

FILED

MAY 17 2019

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of	)	Case No. 15-C-15734-MC
	)	
ARTURO ESTEBAN SANDOVAL,	)	DECISION AND ORDER SEALING
	)	CERTAIN DOCUMENTS
	)	
<u>State Bar Number 227077.</u>	)	

**I. Introduction**

In this conviction referral proceeding, Respondent Arturo Esteban Sandoval<sup>1</sup> was accepted for participation in the State Bar Court's Alternative Discipline Program (ADP). Because Respondent successfully completed ADP, the court will recommend that he be placed on one year's stayed suspension and three years' probation on various conditions, but no actual suspension.

**II. Pertinent Procedural History**

On March 28, 2017, the Office of Chief Trial Counsel of the State Bar of California (OCTC) filed, in the State Bar Court Review Department, a certified copy of the record of Respondent's May 18, 2016 convictions on (1) a misdemeanor count of violating Vehicle Code section 23152(a) (driving a motor vehicle under the influence of alcohol (DUI)) with two prior

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<sup>1</sup> Respondent was admitted to the practice of law in this state on December 2, 2003 and has been licensed since that time.

DUI convictions and (2) a misdemeanor count of violating Vehicle Code section 23152(b) (driving a motor vehicle with a blood alcohol content (BAC) greater than .08 percent) with two prior DUI convictions (Respondent's 2016 convictions).<sup>2</sup>

On April 21, 2017, the State Bar Court Review Department filed an order referring Respondent's 2016 conviction to the State Bar Court Hearing Department for a trial.<sup>3</sup> The issues for trial were whether the facts and circumstances surrounding Respondent's commission of the crimes involved moral turpitude (Business and Professions [Bus. & Prof.] Code, §§ 6101, 6102) or other misconduct warranting discipline (e.g., *In re Kelley* (1990) 52 Cal.3d 487, 494) and, if so found, for a recommendation as to the discipline to be imposed. (California Rules of Court [Cal. Rules of Court], rule 9.10(a); Rules of Procedure of the State Bar of California [Rules Proc. of State Bar], rules 5.161(A), 5.340 et seq.; *In the Matter of Ike* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 483, 491-492.)

On April 24, 2017, the hearing department filed and served on Respondent a notice of hearing on the convictions. On May 26, Respondent filed a response to the notice. At a settlement conference on June 19, the present proceeding was reassigned for ADP evaluation.

#### **Respondent's Acceptance into ADP**

Respondent contacted the State Bar's Lawyer Assistance Program (LAP) seeking assistance with his substance abuse issues and, in July 2017, Respondent entered into a Program Evaluation Plan with LAP.

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<sup>2</sup> Respondent's 2016 convictions became final for attorney-discipline purposes on May 18, 2016, when the superior court suspended the imposition of sentence and placed Respondent on probation. (Bus. & Prof. Code, § 6102(e).)

<sup>3</sup> The court notes that the Review Department's April 21, 2017 order inaccurately indicates that Respondent was also convicted of violating Vehicle Code section 23577 (refused a police officer's request to submit to and failed to complete a chemical test). The record of Respondent's conviction establishes that the superior court struck, on the People's motion, the section 23577 allegations from the January 19, 2016 amended misdemeanor complaint.

On July 25, 2017, Respondent submitted a Nexus Statement executed under penalty of perjury to the court. The Nexus Statement establishes a nexus between Respondent's substance abuse issues and his criminal acts that are the subjects of this proceeding.

In September 2017, the parties entered into and submitted to the court a Stipulation Regarding Facts and Conclusions of Law (Stipulation), which sets forth the stipulated factual findings, legal conclusions, and mitigating and aggravating circumstances in this case. On October 16, the court signed an order approving the Stipulation. The order and the Stipulation were filed as a single document on October 16.

On October 16, 2017, Judge McElroy also signed and lodged a Confidential Statement of Alternative Dispositions and Orders (Confidential Statement), which sets forth (1) the discipline that the court will recommend to the Supreme Court if Respondent successfully completes ADP (the low level of discipline) and (2) the discipline that the court will recommend if Respondent fails to successfully complete ADP (the high level of discipline). Respondent agreed to those alternative dispositions. On October 16, Respondent executed and lodged with the court a Contract and Waiver for Participation in ADP (Contract). On that same day, the court accepted Respondent for participation in ADP. Thereafter, Respondent successfully participated in both LAP and ADP.

### **Respondent's Successful Completion of ADP**

On April 10, 2019, the court received from LAP a Certificate of One Year of Participation in the Lawyer Assistance Program – Substance Use, certifying that, for at least the one-year period preceding April 10, 2019, Respondent satisfied all of the lab testing requirements in his LAP Participation Agreement/Monitoring Plan, that no unauthorized substances were detected, and that LAP is not aware of Respondent's use of any unauthorized substances during the period.

On April 23, 2019, the court filed an order finding that Respondent successfully completed ADP and taking the proceeding under submission for decision. Because Respondent successfully completed ADP, the court will recommend that the low level of discipline be imposed.

### **III. Findings of Fact and Conclusions of Law**

The Stipulation and the court's order approving it are attached hereto and incorporated herein by reference. In the Stipulation, the parties stipulate to the following findings and conclusions.

#### **Case Number 15-C-15734 (DUI)**

##### **Facts**

On the evening of July 25, 2015, the Vacaville Police Department received a report that a local restaurant had refused to serve Respondent because he was intoxicated and that Respondent was seen driving away from the restaurant. The police located Respondent driving his car and pulled him over. The officers smelled alcohol and saw that Respondent had bloodshot eyes. Respondent lied to the police and denied that he had anything to drink for the last five hours. Respondent refused to take any field sobriety test without his lawyer being present. Respondent refused to take any sobriety test even after he was reminded that he could not refuse to take the test because he was on probation for a prior DUI conviction. Accordingly, Respondent was arrested and taken to the Vacaville Police Department. A compulsory blood sample taken from Respondent showed that his BAC was .18 percent, which is more than twice the legal limit of .08 percent for operating a motor vehicle.

