

**SUPREME COURT MINUTES
MONDAY, JULY 30, 2018
SAN FRANCISCO, CALIFORNIA**

S231765	B262023 Second Appellate District, Div. 8	PEOPLE v. BUYCKS (STEVENSON)
S232900	D066907 Fourth Appellate District, Div. 1	PEOPLE v. VALENZUELA (LAURA REYNOSO)
S238888	H043114 Sixth Appellate District	GUIOMAR (JOHN MANUEL) ON H.C.

Opinion filed

In *People v. Buycks* (S231765), the Court of Appeal correctly concluded that because the narcotics offense for which Buycks had been released on his own recognizance had been reduced to a misdemeanor it was to “be considered as a misdemeanor for all purposes” under section 1170.18, subdivision (k). When Buycks’ Proposition 47 petition was granted in his second case, the trial court was obligated to sentence defendant anew in that case and to reevaluate the applicability of the section 12022.1 enhancement at that time. The Court of Appeal correctly concluded that the enhancement could not be reimposed and should be stricken in light of section 1170.18, subdivision (k). Accordingly, the judgment of the Court of Appeal in *People v. Buycks* (S231765) is affirmed.

In *People v. Valenzuela* (S232900), the Court of Appeal held that, despite defendant’s successful petition to have her underlying felony reduced to a misdemeanor under Proposition 47, that measure did not relieve her of the one-year section 667.5, subdivision (b) prior felony prison term enhancement. As discussed above, however, section 1170.18, subdivision (k), may affect the validity of enhancements when the underlying felony has been reduced under Proposition 47. Because Valenzuela’s judgment in case No. JCF32712 was not final when Proposition 47 took effect, the *Estrada* rule applies to strike her section 667.5, subdivision (b) prior felony prison term enhancement. Alternatively, because it appears that Valenzuela has a Proposition 47 eligible conviction in case No. JCF32712, if the resentencing court grants her petition to reduce that conviction to a misdemeanor, the court must resentence her anew in that case, and it will be required to reevaluate the applicability of the section 667.5 enhancement at that time.

Accordingly, the judgment of the Court of Appeal is reversed and remanded for proceedings consistent with this opinion.

In *In re Guiomar* (S238888), the Court of Appeal held that, despite Guiomar’s successful petition to have his underlying felony reduced to a misdemeanor under Proposition 47, that measure did not relieve him of his conviction of felony failure to appear under section 1320.5. As discussed above, the Court of Appeal correctly determined that Proposition 47 did not affect his status as a person charged with a felony at the time of his failure to appear, and that his successful petition in case No. SS131650A to have his felony possession of a controlled substance conviction reduced to a misdemeanor did not affect the validity of his section 1320.5 conviction. Accordingly, the

judgment of the Court of Appeal is affirmed.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Chin, Corrigan, Liu, Cuéllar, Kruger, and Bruiniers*, JJ.

* Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S250276 E067002 Fourth Appellate District, Div. 2 **JENSEN (ROSA) v. THE HOME DEPOT, INC.**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to September 28, 2018. (Cal. Rules of Court, rule 8.512(c).)

S248572 B275477 Second Appellate District, Div. 4 **PEOPLE v. SALAZAR (JOSEPH)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S248737 B279934 Second Appellate District, Div. 3 **PEOPLE v. ROBERSON (DOMINICK BLAIR)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S248888 F072905 Fifth Appellate District **PEOPLE v. WILBURN (KEENAN ANTWAUN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S248958 H043645 Sixth Appellate District **PEOPLE v. GAINES (MARQUES ADRIAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 30, 2018.

