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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Lee Ann Kern Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 Bar # 156623	Case Number(s): 10-O-08838 11-O-12292 11-O-13904 11-O-14033	For Court use only <div style="text-align: center;"> FILED JAN - 3 2012 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div> <div style="text-align: center; border: 1px solid black; padding: 5px; margin-top: 10px;"> PUBLIC MATTER </div>
In Pro Per Respondent Drew Allan Cicconi CICCONI LAW FIRM 101 S Topanga Blvd PO Box 366 Topanga, CA 90290 Bar # 83202	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Drew Allan Cicconi Bar # 83202 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 November 29, 1978.
- (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.

(Effective January 1, 2011)



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- (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."
- (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 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013 and 2014. (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 [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.

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- (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. See Attachment, p. 4
- (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. See Attachment, p. 4.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct. See Attachment, p. 4.
- (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.

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(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 one year.

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 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)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of 30-days.

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 the 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.

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- (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:
 - Substance Abuse Conditions
 - Law Office Management Conditions
 - Medical Conditions
 - Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2) **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.
- (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:**

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Drew Allan Cicconi

CASE NUMBER(S): 10-O-08838, 11-O-12292, 11-O-13904, 11-O-14033

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 Nos. 10-O-08838 (Complainant: Kelly Cicconi), 10-O-08838 (State Bar Investigation), 11-O-12292 (State Bar Investigation), 11-O-13904 (State Bar Investigation), and 11-O-14033 (State Bar Investigation)

FACTS:

1. At all relevant times, Respondent maintained a Client Trust Account, number ***-***8475¹, at Wells Fargo Bank (“CTA”).
2. On March 2, 2007 and on April 26, 2011, Respondent misused his CTA by depositing into the CTA his own cash, as well as issuing paper checks payable to non-clients, transferring funds to non-clients, and making check card and point of sale (POS) purchases on numerous occasions from the CTA to pay his personal and business expenses. Respondent’s use of his CTA during that period includes, but is not limited to the following:

03/02/07	Online Transfer	Kelly Cicconi	-\$	435.00
03/12/07	2070	CitiMortgage	-\$	2,443.72
06/05/07	Online Transfer	Clothes and Shoes for Julia	-\$	65.00
06/25/07	2187	Kelly Cicconi	-\$	150.00
02/03/08	2333	Dwight Wong (Rent)	-\$	2,880.00
09/11/08	2454	Macy’s	-\$	97.38
10/07/08	2469	Kelly Cicconi (Support)	-\$	4,000.00
01/09/09	2513	Kelly Cicconi (Support)	-\$	4,000.00
01/29/09	2522	Kelly Cicconi (Support)	-\$	3,000.00

¹ The full account number has been excluded to protect the account from identify theft.

05/17/10	Deposit	Non-Client Cash	+\$	1,500.00
06/03/10	Deposit	Non-Client Cash	+\$	3,000.00
08/27/10	POS Purchase	Vons	-\$	30.26
01/31/11	POS Purchase	Arco	-\$	50.79
04/25/11	ATM w/drawal	Cash	-\$	40.00
04/26/11	Check Card	Sage Brush Cantina	-\$	60.07

CONCLUSIONS OF LAW:

3. By depositing his own cash into the CTA, as well as issuing paper checks payable to non-clients, transferring funds to non-clients, and making check card and POS purchases from the CTA to pay his personal and business expenses, Respondent deposited or commingled funds belonging to Respondent in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).

Case No. 10-O-08838 (Kelly Cicconi)

FACTS:

4. On April 27, 2007, Respondent received two settlement checks in the amount of \$500,000 each drawn from an account at City National Bank on behalf of his clients, Laura and Stephen Scott. On that same day, Respondent deposited the checks into his CTA, the checks immediately cleared, and Respondent issued the Scott's a check in the amount of \$850,000 for their share of the settlement funds.

5. Respondent earned attorney's fees in the amount of \$150,000 from the Scott's settlement and his fee was fixed as of on or about April 27, 2007.

6. Respondent never moved his earned fees from the CTA. Instead, Respondent left the earned fees in the CTA and withdrew the fees as needed to pay his personal and business expenses.

CONCLUSIONS OF LAW:

7. By failing to move his \$150,000 in earned fees from the CTA following the settlement in the Scott's case, Respondent failed to withdraw funds formerly belonging in part to a client and in part presently or potentially to Respondent from a client trust account at the earliest reasonable time after Respondent's interest in the funds became fixed, in willful violation of Rules of Professional Conduct, rule 4-100(A)(2).

Case No. 11-O-13904 (State Bar Investigation)

FACTS:

8. In early May 2011, Wells Fargo Bank notified the State Bar about non-sufficient funds ("NSF") in Respondent's account, as set forth in paragraphs 11, above ("early May 2010 NSF item").

9. On April 21, 2011, an investigator for the State Bar mailed a letter to Respondent at his at his State Bar membership address requesting a response to the early May 2011 NSF item. The letter was not returned in the mail as undeliverable or for any other reason. Respondent received the investigator's letter.

10. On July 20, 2011, an investigator for the State Bar again mailed a letter to Respondent at his at his State Bar membership address requesting a response to the early May 2011 NSF item. The letter was not returned in the mail as undeliverable or for any other reason. Respondent received the investigator's letter.

11. Respondent did not respond in writing to the State Bar's letters or otherwise cooperate in the investigation regarding the early May 2011 NSF item.

CONCLUSIONS OF LAW:

12. By not providing a written response regarding the early May 2011 NSF item, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code section 6068(i).