On July 28, 2015, the Solano County District Attorney filed a misdemeanor criminal complaint against Respondent. Thereafter, the District Attorney filed an amended misdemeanor complaint against Respondent. On May 18, 2016, in the Solano County Superior Court,

Respondent pleaded nolo contendere to and was convicted on the two misdemeanor violations of the Vehicle Code that are set forth above and referred to as Respondent's 2016 convictions. That same day, the superior court suspended the imposition of sentence and placed Respondent on three years' summary probation with conditions, including that Respondent serve 120 days in the county jail, pay fees and fines, and attend an 18-month alcohol program.

### **Conclusions of Law**

The parties stipulate that the facts and circumstances surrounding Respondent's commission of the crimes for which he was committed did not involve moral turpitude, but did involve other misconduct warranting discipline.

### **Aggravation**

#### **Prior Record of Discipline**

Respondent has a prior record of discipline (Rules Proc. of State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, standard 1.5(a)),<sup>4</sup> which is the public reproof with conditions attached that the State Bar Court imposed on Respondent on June 11, 2015, in an earlier conviction referral proceeding in which case numbers 10-C-03915 and 14-C-04058 were consolidated (Respondent's 2015 public reproof). The subject of case number 10-C-03915 was Respondent's July 28, 2009, nolo contendere plea to and conviction on a misdemeanor count of violating Vehicle Code section 23103.5 for reckless driving involving alcohol on June 25, 2009.<sup>5</sup> The subject of case number 14-C-04058 was Respondent's July 24, 2013, nolo contendere plea to and conviction on a misdemeanor count of violating Vehicle Code

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<sup>4</sup> All further references to standards (or std. or stds.) are to this source.

<sup>5</sup> In the Stipulation, the parties erroneously recite that Respondent was arrested for drunk driving on July 25, 2009. The public reproof in case numbers 10-C-03915 and 14-C-04058, consolidated, establishes that he was arrested on June 25, 2009.

section 23152, subdivision (b) for driving with a BAC of more than .08 percent on January 31, 2013.

**Uncharged Misconduct (Std. 1.5(h).)**

The parties further stipulate that Respondent's misconduct in the facts and circumstances surrounding Respondent's 2016 convictions is aggravated by an uncharged violation of State Bar Rules of Professional Conduct, former rule 1-110 (now rule 8.1.1), which required attorneys to comply with the conditions attached to any reproof imposed on them by the State Bar.

According to the parties, Respondent violated former rule 1-110 because he failed to comply with the condition attached to Respondent's 2015 public reproof requiring that he comply with the State Bar Act. The parties opine that, when Respondent drove while intoxicated on July 25, 2015, Respondent failed to support the laws of this state in willful violation of Business and Professions Code section 6068, subdivision (a), which is part of the State Bar Act and provides that attorneys have a duty "[t]o support the Constitution and laws of the United States and of this state."

Even assuming that Respondent willfully violated section 6068, subdivision (a) when he drove while intoxicated on July 25, 2015, the court rejects the parties' stipulation of uncharged-misconduct aggravation.<sup>6</sup> Respondent is being disciplined in this proceeding for driving while he was intoxicated on July 25, 2015, under the other misconduct warranting discipline standard. To rely upon that same conduct (i.e., driving while intoxicated on July 25, 2015,) to establish an aggravating circumstance would be duplicative. The Review Department has repeatedly held that it is improper to rely upon the same act to find both a substantive violation and an

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<sup>6</sup> The State Bar Court has an affirmative duty to independently determine whether the parties' stipulated conclusions are adequately supported by the record and appropriate under the law and to reject them if they are not. (See *In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 409-410; *In the Matter of Sampson* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 119, 128; see also *Conroy v. State Bar* (1991) 53 Cal.3d 495, 501-502 & fn. 4, 505, 508.)

aggravating circumstance. The appropriate level of discipline for an act of misconduct does not depend on how many rules or statutes proscribe the misconduct; accordingly, it is unnecessary, if not inappropriate, to find duplicative violations or a violation and an aggravating circumstance based on the same act. (See *In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 148; see also *In the Matter of Van Sickle* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 980, 992.)

**Multiple Acts of Wrongdoing (Std. 1.5(b))**

The parties further stipulate that Respondent's 2016 convictions and Respondent's uncharged violation of the condition of Respondent's 2015 public reproof requiring him to comply with the State Bar Act represent *multiple acts* of misconduct. The parties' stipulated finding of multiple-acts-of-misconduct aggravation is rejected as an act of adding epicycles. Even assuming that Respondent willfully violated the condition attached to Respondent's 2015 public reproof requiring that he comply with the State Bar Act when he drove while intoxicated on July 25, 2015, that reproof violation could not somehow convert Respondent's *single act* of misconduct (i.e., driving while intoxicated) into *multiple acts*.

**Mitigation**

**Cooperation (Std. 1.6(e).)**

The parties stipulate that Respondent is entitled to mitigation for entering into the Stipulation with OCTC.

**Successful Completion of ADP (Std. 1.6(d).)**

The court independently finds that Respondent's successful completion of ADP, standing alone, is very significant mitigation. (Std. 1.6(d); see also Bus. & Prof. Code, § 6233.)

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#### IV. Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but rather to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve confidence in the legal profession. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative levels of discipline if Respondent successfully completed the ADP and if he did not successfully complete the ADP, the court considered the parties' briefs on discipline as well as certain standards and case law. Specifically, the court considered standards 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, and 2.16(b) and *In re Kelley* (1990) 52 Cal.3d 487; *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208; and *In the Matter of Respondent I* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 260.