S248998 B275826 Second Appellate District, Div. 7 **IN RE JUAN R.**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S249049 G054889 Fourth Appellate District, Div. 3

**PEOPLE v. WEJBE
(MATTHEW RYAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S249058 B282111 Second Appellate District, Div. 4

**HEDWALL (LAINE) v. PCMV,
LLC**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S249095 F071158 Fifth Appellate District

**PEOPLE v. LOVELY
(STEVEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S249101 H043937 Sixth Appellate District

**PEOPLE v. COLYAR
(JAMES)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S249104 A148460 First Appellate District, Div. 1

**PEOPLE v. ALISHLAH
(AKARAN ALEMDII)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 29, 2018.

S249121 A149150 First Appellate District, Div. 3

**PEOPLE v. CHAHAL
(GURBAKSH)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 30, 2018.

S249124 A153133 First Appellate District, Div. 1

PEOPLE v. FOX (BRIAN)

The time for granting or denying review in the above-entitled matter is hereby extended to August 30, 2018.

S249133 A153836 First Appellate District, Div. 2

**RAMIREZ (ARMANDO) v.
S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to

August 30, 2018.

S248931**BRAUN ON DISCIPLINE**

Recommended discipline imposed

The court orders that GEORGE FREDRICK BRAUN, State Bar Number 141952, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GEORGE FREDRICK BRAUN is suspended from the practice of law for the first 60 days of probation;
2. GEORGE FREDRICK BRAUN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 3, 2018; and
3. At the expiration of the period of probation, if GEORGE FREDRICK BRAUN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

GEORGE FREDRICK BRAUN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are 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. One-half of the costs must be paid with his membership fees for each of the years 2019 and 2020. If GEORGE FREDRICK BRAUN 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.

S248933**BURTON ON DISCIPLINE**

Recommended discipline imposed

The court orders that THOMAS MARK BURTON, State Bar Number 35856, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. THOMAS MARK BURTON is suspended from the practice of law for the first 30 days of probation, and will remain suspended until the following conditions are satisfied:
 - i. He pays the \$1,500 judicial sanction to the Ventura County Superior Court as ordered on September 21, 2016, in *People v. Burton*, case number 2106033754, and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof.

Misconduct, std. 1.2(c)(1).)

2. THOMAS MARK BURTON must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 21, 2018.
3. At the expiration of the period of probation, if THOMAS MARK BURTON has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

THOMAS MARK BURTON must also take and pass the Multistate Professional Responsibility Examination during the period of actual suspension or within one year, whichever period is longer, and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

If THOMAS MARK BURTON remains actually suspended for 90 days or more, he must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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.

S248935

COLLINS ON DISCIPLINE

Recommended discipline imposed

The court orders that JOSEPH PATRICK COLLINS, State Bar Number 163442, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JOSEPH PATRICK COLLINS is suspended from the practice of law for the first 30 days of probation;
2. JOSEPH PATRICK COLLINS must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on March 28, 2018; and
3. At the expiration of the period of probation, if JOSEPH PATRICK COLLINS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOSEPH PATRICK COLLINS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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.

S248937**DeOLDEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES DREW DeOLDEN, State Bar Number 200878, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JAMES DREW DeOLDEN is suspended from the practice of law for the first year of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. JAMES DREW DeOLDEN must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on February 21, 2018.
3. At the expiration of the period of probation, if JAMES DREW DeOLDEN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES DREW DeOLDEN must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JAMES DREW DeOLDEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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.

S249084**FITZGERALD ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KATHLEEN MARGARET FITZGERALD, State Bar Number 145252, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

KATHLEEN MARGARET FITZGERALD must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are 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.

S249090**HUGHES ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID ALLEN HUGHES, State Bar Number 201264, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID ALLEN HUGHES must make restitution to Mr. and Mrs. Sterba in the amount of \$10,000 plus 10 percent interest per year from November 8, 2012. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID ALLEN HUGHES must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are 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.

S249093**KITAY ON DISCIPLINE**

Recommended discipline imposed

The court orders that ROBERT NORIK KITAY, State Bar Number 229966, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ROBERT NORIK KITAY is suspended from the practice of law for a minimum of the first 18 months of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. ROBERT NORIK KITAY must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on April 9, 2018.
3. At the expiration of the period of probation, if ROBERT NORIK KITAY has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

ROBERT NORIK KITAY must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ROBERT NORIK KITAY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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.

