



(Do not write above this line.)

**State Bar Court of California
Hearing Department
San Francisco**

Counsel For The State Bar TREVA R. STEWART 180 Howard Street San Francisco, CA 94105 Bar # 239829	Case Number (s) 09-O-14840; 09-O-16327	(for Court's use) PUBLIC MATTER FILED <i>RJ</i> APR 22 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent RICHARD CHIOZZA 139 East H Street Benecia, CA 94150 Bar # 142575	Submitted to: Assigned Judge	
In the Matter Of: RICHARD CHIOZZA Bar # 142575 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 11, 1989.
- (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 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."

(Do not write above this line.)

- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
 - costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **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.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. Respondent failed to make properly noticed court appearances, respond to discovery and communicate with his clients. As a result, his clients suffered significant harm. In particular, the claim against Mr. Ressa involved a substantial amount of money.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. Respondent is charged with six counts of misconduct involving two client matters.

- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. 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 deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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 Respondent no longer suffers from such difficulties or disabilities.
- (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 good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

D. Discipline:

(1) **Stayed Suspension:**

- (a) Respondent must be suspended from the practice of law for a period of three years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
 - ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of five years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of two years.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
 - ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
 - iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

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

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

<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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
 - No MPRE recommended. Reason:
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

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- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:

- (5) **Other Conditions:**

6. On or about April 23, 2009, the Court held the continued Case Management Conference. Respondent failed to appear for the Court's Case Management Conference. Respondent further failed to file the case management statement as ordered by the Court on February 18, 2009.
7. On April 28, 2009, the Court issued an Order to Show Cause (hereinafter, "OSC"), ordering respondent to appear on May 28, 2009 and show cause why he should not be sanctioned for his failure to appear on April 23, 2009 and his failure to file a case management conference statement. On or about April 28, 2009 the Court Clerk duly served respondent with notice of the Court's April 28, 2009 Order to Show Cause; Notice of Case Management Conference Two Hearing. Respondent received the Court's April 28, 2009 Order to Show Cause; Notice of Case Management Conference Two Hearing and was aware of its contents.
8. On or about May 28, 2009, the Court held the OSC. Respondent failed to appear at the Court's OSC and failed to file a case management statement. Ressa appeared in pro per. The Court sanctioned respondent the sum of \$150 payable forthwith. The Court issued a further OSC against respondent, to appear on July 30, 2009 to show cause why he should not be sanctioned for his failure to appear on May 28, 2009 and his failure to file a case management statement. On or about June 22, 2009, the Court clerk duly served respondent with notice of the Court's May 28, 2009 Order for Sanctions; Order to Show Cause. Respondent received the Court's May 28, 2009 Order for Sanctions; Order to Show Cause and was aware of its contents.
9. On or about July 30, 2009, the Court held the OSC and further Case Management Conference. Respondent failed to appear for the OSC. The Court imposed sanctions against respondent in the sum of \$250.00 for failure to appear and failure to file a case management statement. The Court further set another OSC against respondent, ordering him to appear on September 3, 2009 and show cause why he should not be sanctioned \$350 for his failure to appear on July 30, 2009. On or about August 10, 2009, the Court Clerk duly served respondent with the July 30, 2009 Order for Sanctions; Order to Show Cause; Notice of Case Management Conference Two Hearing. Respondent received the Court's July 30, 2009 Order for Sanctions; Order to Show Cause; Notice of Case Management Conference Two Hearing and was aware of its contents.
10. On or about September 3, 2009, the court held the OSC and further case management conference. Respondent failed to appear. The Court sanctioned respondent the sum of \$350 for failure to appear and failure to file a case management statement. The Court sent another OSC for November 13, 2009 for respondent to appear and show cause why he should not be sanctioned \$350 for his failure to appear on September 3, 2009. On or about September 17, 2009, the Court Clerk duly served respondent with notice of the Order for Sanctions; Order to Show Cause; Notice of Case Management Conference Two Hearing. Respondent received the Court's Order for Sanctions; Order to Show Cause; Notice of Case Management Conference Two Hearing and was aware of its contents.
11. Respondent failed to pay the Court ordered sanction of \$150 imposed on May 28, 2009.
12. Respondent failed to pay the Court ordered sanction of \$350 imposed on July 30, 2009.
13. Respondent failed to pay the Court ordered sanction of \$350 imposed on September 3, 2009.
14. Respondent failed to file the case management conference statements as ordered by the Court.

09-O-16327 (Ressa)

15. In or about July 2009, Ressa made numerous efforts to contact respondent regarding the upcoming court appearance for July 30, 2009. Ressa telephoned respondent, left a message with attorney Martin Gabrielson, who shares office space with respondent, and stopped by respondent's office.

16. Respondent received Ressa's messages and failed to respond or otherwise apprise him of the status of his case.

17. On or about August 13, 2009, Ressa sent respondent a fax, outlining a settlement proposal for the case. Ressa requested that respondent convey the offer to the plaintiff and contact respondent when he had done so. Ressa also sent respondent a fax requesting that respondent contact him regarding his case.