#### V. Recommendations

##### **Discipline – Stayed Suspension**

It is recommended that Respondent ARTURO ESTEBAN SANDOVAL, State Bar number 227077, be suspended from the practice of law for one year, that execution of that suspension be stayed, and that Respondent be placed on probation for three years with the following conditions.

##### **Conditions of Probation<sup>7</sup>**

###### **1. Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions**

Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.

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<sup>7</sup> The State Bar Court's standard conditions of probation were revised effective July 1, 2018, and are thus slightly different from those probation conditions in the court's October 16, 2017 Confidential Statement of Alternative Dispositions.



**2. Maintain Valid Official State Bar Record Address and Other Required Contact Information**

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, he or she must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within 10 days after such change, in the manner required by that office.

**3. Meet and Cooperate with Office of Probation**

Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

**4. State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court**

During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

**5. Quarterly and Final Probation Reports**

**a. Deadlines for Reports.** Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than 10 days before the last day of the probation period and no later than the last day of the probation period.

**b. Contents of Reports.** Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.

**c. Submission of Reports.** All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

**d. Proof of Compliance.** Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

## **6. State Bar Ethics School Not Recommended**

It is not recommended that Respondent be ordered to attend the State Bar Ethics School because Respondent attended a session of the school and passed the test given at the end of that session in August 2017.

## **7. Criminal Probation**

Respondent must comply with all probation conditions imposed in the underlying criminal matter and must report such compliance under penalty of perjury in all quarterly and final reports submitted to the Office of Probation covering any portion of the period of the criminal probation. In each quarterly and final report, if Respondent has an assigned criminal probation officer, Respondent must provide the name and current contact information for that criminal probation officer. If the criminal probation was successfully completed during the period covered by a quarterly or final report, that fact must be reported by Respondent in such report and satisfactory evidence of such fact must be provided with it. If, at any time before or during the period of probation, Respondent's criminal probation is revoked, Respondent is sanctioned by the criminal court, or Respondent's status is otherwise changed due to any alleged violation of the criminal probation conditions by Respondent, Respondent must submit the criminal court records regarding any such action with Respondent's next quarterly or final report.

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## **8. Abstinence**

Respondent must abstain from using alcoholic beverages and must not use or possess any illegal drugs or illegal drug paraphernalia. In each quarterly and final report, Respondent must report compliance with this condition.

## **9. Laboratory Testing**

Within 45 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must select a licensed medical laboratory or laboratories acceptable to the Office of Probation and having the capability to provide observed testing of Respondent as specified below. Respondent must provide a copy of this condition and of the Office of Probation Lab Test Information Sheet to each and every laboratory Respondent uses to perform any portion of the testing required to comply with this probation condition. In the event that Respondent subsequently is informed or learns that any laboratory, previously approved by the Office of Probation to conduct the testing set forth below, is no longer willing or able to perform such testing in the manner set forth below, Respondent must (1) notify the Office of Probation in writing of that fact within 72 hours after acquiring such information, and (2) select a new licensed medical laboratory, acceptable to the Office of Probation and capable of providing observed testing of Respondent as specified below, sufficiently promptly that Respondent will be able to continue to comply timely with the testing requirements set forth below.

After the expiration of the first 60 days of Respondent's probation, Respondent must be tested monthly, at Respondent's expense, during the first five (5) days of each remaining calendar month of Respondent's probation to show that Respondent has abstained from the use of alcohol and drugs. This testing will include an ethyl glucuronide (EtG) test and a ten-panel drug test (or equivalent tests accepted and approved in advance by the Office of Probation) and for drugs and other substances specified by the Office of Probation, including but not necessarily limited to alcohol, amphetamines, methamphetamines, barbiturates, benzodiazepines, cocaine metabolite, opiates, oxycodone, marijuana, methadone, and propoxyphene. These tests must be performed by the laboratory pursuant to United States Department of Transportation guidelines, and all testing must be observed. Respondent must comply with all laboratory requirements regarding specimen collection and the integrity of specimens.

In addition to the monthly testing, the Office of Probation may require Respondent to undergo up to one (1) additional test per month, as described above, during the period of Respondent's probation, at times selected by the Office of Probation on a random basis. During the period of probation, Respondent must maintain with the Office of Probation a current telephone number and email address at which Respondent can be reached. Such tests are to be performed by the laboratory no later than eight (8) hours after the Office of Probation's email and telephone call to Respondent that the Office of Probation requires such additional testing.

For each test, Respondent must instruct the laboratory to provide a screening report directly to the Office of Probation, at Respondent's expense, that contains an analysis of the above tests, shows that each tested sample was properly obtained, and demonstrates

that the above testing requirements were satisfied. Failure to provide, or revocation of, such instruction for a particular required test may be deemed a failure to comply with this condition. Each screening report must be provided directly to the Office of Probation at or before the time that its results are disclosed to Respondent and within ten (10) days after the time that the tested sample is provided to the laboratory. Each report must record the date and time of the testing, list all of the substances for which Respondent was tested, and show the individual results for each such substance. An overall synopsis, e.g., “negative,” with no specific breakdown, is not sufficient. In the event a previously selected and approved laboratory fails to provide the Office of Probation with test results or screening reports meeting the above requirements within two weeks of testing, the Office of Probation may require Respondent to choose a different licensed medical laboratory, approved by the Office of Probation, for future testing.

#### **10. Compliance with Lawyer Assistance Program Participation Plan**

Respondent must fully comply with Respondent’s Lawyer Assistance Program Participation Plan. Respondent must provide the Lawyer Assistance Program (LAP) with a satisfactory written waiver authorizing LAP to provide the Office of Probation and the State Bar Court with information regarding the terms and conditions of Respondent’s participation in LAP and Respondent’s compliance or non-compliance with LAP requirements. Revocation of such waiver is a violation of this condition. Respondent will be relieved of this condition upon providing satisfactory certification of successful completion of LAP to the Office of Probation. Voluntary or involuntary termination from LAP prior to successful completion of the program constitutes a violation of this condition.