Case No. 11-O-14033 (State Bar Investigation)

FACTS:

13. In late May 2011, Wells Fargo Bank notified the State Bar about non-sufficient funds ("NSF") in Respondent's account, as set forth in paragraphs 11, above ("late May 2010 NSF items").

14. On April 21, 2011, an investigator for the State Bar mailed a letter to Respondent at his at his State Bar membership address requesting a response to the late May 2011 NSF items. The letter was not returned in the mail as undeliverable or for any other reason. Respondent received the investigator's letter.

15. On July 20, 2011, an investigator for the State Bar again mailed a letter to Respondent at his at his State Bar membership address requesting a response to late May 2011 NSF items. The letter was

not returned in the mail as undeliverable or for any other reason. Respondent received the investigator's letter.

16. Respondent did not respond in writing to the State Bar's letters or otherwise cooperate in the investigation regarding the late May 2011 NSF items.

CONCLUSIONS OF LAW:

17. By not providing a written response regarding the late May 2011 NSF items, 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(7), was November 22, 2011.

MITIGATING CIRCUMSTANCES.

Standard 1.2(e)(i): Respondent was admitted to the bar on November 28, 1978, and has no prior record of discipline.

Standard 1.2(e)(iii): Respondent's misconduct did not result in client harm.

AGGRAVATING CIRCUMSTANCES.

Standard 1.2(b)(ii): Multiple acts of misconduct. Respondent misused his trust account over a period of four years.

LEGAL AUTHORITIES SUPPORTING DISCIPLINE.

Although the Standards are not mandatory, it is well established that the Standards may be deviated from only when there is a compelling, well-defined reason to do so. See *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291; *Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060, fn. 2.

Standard 1.6(a): When two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed by the standards, the discipline imposed should be the most severe of the different applicable sanctions.

Standard 2.2(b): Culpability of a member of violating rule 4-100(A), Rules of Professional Conduct, shall result in at least a three month actual suspension from the practice of law, irrespective of mitigating circumstances. In this matter, good cause exists to deviate from the discipline described in Standard 2.2(b) because of Respondent's lack of prior disciplinary record and lack of client harm.

Standard 2.6: Culpability of a member of a violation of sections 6068(i) shall result in suspension or disbarment.

Depositing personal funds into a client trust account and using the trust account for personal expenses constitutes comingling within the meaning of rule 4-100(A), Rules of Professional Conduct. (*In the Matter of Doran* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 871.) Rule 4-100(A) bars use of the trust account for personal purposes, even if client funds are not on deposit. (*In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 625.)

In *In the Matter of Broderick* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 138, Broderick was found culpable in a probation violation matter and in an original proceeding. In the original matter, Broderick misused his client trust account as a personal account, failed to respond to reasonable status inquiries, failed to safeguard client funds, and failed to cooperate in the State Bar's investigation. In aggravation, Broderick had a prior record of discipline, engaged in multiple acts of misconduct, and caused his client harm. In mitigation, Broderick was candid and cooperative with the State Bar. The discipline was three years stayed suspension and four years probation, conditioned on actual suspension for one year.

Although the misconduct in the instant matter is similar to that in which Broderick engaged, Broderick's misconduct was more extensive. In addition, the *Broderick* case involved the misuse of client funds and harm to that client, which are factors that are not present in the instant matter. As such, the discipline to which the State Bar and the Respondent stipulated is just and reasonable.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 22, 2011, the prosecution costs in this matter are \$5,473. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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In the Matter of: Drew Allen Cicconi	Case Number(s): 10-O-08838, 11-O-12292, 11-O-13904, 11-O-14033
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Financial Conditions

a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

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

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

c. Client Funds Certificate

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

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- b. Respondent has kept and maintained the following:
- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. Client Trust Accounting School

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

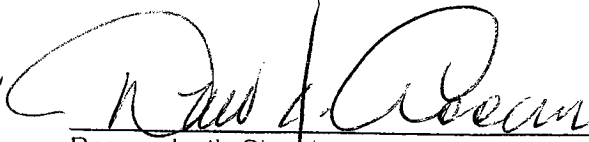
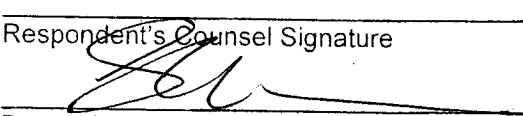
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In the Matter of
Drew Allan Cicconi

Case number(s):
10-O-08838, 11-O-12292, 11-O-13904,
11-O-14033

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>12-5-11</u>		<u>Drew Allan Cicconi</u>
Date	Respondent's Signature	Print Name
<u>12/15/11</u>		<u>Lee Ann Kern</u>
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of: Drew Allan Cicconi	Case Number(s): 10-O-08838, 11-O-12292, 11-O-13904, 11-O-14033
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ACTUAL 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.

On page 9 of the stipulation, in the second line of numbered paragraph 8, the inaccurate reference (“, as set forth in paragraphs 11, above”) is deleted.

On page 9 of the stipulation, in the second line of numbered paragraph 13, the inaccurate reference (“, as set forth in paragraphs 11, above”) is deleted.

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

12/22/11



DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 3, 2012, I deposited a true copy of the following document(s):

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

in a sealed envelope for collection and mailing on that date as follows:


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

**DREW ALLAN CICCONI
CICCONI LAW FIRM
101 S TOPANGA BLVD
PO BOX 366
TOPANGA, CA 90290**

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

LEE ANN KERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 3, 2012.



Tammy Cleaver
Case Administrator
State Bar Court