S249108**LACY ON DISCIPLINE**

Recommended discipline imposed

The court orders that DeWITT MARCELLUS LACY, State Bar Number 258789, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DeWITT MARCELLUS LACY must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on March 5, 2018; and
2. At the expiration of the period of probation, if DeWITT MARCELLUS LACY has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DeWITT MARCELLUS LACY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and 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).)

Costs are 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.

S249110**LI ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES HSIAOSHENG LI, State Bar Number 176662, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JAMES HSIAOSHENG LI is suspended from the practice of law for the first year of probation; however, with credit given for the period of his inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), between March 2, 2017, and April 4, 2018, JAMES HSIAOSHENG LI has already satisfied this condition and will have no prospective period of suspension;
2. JAMES HSIAOSHENG LI must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on April 4, 2018; and
3. At the expiration of the period of probation, if JAMES HSIAOSHENG LI has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are 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.

S249114**MELLO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ELIZABETH ANN MELLO, State Bar Number 244401, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

ELIZABETH ANN MELLO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are 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.

S249116**MOR ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RONNY MOR, State Bar Number 248274, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RONNY MOR must comply with California Rules of Court, rule 9.20 and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are 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.

S249117**MUGRIDGE ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID RAYMOND MUGRIDGE, State Bar Number 123389, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. DAVID RAYMOND MUGRIDGE must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 11, 2018; and
2. At the expiration of the period of probation, if DAVID RAYMOND MUGRIDGE has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID RAYMOND MUGRIDGE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and 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).)

Costs are 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.

S249118**NORRIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN FREDERICK NORRIS, State Bar Number 159001, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. JOHN FREDERICK NORRIS is suspended from the practice of law for the first thirty days of probation;
2. JOHN FREDERICK NORRIS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on March 23, 2018; and
3. At the expiration of the period of probation, if JOHN FREDERICK NORRIS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN FREDERICK NORRIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are 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.

S249119**SIZEMORE ON DISCIPLINE**

Recommended discipline imposed

The court orders that PATRICK ARTHUR SIZEMORE, State Bar Number 62803, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. PATRICK ARTHUR SIZEMORE is suspended from the practice of law for the first 90 days of probation;
2. PATRICK ARTHUR SIZEMORE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 21, 2018; and
3. At the expiration of the period of probation, if PATRICK ARTHUR SIZEMORE has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

PATRICK ARTHUR SIZEMORE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the

same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

PATRICK ARTHUR SIZEMORE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are 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.

S249120**TUCKER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ALEXANDER WARREN TUCKER, State Bar Number 202794, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ALEXANDER WARREN TUCKER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are 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.

S249122**ST. PIERRE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DEREK WILLIAM ST. PIERRE, State Bar Number 200131, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DEREK WILLIAM ST. PIERRE must make restitution to Abdelaziz Toumi in the amount of \$1,000 plus 10 percent interest per year from December 7, 2016. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DEREK WILLIAM ST. PIERRE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are 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.

S248229**STEVENS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FRANK M. STEVENS, State Bar Number 58400, as a member of the State Bar of California is accepted.

S248923

**BEDFORD ON
RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with charges pending of CAROL BEDFORD, State Bar Number 110742, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) CAROL BEDFORD remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) She may move the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for her continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by CAROL BEDFORD to be restored to active status. Any return to active status will be conditioned on CAROL BEDFORD's payment of any dues, penalty payments, and restitution owed by her. The underlying disciplinary matter should proceed promptly

S249087

FRISCH ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of FLOYD CHARLES FRISCH, State Bar Number 44220, as a member of the State Bar of California is accepted. If FLOYD CHARLES FRISCH subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

FLOYD CHARLES FRISCH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may be considered in any future reinstatement proceeding.

Costs are 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.