#### **11. Commencement of Probation/Compliance with Probation Conditions**

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

#### **Multistate Professional Responsibility Examination Within One Year or During Period of Actual Suspension**

It is further recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter and to provide satisfactory proof of such passage to the State Bar’s Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and

passage of the above examination after the date of this decision, but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward his duty to comply with this requirement.

### **Costs**

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

### **VI. Direction Re: Decision And Order Sealing Certain Documents**

The court directs a court specialist to file this Decision and Order Sealing Certain Documents. In accordance with Rules of Procedure of the State Bar, rule 5.388(c), the court orders that all other documents not previously filed in this matter are to be sealed in accordance with Rules of Procedure of the State Bar, rule 5.12.

The court further orders that the protected and sealed material is to be disclosed only to: (1) the parties to this proceeding and their counsel; (2) the personnel of the Supreme Court, the State Bar Court, and the independent audiotape transcribers; and (3) the personnel of the Office of Probation when necessary for performing their official duties. The court further orders that the protected and sealed material is to be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. Finally, the court orders that all persons to whom protected and sealed material is disclosed are to be given a copy of this order sealing certain documents by the person making the disclosure.

Dated: May 17, 2019

  
**MANJARI CHAWLA**  
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 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 May 17, 2019, I deposited a true copy of the following document(s):

### DECISION AND ORDER SEALING CERTAIN DOCUMENTS

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:

ARTURO E. SANDOVAL  
FOLEY & MANSFIELD, PLLP  
2185 N CALIFORNIA BLVD  
STE 575  
WALNUT CREEK, CA 94596 - 7323

- 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:

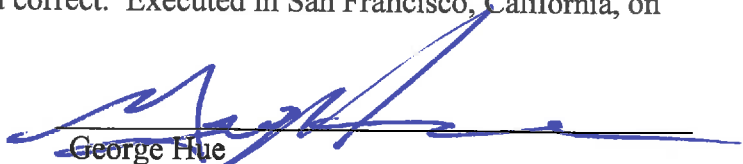
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- 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:


Susan I. Kagan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 17, 2019.

  
George Hue  
Court Specialist  
State Bar Court

(Do not write above this line.)

**State Bar Court of California  
Hearing Department  
San Francisco  
ALTERNATIVE DISCIPLINE PROGRAM**

<p>Counsel For The State Bar</p> <p><b>Susan I. Kagan</b> Supervising Attorney 180 Howard St. San Francisco, CA 94105 (415) 538-2037</p> <p>Bar # 214209</p>	<p>Case Number (s) <b>15-C-15734-LMA</b></p> <p><b>PUBLIC MATTER</b></p>	<p>(for Court's use)</p> <p><b>FILED</b> </p> <p><b>OCT 16 2017</b></p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Arturo E. Sandoval</b> 300 Lakeside Drive, Suite 1900 Oakland, CA 94612 (510) 590-9500</p> <p>Bar # 227077</p>		
<p>In the Matter Of: <b>ARTURO ESTABAN SANDOVAL</b></p> <p>Bar # 227077</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>Submitted to: <b>Program Judge</b></p> <p><b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **December 2, 2003**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **27** pages, excluding 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."

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- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [see 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 **10-C-03915-PEM; 14-C-04058. See Attachment at pp. 6-7 and Exhibit 1.**
  - (b)  Date prior discipline effective **July 2, 2015**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Business and Professions Code sections 6101 and 6102 and rule 9.10 of the California Rules of Court**
  - (d)  Degree of prior discipline **Public Reproval**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below:
- (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. **See Attachment at p. 7.**
- (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.



(Do not write above this line.)

- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Attachment at p. 7.
- (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.
- (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 convincing proof of subsequent rehabilitation.

(Do not write above this line.)

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(13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**Pretrial Stipulation. See Attachment at p. 7.**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                      ARTURO ESTEBAN SANDOVAL

CASE NUMBERS:                        15-C-15734-LMA

**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. 13-C-16137-PEM (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 January 19, 2016, the Solano County District Attorney filed an amended misdemeanor criminal complaint in Solano County Superior Court, Case No. FCR315939, charging respondent with two counts of violating the Vehicle Code, as follows: Count One- violation of section 23151(a) [Driving under the Influence]; and Count Two- violation of section 23152(b) [Driving with 0.08 or more blood alcohol]. It was further alleged that respondent refused to submit to a chemical test in violation of Vehicle Code section 23577 as to Count One and Count Two, and that he suffered two prior convictions for violating the Vehicle Code, as follows: 1) violation of section 23103 [conviction on June 25, 2009]; and 2) violation of section 23152(b) [conviction on July 24, 2013].

3. On May 18, 2016, the court entered respondent's plea of nolo contendere to Count One- violation of section 23151(a) [Driving under the Influence] and Count Two- violation of section 23152(b) [Driving with 0.08 or more blood alcohol]. On the same date, the court suspended the imposition of sentence and placed respondent on informal probation for a period of three years. The court ordered that respondent, among other things, serve 120 days in custody, with credit for time served, pay fees and fines and attend an 18-month alcohol program.

4. On April 21, 2017, 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 that the facts and circumstances surrounding the offense(s) for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

5. On July 25, 2015, at approximately 7:02 p.m., the Vacaville Police Department received a report that respondent was refused service at a local restaurant because he was intoxicated and was later seen driving away from the restaurant. Police officers located respondent while he was driving his vehicle and attempted to perform a traffic stop. One of the officers positioned his vehicle behind

respondent and turned on his emergency lights. Respondent ignored the lights and continued to drive. Then, the officer sounded his siren. Respondent initially ignored the siren and continued to drive, but ultimately pulled over before entering the highway.