18. Respondent received Ressa's August 13, 2009 faxes and failed to respond to Ressa.

09-O-14840 (Balan)

19. On or about January 7, 2008, respondent brought suit on behalf of Estrellita Balan (hereinafter "Balan") in *Balan v. Carbonell*, case no. FCS030736, filed in Superior Court, County of Solano.

20. On or about July 17, 2008, respondent filed a Request for Entry of Default on behalf of Balan.

21. On or about April 14, 2009 the Court held a continued case management conference. Respondent failed to appear. The Court issued an OSC against respondent, ordering him to appear on May 18, 2009 and show cause why he should not be sanctioned \$150 for his failure to appear on April 14, 2009. On or about April 20, 2009 the Court Clerk duly served respondent with notice of the Court's April 14, 2009 Order to Show Cause; Notice of Case Management Conference One Hearing. Respondent received the April 14, 2009 Order to Show Cause; Notice of Case Management Conference One Hearing and was aware of its contents.

22. On or about May 18, 2009 the Court held the OSC and the Case Management Conference. Respondent failed to appear. The Court imposed a \$150 sanction against respondent, to be paid forthwith, for failure to appear on April 14, 2009. The Court further ordered respondent to appear and show cause, on July 27, 2009, why he should not be sanctioned for his failure to appear on May 18, 2009. On or about June 5, 2009, the Court Clerk duly served respondent with notice of the Court's Order for Sanctions; Order to Show Cause; and Notice of Hearing. Respondent received the Court's Order for Sanctions; Order to Show Cause; and Notice of Hearing and was aware of its contents.

23. On or about July 27, 2009, the Court held the Case Management Conference and OSC. Respondent failed to appear. The Court vacated the May 18, 2009 OSC and set the matter for further Case Management Conference for October 19, 2009. On or about August 12, 2009, the Court issued an order to show cause, ordering respondent to appear on October 19, 2009 and show cause why he should not be sanctioned for failure to appear on July 27, 2009. On or about August 12, 2009, the Court Clerk duly served respondent with notice of the August 12, 2009 Order to Show Cause; Notice of Case Management Conference One Hearing. Respondent received the August 12, 2009 Order to Show Cause; Notice of Case Management Conference One Hearing and was aware of its contents.

24. On or about October 19, 2009, the Court held the further OSC and Case Management Conference. Respondent failed to appear. The Court imposed a \$150 sanction against respondent,

payable forthwith, for his failure to appear on July 27, 2009. On November 17, 2009, the Court Clerk duly served respondent with notice of the Court's Order for Sanctions; Order to Show Cause. Respondent received the November 17, 2009 Order to Show Cause: Notice of Case Management Conference One Hearing and was aware of its contents.

25. Respondent failed to pay the sanctions as ordered by the Court.

26. After filing for the default on or about July 17, 2008, respondent took no further action on behalf of Balan, to bring the matter to conclusion (judgment).

09-O-14840 (Ressa and Balan)

27. On or about August 21, 2009, the State Bar opened an investigation against respondent related to the *Ressa* and *Balan* matters.

28. On or about September 30, 2009 and again on November 2, 2009, State Bar Investigator F. Jacobs wrote and mailed respondent a letter and advised him of the investigation of the *Ressa* and *Balan* matters. Investigator Jacobs requested that respondent provide a written response to the allegations.

29. Respondent received Investigator Jacob's letters of September 30, 2009 and November 2, 2009 and failed to respond.

CONCLUSIONS OF LAW

09-O-14840; 09-O-16327

1. By failing to respond to discovery; by failing to appear at Court hearings, and by failing to file case management statements, respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).

2. By failing to appear in Court on May 28, 2009, July 30, 2009, and September 3, 2009, as ordered by the Court; by failing to pay the Court ordered sanctions of May 28, 2009, July 30, 2009, and September 3, 2009; and by failing to submit the case management conference statements as ordered by the Court, respondent disobeyed or violated orders of the court requiring him to do or forbear acts connected with or in the course of Respondent's profession which he ought in good faith to do or forbear, in willful violation of Business and Professions Code, section 6103.

09-O-16327

3. By failing to respond to Ressa's messages and faxes, respondent failed to respond to the reasonable status inquiries of a client in a matter in which he agreed to perform legal services, in willful violation of Business and Professions Code, section 6068(m).

09-O-14840

4. By repeatedly failing to appear at court ordered case management conferences and OSCs, as ordered by the Court, and by failing to pay the Court ordered sanctions of \$150 issued on or about May 18, 2009, and the \$250 sanction issued on or about November 17, 2009, respondent wilfully disobeyed or violated orders of the Court requiring him to do or forbear an act connected with or in the course of

Respondent's profession which he ought in good faith to do or forbear, in willful violation of Business and Professions Code, section 6103.

5. By failing to take action on Balan's case, between July 18, 2008 and November 19, 2009, and by failing to abide by the Court orders to appear at case management conferences and OSCs, and by failing to abide by the Court orders for sanctions, respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).

