andrew Joseph Stunich, III Law Offices of Stunich 2701 Harrison Ave., Ste. 1 Eureka, CA 95501 (707) 442-2927 Bar # 197698	NOT FOR PUBLICATION	
In the Matter of: ANDREW JOSEPH STUNICH, III Bar # 197698 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PRIVATE REPROVAL <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO		

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 **November 25, 1998**.
- (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 12 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 (public reproof).
 - ☒ Case ineligible for costs (private reproof).
 - ☐ 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.
- (9) The parties understand that:
- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) ☒ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) ☐ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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."

(Do not write above this line.)

- (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.
- (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.
- (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 investigation 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.

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- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **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:

No prior discipline, see page 9.
Pretrial stipulation, see page 9.
Good character, see page 9.

D. Discipline:

- (1) ☒ **Private reproof (check applicable conditions, if any, below)**
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☒ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- or
- (2) ☐ **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of one year.
- (2) ☒ During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(Do not write above this line.)

- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of reprobation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the reprobation conditions period, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reprobation. 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 the reprobation during the preceding calendar quarter. Respondent must also state in each report 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 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of reprobation with the probation monitor to establish a manner and schedule of compliance. During the reprobation conditions period, Respondent must furnish 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 monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reprobation.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason:
- (9) ☒ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ 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 of the effective date of the reprobation.

☒ No MPRE recommended. Reason: **The protection of the public and the interests of respondent do not require passage of the MPRE in this case. (See In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181 and rule 9.19, Cal. Rules of Court.)**

- (11) ☐ The following conditions are attached hereto and incorporated:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

(Effective April 1, 2016)

Reprobation

(Do not write above this line.)

☐ Medical Conditions

☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: ANDREW JOSEPH STUNICH, III

CASE NUMBER: 18-C-10166-PEM

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offense for which he was convicted involved other misconduct warranting discipline.

Case No. 18-C-10166 (Conviction Proceedings)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.
2. On August 24, 2017, the Humboldt County District Attorney filed a criminal complaint in the Humboldt County Superior Court, case no. CR1703601, charging respondent with one count of violation of Penal Code section 25850(a) [Carrying a Loaded Firearm on One's Person in a City], a misdemeanor; and one count of violation of Penal Code section 171b(a) [Possession of a Firearm in a Public Building], a misdemeanor.
3. On December 28, 2017, pursuant to a plea agreement, the court entered respondent's plea of "no contest" to the count of violation of Penal Code section 25850(a). Also pursuant to the plea agreement, the court dismissed the count of violation of Penal Code section 171b(a).
4. On December 28, 2017, the court sentenced respondent to 18 months of probation with the following requirements: obey all laws, violate no criminal statutes, submit to search and seizure at any time, and do not own, use or possess any firearm or ammunition.
5. On January 2, 2018, the Presiding Judge reported the case and sentencing to the Office of Chief Trial Counsel at the State Bar.
6. On January 18, 2018, pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of Chief Trial Counsel transmitted a certified copy of the record of conviction to the State Bar Court.
7. On February 14, 2018, the Office of Chief Trial Counsel transmitted Evidence of Finality of Conviction (Notice of Lack of Appeal) to the State Bar Court.
8. On March 12, 2018, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

9. On August 22, 2017, respondent entered the Humboldt County Superior Courthouse in Eureka, California. During routine security screening, a loaded handgun was detected in respondent's briefcase-style bag. The screening station personnel triggered a panic alert, and three sheriff's deputies responded, including the on-duty Supervisor for the Court Services Division ("Deputy").

10. The Deputy recognized the respondent as a local attorney who frequently attended court hearings at the courthouse.

11. Respondent claimed ownership of the briefcase-style bag and apologized to the Deputy for "forgetting 'that, was in there.'"

12. Respondent explained to the Deputy that he had been travelling with the handgun and had forgotten to remove it from his bag. He requested that he be allowed to return the handgun to his vehicle.

13. The Deputy asked respondent if he had a concealed carry permit. Respondent stated that he did but that he did not have it with him. Upon further questioning, respondent altered his statement and said that he had previously applied for a concealed carry permit but had not completed the paperwork.

14. The handgun was retrieved from the bag, and the Deputy took possession.

15. The Deputy stated that he would maintain the handgun in his possession and would attempt to confirm the status of the concealed carry permit.

16. Respondent was allowed to enter the courthouse to carry out his work activities.

17. Upon further research at the Humboldt County Sheriff's Office Records Division, the Deputy found that respondent had applied for a concealed carry permit on April 25, 2014. The permit was not signed by respondent and had never actually been issued.

18. The incomplete permit had expired on April 25, 2016.

19. The firearm listed on the never-issued, expired permit was different from the handgun found in respondent's briefcase on August 22, 2017.

20. At the Humboldt County Sheriff's Office, the Deputy removed the magazine from the seized handgun. The magazine was loaded with five bullets. A sixth bullet was located in the barrel's chamber.

21. The Deputy ran the serial number engraved on the handgun and confirmed that it was registered to respondent.

CONCLUSIONS OF LAW:

22. The facts and circumstances surrounding the above-described violation(s) did not involve moral turpitude but did involve other misconduct warranting discipline.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Respondent has been an attorney since November 1998. Respondent has been discipline-free since his admission. He practiced law for over eighteen years prior to August 22, 2017. Over ten years of practice without a prior disciplinary action should be accorded significant weight. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.)

Pretrial Stipulation (Std. 1.6(e)): By entering into this stipulation, respondent has acknowledged the misconduct, is saving the State Bar significant resources and time, and is attempting to make amends for his lapse of judgment.