6. When questioned, respondent first stated that he did not see the officer and then stated that he did not think the officer was trying to stop him. The officer smelled the odor of an alcoholic beverage emitting from the vehicle and saw that respondent had bloodshot eyes. Respondent denied that he been drinking that night and stated that he was driving his passenger home because she had been drinking. When questioned again about drinking, respondent stated that he last had an alcoholic drink five hours prior to the stop. Respondent then refused to answer any further questions or perform any field sobriety tests without his attorney present. The officer then learned from dispatch the respondent was on DUI probation due to a prior conviction and was forbidden from drinking alcohol, driving under the influence of alcohol and refusing a BAC. When advised of his probation conditions, respondent continued to refuse testing.

7. Respondent was arrested for violating Vehicle Code section 23152(a) and transported to Vacaville Police Department. Although respondent still refused blood and chemical testing, a compulsory blood sample was obtained which revealed that respondent had a blood alcohol level of .18 percent.

8. On July 28, 2015, the Solano County District Attorney filed a misdemeanor criminal complaint in Solano County Superior Court, Case No. FCR315939. The misdemeanor complaint was later amended and respondent entered a plea of nolo contendere to violations of Vehicle Code sections 23151(a) and 23152(b), with two prior convictions.

#### CONCLUSIONS OF LAW:

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

#### AGGRAVATING CIRCUMSTANCES.

**Prior Record of Discipline (Std. 1.5(a)):** Respondent has a prior record of discipline in Case Nos. 10-C-03915-PEM and 14-C-04058, effective July 2, 2015. Respondent entered into a stipulation for a public reproof for the period of two years and admitted that the facts and circumstances surrounding two DUI convictions involved misconduct warranting discipline. On June 11, 2015, the State Bar Court issued an order approving the public reproof.

In Case No. 10-C-03915, respondent was arrested for driving under the influence on July 25, 2009. Respondent's blood alcohol level was determined to be .10 percent. On July 10, 2009, respondent was charged with misdemeanor violations of Vehicle Code sections 23152(a), 23152(b) and 23103.5. On July 28, 2009, respondent pled nolo contendere to a misdemeanor violation of Vehicle Code section 23103.5 [reckless driving involving alcohol]. On the same date, the court suspended imposition of sentence and placed respondent on a three-year probation. Respondent was also ordered to serve four days in jail, complete a First Offenders Program and not drive with any alcohol in his blood.

In Case No. 14-C-04058, respondent was arrested for driving under the influence on January 31, 2013. Respondent's blood alcohol level was determined to be .160 percent. On March 28, 2013,

respondent was charged with misdemeanor violations of Vehicle Code sections 23152(a), 23152(b), and an enhancement for having a blood alcohol level of over .15 percent and for his prior DUI conviction. On July 24, 2013, respondent pled nolo contendere to a violation of Vehicle Code section 23152(b) and admitted to the prior DUI conviction. On the same date, the court suspended imposition of sentence and placed respondent on a three-year probation. Respondent was also ordered to serve 30 days in jail, not consume alcohol, or drive with alcohol in his blood, and to submit to chemical testing.

**Multiple Acts (Std. 1.5(b)).** Respondent's DUI conviction and violation of the conditions of his public reproof represent multiple acts of misconduct.

**Uncharged Misconduct (Std. 1.5(h)).** In respondent's prior record of discipline (Case Nos. 10-C-03915-PEM and 14-C-04058), he was ordered to comply with the conditions of a public reproof, including a condition that he comply with the State Bar Act. By sustaining a DUI conviction in violation of Business and Professions Code section 6068(a) of the State Bar Act while he was on disciplinary probation, respondent willfully failed to comply with the conditions of his public reproof, in violation of Rules of Professional Conduct, rule 1-110.

#### **MITIGATING CIRCUMSTANCES.**

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*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].)

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of August 3, 2017, the prosecution costs in this matter are \$2,629. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **EXCLUSION FROM MCLE CREDIT**

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



ORIGINAL

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<b>State Bar Court of California Hearing Department San Francisco REPROVAL</b>		
<p>Counsel For The State Bar</p> <p><b>Catherine Taylor</b> Deputy Trial Counsel 180 Howard Street San Francisco, CA 94105 Tel. (415) 538-2537</p> <p>Bar # 210540</p>	<p>Case Number(s): 10-C-03915-PEM; 14-C-04058</p>	<p>For Court use only</p> <p style="text-align: center;"><b>PUBLIC MATTER</b></p> <p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">JUN 11 2015</p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p><b>Arturo Esteban Sandoval</b> 300 Lakeside Drive, 19th Floor Oakland, CA 94612 Tel. (510) 590-9517</p> <p>Bar # 227077</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>PUBLIC REPROVAL</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>ARTURO ESTEBAN SANDOVAL</b></p> <p>Bar # 227077</p> <p>A Member of the State Bar of California (Respondent)</p>		

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

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 2, 2003.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 11 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2014)



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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(f) & 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."

(Effective January 1, 2014)

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- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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.
- (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 at p. 9.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (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 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 with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the



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

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

**Additional mitigating circumstances:**

**No Prior Discipline. See attachment at page 9.**

**Pretrial Stipulation. See attachment at 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 reproval for a period of **two (2) years**.
- (2)  During the condition period attached to the reproval, 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.