6. By failing to respond to State Bar Investigator Jacobs letters of September 30, 2009 and November 2, 2009, respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code, section 6068(i).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was April 12, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 7, 2010, the prosecution costs in this matter are approximately \$3416.40. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

Schullman v. State Bar (1976) 16 Cal.3d 631. Respondent disbarred for failure to perform in two client matters and failure to return unearned fee.

In the Matter of Bailey (Review Dept. 2001) 4 Cal.State Bar Ct.Rptr. 220. Respondent suspended for five years stayed, two years actual for, inter alia, abandonment and failure to communicate in four client matters.

Baker v. State Bar (1989) 49 Cal. 3d 804. Respondent suspended for three years, stayed and placed on five years probation conditioned on one year actual suspension for client abandonment.

AGGRAVATING CIRCUMSTANCES.

MULTIPLE ACTS OF WRONGDOING.

Standard 1.2(b)(ii) states that the current misconduct found or acknowledged by the member to evidence multiple acts of wrongdoing or demonstrates a pattern of misconduct is an aggravating circumstance.

Respondent is charged with six counts of misconduct involving two client matters.

HARM TO CLIENT/ADMINISTRATION OF JUSTICE

Standard 1.2(b)(iv) states that an attorney's misconduct that significantly harms the client, the public, or the administration of justice shall be considered an aggravating circumstance.

Respondent failed to make properly noticed court appearances, respond to discovery and communicate with his clients. As a result, his clients suffered significant harm. In particular, the claim against Mr. Ressa involved a substantial amount of money.

MITIGATING CIRCUMSTANCES.

NO PRIOR RECORD OF DISCIPLINE

Standard 1.2(e)(i) states that the absence of any prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious is a mitigating circumstance.

Although respondent's misconduct is deemed serious, particularly with regards to the Ressa matter, it is noteworthy that at the time of respondent's misconduct, he had 19 years of discipline free practice.

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

RESTRICTIONS WHILE ON ACTUAL SUSPENSION.

During the period of actual suspension, respondent shall not:

Render legal consultation or advice to a client;

Appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;

Appear as a representative of a client at a deposition or other discovery matter;

Negotiate or transact any matter for or on behalf of a client with third parties;

Receive, disburse, or otherwise handle a client's funds; or

Engage in activities which constitute the practice of law.

Respondent shall declare under penalty of perjury that he or she has complied with this provision in any quarterly report required to be filed with the Office of Probation, pertaining to periods in which the respondent was actually suspended from the practice of law.

SUSPENSION NOTIFICATION REQUIREMENTS.

1. Within the first thirty days following commencement of probation, respondent shall provide written notifications concerning the suspension by registered or certified mail, return receipt requested, to:

- a. all clients being represented in pending matters;
- b. any co-counsel;

- c. any opposing counsel or unrepresented opposing parties; and
- d. the court, agency or tribunal in which any active litigation is pending.

2. The notification shall state the following:

- a. that the respondent has been suspended from the practice of law;
- b. the effective date of the suspension;
- c. the length of the suspension;
- d. the respondent's consequent ineligibility to render legal services during the period of the suspension; and
- e. in notifications to clients, any urgency in seeking the substitution of other legal counsel.

3. Within the first forty days following commencement of probation, respondent shall file an affidavit (or declaration in conformity with the requirements of California Code of Civil Procedure section 2015.5) with the Office of Probation showing that respondent has fully complied with these provisions.

4. Respondent shall maintain complete records of the notifications and the certified or registered mailings and shall provide such records upon the request of the Office of the Chief Trial Counsel.

FINANCIAL CONDITIONS, RESTITUTION.

Within 90 days from the effective date of discipline in this matter, respondent must make restitution of all outstanding court sanctions (or obtain a certified court record of waiver or satisfaction of same) and furnish proof to the Office of Probation. Respondent shall include, in each quarterly report required herein, satisfactory evidence of all restitution payments made by him during that reporting period.

(Do not write above this line.)

In the Matter of RICHARD CHIOZZA	Case number(s): 09-O-14840; 09-O-16327
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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.

<u>4/14/2010</u> Date	<u></u> Respondent's Signature	<u>RICHARD CHIOZZA</u> Print Name
<u>4/16/10</u> Date	<u></u> Respondent's Counsel's Signature	<u>N/A</u> Print Name
	<u>Deputy Trial Counsel's Signature</u>	<u>TREVA R. STEWART</u> Print Name

(Do not write above this line.)

In the Matter Of RICHARD CHIOZZA	Case Number(s): 09-O-14840; 09-O-16327
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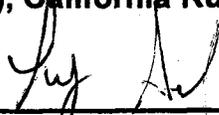
ORDER

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 135(b), 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.)**

April 22, 2010
Date



Judge of the State Bar Court

LUCY ARMENDARIZ

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 April 22, 2010, 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:

**RICHARD J. CHIOZZA
189 EAST "H" ST
BENICIA, CA 94510**

by certified mail, No. _____, with return receipt requested, through the United States Postal Service at _____, California, addressed as follows:

by overnight mail at _____, California, addressed as follows:

by fax transmission, at fax number _____. No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

TREVA R. STEWART, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 22, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court