Demonstration of Good Character (Std. 1.6(f)): Respondent should receive mitigation for providing six declarations of good character from references from both the legal and general community attesting to his integrity, honesty, and professionalism.

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).)

Standard 2.16(b) applies to misdemeanors not involving moral turpitude: "Suspension or reproof is the presumed sanction for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline."

"Moral turpitude is defined as 'everything done contrary to justice, honesty, modesty, or good morals' and as 'an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man.'" (*In re Pasyanos* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr 746, 754.) In deciding whether a criminal conviction involves moral turpitude, "all facts and circumstances surrounding the commission of a crime by an attorney may properly be considered." (*In re Miller* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 110, 115 (internal quotations omitted).) Here, respondent's actions did not rise to the level of moral turpitude. First, he provided an explanation as to how the firearm unintentionally came to be in his baggage when he was entering the courthouse. Second, respondent fully cooperated with the courthouse security personnel when his gun was detected by the security screeners in a way that indicated his actions were unintentional. Furthermore, the judge considered argument and respondent's statement and then sentenced respondent to the 18 months of probation requested by respondent rather than the three years sought by the DA. Accordingly, in light of these circumstances, respondent's conviction does not involve moral turpitude and should be considered under Standard 2.16(b). This conclusion is supported by case law. For example, in *Jensen*, an attorney was convicted of misdemeanor child endangerment for leaving his nine-month-old daughter alone in a crib in a hotel room for 40 minutes while he took his toddler son for a walk. (*In re Jensen*, (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 283, 286.) The Review Department affirmed the hearing judge's finding of no moral turpitude. (*Id.* at 288.) As in *Jensen*, respondent was convicted of a misdemeanor that had the potential for danger to others, but there was no intentional decision by respondent to create a dangerous situation.

Under Standard 2.16(b), respondent is subject to suspension or reproof. A determination of the appropriate level of discipline for an attorney convicted of a misdemeanor not involving moral turpitude requires an examination of "the totality of circumstances presented by the particular case, including mitigating circumstances, as well as the nature of the offense itself." (*In re Larkin* (1989) 48 Cal. 3d 236, 244.) Suspension in misdemeanor cases may be appropriate when the attorney has a prior disciplinary record. (See, e.g., *In re Jensen*, *supra*, 5 Cal. State Bar Ct. Rptr. 283, 292-93 (attorney with two prior records of discipline was suspended for 120 days after being convicted of a misdemeanor not involving moral turpitude); *In re Bouyer* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 888, 890-93 (attorney with three prior records of discipline was suspended for 18 months after being convicted of a misdemeanor not involving moral turpitude). Since respondent has no prior record of discipline over his 18 years of practice, reproof rather than suspension is appropriate. Case law also supports reproof as the appropriate level of discipline. In *In re Titus*, the Supreme Court affirmed a public reproof for an attorney who was convicted of carrying a concealed firearm. (*In re Titus* (1989) 47 Cal. 3d 1105, 1106.)

To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. There is no evidence of aggravating circumstances in the current record. There are three mitigating circumstances. First, respondent's 18 years of discipline-free practice should be accorded significant weight as a mitigating circumstance. Over ten years of practice without a prior disciplinary action should be accorded significant weight. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.) Second, 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 Spaith* (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).) Third, respondent should receive some mitigation for providing six declarations of good character from references from both the legal and general community attesting to his integrity, honesty, and professionalism. The weight of this factor is lessened by the number of declarations provided and the fact that several of them are from respondent's law office employees. (See, e.g., *In re Parish* (Review Dept. 2015) 5 Cal. State Bar Ct. Rptr. 370 (submissions from nine character witnesses); *In re Smithwick* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 320 (noting that four witnesses generally does not meet the standard's requirements but can under certain circumstances).) Taking all of the mitigating factors together, discipline at the low-range of the standards is appropriate.

In sum, the misconduct in this case did not involve moral turpitude. It was not as egregious as the misconduct in *Titus*, where an attorney who was disciplined with public reproof was also convicted of reckless driving. Finally, there are three mitigating factors. Therefore, private reproof is the appropriate level of discipline in this case.

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

Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: ANDREW JOSEPH STUNICH, III	Case number(s): 18-C-10166-PEM
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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.

<u>4/10/2018</u> Date	<u>Andrew Stunich</u> Respondent's Signature	<u>Andrew J. Stunich, III</u> Print Name
<u>4/12/18</u> Date	<u>Peter A. Klivans</u> Deputy Trial Counsel's Signature	<u>Peter A. Klivans</u> Print Name

(Do not write above this line.)

In the Matter of: ANDREW JOSEPH STUNICH, III	Case Number(s): 18-C-10166-PEM
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REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☐ All court dates in the Hearing Department 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.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

April 17, 2018
Date

Pat McElroy
Judge of the State Bar Court

RE: STUNICH
CASE NO: 18-C-10166-PEM

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

Andrew Joseph Stunich III
Law Offices of Stunich
2701 Harrison Ave., Ste 1
Eureka, CA 95501-4701

N/A

SIGNED:

Dawn Williams
Dawn Williams
Declarant

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 April 17, 2018, 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:

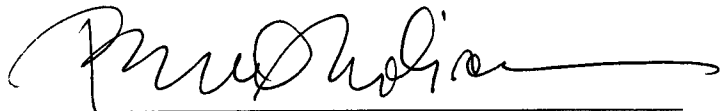
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

ANDREW J. STUNICH III
LAW OFFICES OF STUNICH
2701 HARRISON AVE STE 1
EUREKA, CA 95501 - 4701

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

PETER A. KLIVANS, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 17, 2018.



Bernadette Molina
Court Specialist
State Bar Court