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- (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 probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, 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: **Respondent's misconduct did not occur within the practice of law. The protection of the public and the interests of the Respondent do not require passage of the MPRE in this case. (In the Matter of Respondent G (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 181).**

- (11)  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:

##### Additional Reprobation Condition

**Respondent recognizes that a repeat conviction for DUI suggests an alcohol and/or drug problem that needs to be addressed before it affects Respondent's legal practice. Respondent agrees to take the steps necessary to control the use of alcohol and/or drugs such that it will not affect Respondent's law practice in**

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**the future. Respondent's agreement to participate in an abstinence-based self-help group (as defined herein), as a condition of discipline, is part of Respondent's efforts to address such concerns.**

**As a condition of reproof, and during the period of reproof, Respondent must attend a minimum of two (2) meetings per month of any abstinence-based self-help group of Respondent's choosing, including without limitation Alcoholics Anonymous, Narcotics Anonymous, LifeRing, S.M.A.R.T., S.O.S., etc. Other self-help maintenance programs are acceptable if they include a subculture to support recovery, including abstinence-based group meetings. (See O'Conner v. Calif. (C.D. Calif. 1994) 855 F. Supp. 303 [no First Amendment violation where probationer given choice between AA and secular program.] ) Respondent is encouraged, but not required, to obtain a "sponsor" during the term of participation in these meetings.**

**The program called "Moderation Management" is not acceptable because it is not abstinence-based and allows the participant to continue consuming alcohol.**

**Respondent must contact the Office of Probation and obtain written approval for the program Respondent has selected prior to attending the first self-help group meeting. If Respondent wants to change groups, Respondent must first obtain the Office of Probation's written approval prior to attending a meeting with the new self-help group.**

**Respondent must provide to the Office of Probation satisfactory proof of attendance of the meetings set forth herein with each Quarterly Report submitted to the Office of Probation. Respondent may not sign as the verifier of his or her own attendance.**

**Respondent is encouraged, but is not required, to participate in the Lawyers' Assistance Program, to abstain from alcohol and illegal drugs, and to undergo random urinalysis testing to complement abstinence.**

ATTACHMENT TO  
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:                   ARTURO ESTEBAN SANDOVAL  
CASE NUMBERS:                   10-C-03915 & 14-C-04058

**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. 10-C-03915 (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 July 10, 2009, the San Francisco District Attorney filed a criminal complaint in San Francisco Superior Court, case number 2424834, charging respondent with one count of violating Vehicle Code section 23152(a) [driving under the influence of alcohol or drugs], a misdemeanor, and one count of violating Vehicle Code section 23152(b) [driving while having a 0.08 or more blood alcohol], a misdemeanor. On July 28, 2009, the district attorney amended the complaint by adding a third count, charging respondent with violating Vehicle Code section 23103.5 [reckless driving involving alcohol].
3. On July 28, 2009, the court entered respondent's plea of *nolo contendere* to violating Vehicle Code section 23103.5 [reckless driving involving alcohol], and based thereon, the court found respondent guilty of that count. Pursuant to a plea agreement, on the motion of the district attorney, the court dismissed the other two counts in furtherance of justice.
4. On July 28, 2009, the court suspended imposition of sentence and placed respondent on three years of probation. The court ordered, among other things, that respondent serve four days in jail, complete the First Offenders Program, and not drive with any measureable alcohol in his blood.
5. On August 27, 2014, 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 that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

**FACTS:**

6. On June 25, 2009, at approximately 2:00 a.m., respondent was driving eastbound across the Bay Bridge when he was stopped by the California Highway Patrol for speeding.

7. Upon contact, the officer asked respondent whether he had been drinking and respondent admitted consuming alcohol earlier.

8. The officer had respondent step out of the car and perform field sobriety exercises, including a field Breathalyzer test, which revealed a blood alcohol content of .10%. Respondent was arrested for driving under the influence of alcohol. A post-arrest breath test also revealed a blood alcohol content of .10%.

#### CONCLUSIONS OF LAW:

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

#### Case No. 14-C-04058 (Conviction Proceedings)

#### PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

10. 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.

11. On March 28, 2013, the San Mateo County District Attorney filed a criminal complaint in San Mateo County Superior Court, case number NM417732, charging respondent with one count of violating Vehicle Code section 23152(a) [driving under the influence] and one count of violating Vehicle Code section 23152(b) [driving with 0.08 or more blood alcohol], with an enhancement for having a blood alcohol content of 0.15 or higher, pursuant to Vehicle Code section 23578. The district attorney also alleged respondent's prior 2009 San Francisco conviction for Vehicle Code section 23103.5 [reckless driving involving alcohol].

12. On July 24, 2013, the court entered respondent's plea of *nolo contendere* to the count of violating Vehicle Code section 23152(b) [driving with 0.08 or more blood alcohol], and based thereon, the court found respondent guilty of that count. Respondent also admitted the prior conviction. Pursuant to a plea agreement, on the motion of the district attorney, the court dismissed the other count. The court also struck the enhancement.

13. On July 24, 2013, the court suspended imposition of sentence and placed respondent on three years of probation. The court ordered, among other things, that respondent serve 30 days in jail, not drive with any alcohol in his blood, and abstain from the use or possession of alcoholic beverages. On October 1, 2014, the Appellate Division of the San Mateo County Superior Court issued a remittitur, affirming the judgment of the superior court.

14. On February 25, 2015, 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 that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

15. On January 31, 2013, at approximately 2:30 a.m., Daly City Police Officer Aquila ("Officer Aquila") was on patrol in Daly City when he observed respondent driving a motor vehicle partly on the shoulder of the lane, striking the "bots dots." Officer Aquila also observed respondent driving at a speed of 45 miles per hour in an area where the speed limit was 35 miles per hour. Officer Aquila stopped the motor vehicle respondent was operating.

16. Upon contact, Officer Aquila noticed the odor of alcohol emitting from respondent and that respondent had watery eyes. When asked if he had been drinking, respondent answered "only coffee." Respondent refused to directly answer whether he had been drinking.

17. While standing on the sidewalk, waiting for another officer to arrive, Officer Aquila saw respondent vomit into a plastic bag. Officer Aquila approached respondent and immediately noticed the strong odor of alcohol from respondent.

18. When Officer Aquila attempted to administer fields sobriety exercises ("FSTs"), respondent said he was not going to do any FSTs and to "get the PAS" (preliminary alcohol screening device). At 3:06 a.m., respondent provided a breath sample, which indicated his blood alcohol content ("BAC") was .171%; a second sample taken at 3:09 a.m. indicated a BAC of .162%. Respondent was arrested on suspicion of driving under the influence. At approximately 4:40 a.m., respondent provided a blood sample which indicated his BAC to be .160%.

CONCLUSIONS OF LAW:

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

AGGRAVATING CIRCUMSTANCES.

**Multiple Acts Std. 1.5(b):** Respondent has two alcohol-related convictions.

MITIGATING CIRCUMSTANCES.

**No Prior Record of Discipline:** Although respondent's misconduct is serious, he is entitled to some mitigation for having practiced law for approximately six years without discipline before his first DUI arrest in June 2009. (*In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44 [Seven years discipline-free practice entitled to slight mitigation].)

**Pretrial Stipulation:** Respondent is entitled to mitigation for entering into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving State Bar Court time and resources. (*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].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for

Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; standard 1.1.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silverton* (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.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent’s DUI offenses do not involve moral turpitude, but do involve other misconduct warranting discipline. Standard 2.12(b) provides that “[s]uspension or reproof is appropriate for final conviction of a misdemeanor not involving moral turpitude but involving other misconduct warranting discipline.”

Respondent has two convictions for offenses involving alcohol and driving. Respondent’s misconduct is serious because it demonstrates a disregard for the law and safety of others. To determine the appropriate level of discipline, consideration must also be given to the aggravating and mitigating circumstances. In aggravation, respondent has two arrests for driving under the influence of alcohol within the span of five years. In mitigation, respondent has no prior record of discipline between being admitted in December 2003 and his first arrest in 2009, and has voluntarily entered into this stipulation.

Therefore, a discipline at the low end of the range discussed in standard 2.12(b) is sufficient to achieve the purposes of discipline expressed in standard 1.1, including protection of the public. The misconduct does not involve the practice of law and the conditions attached to this discipline, if complied with, should minimize the likelihood of respondent engaging in similar misconduct in the future. Accordingly, imposition of a public reproof is appropriate.

This disposition is also in accord with Supreme Court precedent. (See *In re Kelley* (1990) 52 Cal.3d 487, 497 [public reproof imposed on attorney who committed DUI offense while on probation for previous DUI].)

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of May 15, 2015, the prosecution costs in this matter are \$4,894.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **EXCLUSION FROM MCLE CREDIT.**

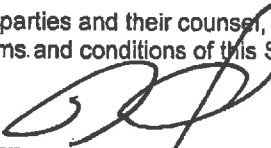
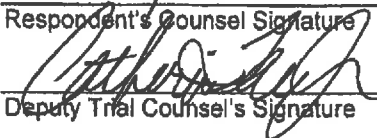
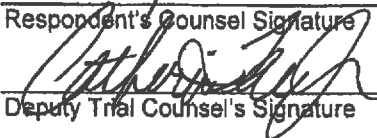
Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of: ARTURO ESTEBAN SANDOVAL	Case number(s): 10-C-03915 [14-C-04058]- 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>6/5/15</u> Date	 Respondent's Signature	<u>Arturo Sandoval</u> Print Name
<u>6-9-15</u> Date	 Respondent's Counsel Signature	<u>Catherine Taylor</u> Print Name
<u>6-9-15</u> Date	 Deputy Trial Counsel's Signature	<u>Catherine Taylor</u> Print Name



(Do not write above this line.)

In the Matter of: ARTURO ESTEBAN SANDOVAL	Case Number(s): 10-C-03915 [14-C-04058]- 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.

June 11, 2015  
Date

  
LUCY ARMENDARIZ  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on June 11, 2015, 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:

ARTURO E. SANDOVAL  
300 LAKESIDE DRIVE,  
19<sup>TH</sup> FLOOR  
OAKLAND, CA 94612

- 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 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:

Catherine E. Taylor, Enforcement, San Francisco  
Terrie L. Goldade, Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 11, 2015.

  
George Hue  
Case Administrator  
State Bar Court

1 Arturo E. Sandoval, Esq. SBN 227077  
2 893 Camel Lane  
3 Pleasant Hill, CA 94523

3 *In Pro Per*

**FILED**

NOV 14 2014

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

9 STATE BAR COURT OF CALIFORNIA

10 *HEARING*  
11 REVIEW DEPARTMENT

12 IN BANK

13 In the Matter of

14 ARTURO ESTEBAN SANDOVAL,

15 A Member of the State Bar, No. 227077

Case No. 10-C-03915-PEM

**RESPONDENT ARTURO SANDOVAL'S  
ANSWER TO COMPLAINT FOR  
DISCIPLINARY MATTER**

Initial Status Conference: November 3, 2014 at  
9:30 a.m..

18 Pursuant to the Rules of Procedure of the State Bar of California and the Rules of  
19 Practice of the state Bar Court rule 5.43(C) and rule 5.345(B), Arturo E. Sandoval ("respondent")  
20 submits this Answer. Respondent denies that violation of Vehicle Code section 23103 (reckless  
21 driving) is a crime of moral turpitude. Respondent admits all other facts in the Complaint.

22 **ADDRESS FOR SERVICE ON THE MEMBER**

23 Respondent's address for service is: 893 Camelback Lane, Pleasant Hill, CA 94523.

25 DATED: November 12, 2014

Respectfully submitted,

27 By: \_\_\_\_\_

28 Arturo E. Sandoval  
In Pro Per



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

I the undersigned, declare as follows:

I am employed in the County of Alameda, California, and I am over the age of eighteen and not a party to the within proceedings. My business address is 300 Lakeside Drive, 19<sup>th</sup> Floor, Oakland, CA 94612.

(By Personal Service) On the date executed below, I caused each such envelope to be personally delivered to the addressees on the date last written below the following documents:

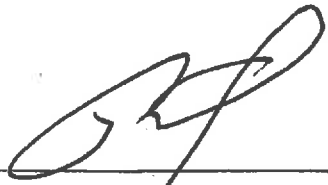
**RESPONDENT ARTURO SANDOVAL'S ANSWER TO COMPLAINT FOR DISCIPLINARY MATTER**

Addressees to whom such documents were personally delivered to are:

GEORGE HUE, JUDGE HONORABLE PAT MCELROY'S CASE ADMINISTRATOR  
180 HOWARD ST., 6<sup>TH</sup> FLOOR, SAN FRANCISCO, CA 94105-1639

DEPUTY TRIAL COUNSEL, CATHERINE E. TAYLOR  
180 HOWARD ST., SAN FRANCISCO, CA 94105-1639

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on November 14, 2014, at Oakland, California.

  
\_\_\_\_\_  
Arturo Sandoval

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
ALLEN BLUMENTHAL, No. 110243  
180 Howard Street  
San Francisco, California 94105-1639  
Telephone: (415) 538-2000

**FILED**

AUG 05 2014

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE ) Case No. 10-C-3915  
CONVICTION OF: )  
)  
ARTURO ESTEBAN SANDOVAL, ) Transmittal of Records of Conviction of Attorney (Bus. & Prof.  
No. 227077 ) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)  
)  
) [ ] Felony;  
) [ ] Crime(s) involved moral turpitude;  
A Member of the State Bar ) [ ] Probable cause to believe the crime(s) involved moral  
) turpitude;  
) [ X ] Crime(s) which may or may not involve moral turpitude or  
) other misconduct warranting discipline;  
) [ X ] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [ ] A. 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 the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- [ ] B. Notice of Appeal
- [ X ] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- [ ] D. Other

kwiktag® 048 638 323



Name of Member: Arturo Esteban Sandoval

Date member admitted to practice law in California: December 2, 2003

Member's Address of Record: Arturo Esteban Sandoval, Foley & Mansfield, PLLP

300 Lakeside Dr 19th Fl

Oakland, CA 94612

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: July 28, 2009

Convicting court: San Francisco Superior Court

Case number(s): 2424834

Crime(s) of which convicted and classification(s): Vehicle Code § 23103(Reckless Driving), one count, a misdemeanor that may or may not involve moral turpitude. (See generally *In re Kelley* (1990) 52 Cal.3d 487 [DUI conviction]). Here. Respondent was originally charged with a DUI, but pled to reckless driving.

3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

4. Other information to assist the State Bar Court

DOCUMENTS TRANSMITTED:

Misdemeanor Complaint filed 7/10/09  
and Minutes/Order filed 7/28/09  
Notice of Lack of Appeal dated 4/28/10

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: August 4, 2014

BY:   
Allen Blumenthal  
Senior Trial Counsel

A copy of this transmittal and its  
Attachments have been sent to:

Arturo Esteban Sandoval  
Foley & Mansfield, PLLP  
300 Lakeside Dr 19th Fl  
Oakland, CA 94612

**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 10-C-3915**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

**TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 2393 0221, at San Francisco, on the date shown below, addressed to:

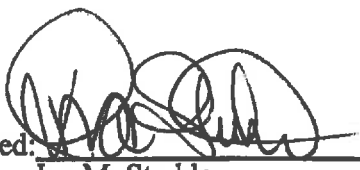
**Arturo Esteban Sandoval  
Foley & Mansfield, PLLP  
300 Lakeside Drive, 19th Floor  
Oakland, CA 94612**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

**N/A**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

**DATED: August 5, 2014**

Signed:   
Ina M. Strehle  
Declarant



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST July 20, 2017

State Bar Court, State Bar of California,  
Los Angeles

By \_\_\_\_\_  
Clerk

A handwritten signature in blue ink, appearing to read "Cynthia Delle", is written over a horizontal line. The signature is fluid and cursive.



(Do not write above this line.)

In the Matter of: ARTURO ESTEBAN SANDOVAL	Case number(s): 15-C-15734-LMA
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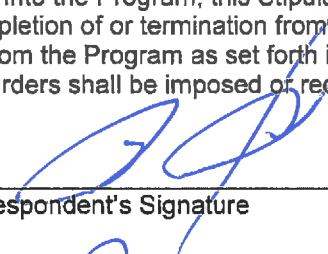
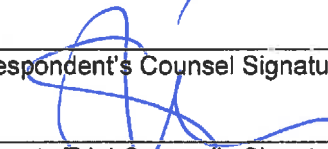

**SIGNATURE OF THE PARTIES**

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 and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

<u>9/1/17</u> Date	 Respondent's Signature	<u>Arturo Esteban Sandoval</u> Print Name
<u>                    </u> Date	 Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>9/5/17</u> Date	 Deputy Trial Counsel's Signature	<u>Susan I. Kagan</u> Print Name

(Do not write above this line.)

In the Matter of: ARTURO ESTEBAN SANDOVAL	Case Number(s): 15-C-15734-LMA
--	-----------------------------------

**ALTERNATIVE DISCIPLINE PROGRAM 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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

October 16, 2017                      Pat McElroy  
Date    Judge of the State Bar Court

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-C-15734-LMA

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: at San Francisco, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, and Courtesy Copy to. Includes contact information for Arturo Esteban Sandoval.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS').

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: September 5, 2017

SIGNED: [Signature] Cindy Francois Declarant

## CERTIFICATE OF SERVICE

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

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, October 16, 2017 deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

- by personally delivering such documents to the following individuals at 180 Howard Street, 6<sup>th</sup> Floor, San Francisco, California 94105-1639:

ARTURO E. SANDOVAL

SUSAN I. KAGAN

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 16, 2017.



Laurretta Cramer  
Case Administrator  
State Bar Court

**AMENDED 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 May 23, 2019, I deposited a true copy of the following document(s):

DECISION AND ORDER OF SEALING CERTAIN DOCUMENTS

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:

ARTURO E. SANDOVAL  
FOLEY & MANSFIELD, PLLP  
2185 N CALIFORNIA BLVD  
STE 575  
WALNUT CREEK, CA 94596 - 7323

- 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:

Susan Kagan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 23, 2019.



George Hue  
Court Specialist