

OPEN SESSION AGENDA ITEM

50-2 JULY 2018

DATE: July 20, 2018

TO: **Members, Board of Trustees**

FROM: Brandon Stallings, Alan Steinbrecher, Debbie Manning
Omar Easley, Program Coordinator, Office of Attorney Regulation and Consumer Resources

SUBJECT: Licensee Requests for Adjustment to Fees and Penalties

EXECUTIVE SUMMARY

Licensees may request that adjustments be made to their license fees and penalties. Title Two, Rule 2.16 (H) of the Rules of the State Bar states that the Board reserves the right for good cause to grant requests for waivers that were denied by staff and to consider all other requests for waivers. This item consolidates several licensee requests for which the Board's Licensee Liaisons have determined that good cause exists to recommend fee adjustments.

Board members with questions or concerns may contact Robert McPhail, 415/538-2237 or [robert.mcphail @calbar.ca.gov](mailto:robert.mcphail@calbar.ca.gov)

BACKGROUND

Rule 2.16 of Title Two of the Rules of the State Bar of California provides for waiver of annual license fees and penalties. Rule 2.16 (C) specifies three circumstances where staff may grant a licensee's request for waiver of up to \$1,000 in annual licensing fees and penalties for the year in which they are due: (1) the licensee serves full-time as a magistrate, commissioner, or referee for a state or federal court of record; (2) the licensee is a retired judge who accepts assignments from the Chief Justice in the assigned judges' program; or 3) the licensee's total gross annual household income from all sources is \$20,000 or less, in which case the waiver is 50% of the annual license fees.

Rule 2.16 (D) – (G) also allow staff to grant waivers for licensees serving in the National Guard or in one of the military Reserve units for at least 30 days, judicial officers who are leaving office, inactive licensees over 70 years of age, and licensees enrolled in the State Bar of California Pro Bono Practice Program.

Rule 2.16 (H) reserves to the Board of Trustees the authority, for good cause, (1) to grant requests for waivers denied by staff and (2) to consider requests that fall outside of staff's

authorization for granting a waiver of fees and penalties. Traditionally, a small group of Board members volunteer to meet with staff, review the waiver requests that come under Rule 2.16 (H) and then make recommendations to the appropriate Board committee and the Board of Trustees on whether good cause is present to grant the waiver requests. After confirming with the chair of the Finance and Planning Committee that this structure for consideration of waiver requests remained acceptable, staff secured Trustees Brandon Stallings, Alan Steinbrecher, and Debbie Manning as the Board liaisons. Both Trustee Stallings and Trustee Steinbrecher have served in this capacity in prior years.

In assessing what constitutes good cause for purposes of determining whether or not the Board of Trustees should grant a fee waiver, the licensee's justifications for a fee waiver should be weighed against the public policy reasons for imposing annual license fees. The primary public policy reason for imposing State Bar license fees is to provide funding for an effective attorney regulatory system that protects the public. The system is funded solely through the imposition and collection of annual fees. For this reason, license fee waivers should not be granted as a matter of course, but rather should be limited to extraordinary, compelling and exigent situations where the licensee did not contribute to the cause of the failure to pay full fees.

DISCUSSION

The following table lists all 68 requests for waivers considered by the Board liaisons, along with the recommendations of the Board liaisons to grant or deny the request. The 82 waiver requests fall into two categories: (1) requests that are outside staff's authority to grant because they exceed \$1,000 or do not meet the parameters of Rule 2.16 (C); and (2) appeals of requests within staff's authority to consider, but which staff denied. The Board liaisons recommendations are based on their review of the full request and supporting information provided by the requesting attorney. For the Board, the table below summarizes the request only at a high level. The table is organized to first list those waiver requests recommended for approval by the Board liaisons, then to list those waiver requests recommended for partial approval, and finally to list those recommended for denial.

#	Name	Bar # / Admission Year	Status	Request / Comments	Liaison Recommendation
1.	Dwayne L. Abbott	115315 / 1984	Not Eligible	Attorney has a current balance of \$1,780. Attorney requests a waiver or reduction of his outstanding balance. Attorney's request is based on financial and medical hardship.	Grant- \$1,780
2.	Christina Yonkyong Ahn	273686 / 2010	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on family hardship.	Grant-\$100
3.	Jonathan Lewis Blinderman	163668 / 1993	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Request is based on family hardship caused by natural disaster.	Grant- \$100

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4.	Joel A. Cassel	69839 / 1974	Inactive	Attorney has no current balance. Attorney requests the inactive licensee rate for 2018 and a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not understand the process for transferring his license to inactive status.	Grant- \$375
5.	Lesley E. Cunningham	205215 / 1999	Active	Attorney has a current balance of Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on with the impact of the death of her father on January 31, 2018.	Grant- \$100
6.	Amy Weissbrod Gurvey	87419 / 1981	Inactive	Attorney has a current balance of \$185. Attorney requests a permanent medical fee waiver. Attorney's request is based on medical hardship. Attorney has received 2 Board waivers in the past. Attorney has submitted a letter of explanation and supporting documentation.	Grant- \$185
7.	Cynthia R. Guzzetta	176444 / 1979	Not Eligible	Attorney has a current balance of \$2,997. Attorney requests a waiver of her current balance. Attorney's request is based on financial and medical hardship.	Grant- \$2997
8.	Melissa Meeker Harnett	#164309/ 1993	Inactive	Attorney has a current balance of \$185. Attorney requests a waiver of the 2018 license fees and late payment penalty. Attorney's request is based on financial and medical hardship. Attorney has received 2 Board waiver in the past.	Grant- \$185
9.	Debra Herschman	164309 / 1983	Active	Attorney has a current balance of \$605. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Grant- \$100
10.	Ellen Jackman	262416 / 2009	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on with the impact of the death of her father on January 27, 2018.	Grant- \$100

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11.	James Craig Kuppenbender	109343 / 1983	Active	Attorney has a current balance of \$175. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Grant- \$100
12.	Florence Elizebeth LeFayt	155443 / December 10, 1991	Active	Attorney has a current balance of \$530. Attorney requests a waiver of her current balance. Attorney's request is based on financial and medical hardship.	Grant \$530
13.	Ronald Mark	168584 / 1994	Active	Attorney has a current balance of \$100. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on family hardship.	Grant- \$100
14.	Judy Unkyung Paik	230988 / 2014	Not Eligible	Attorney has a current balance of \$185. Attorney requests a waiver of the 2018 license fee and late payment penalty. Attorney's request is based on financial and medical hardship. Attorney has received 2 Board waivers in the past.	Grant- \$185
15.	Monica Dianne Polo	228490 / 2003	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on family hardship. Attorney has received 1 Board waiver in the past.	Grant- \$100
16.	Lyn Reynolds- Johnson	145033 / 1989	Active	Attorney has a current balance of \$530. Attorney requests a waiver of the 2018 license fees and late payment penalty. Attorney's request is based on financial and medical hardship.	Grant- \$530
17.	Susan Roberts	140271 / 1989	Deceased	Attorney has no current balance. Request is being made by attorney Gary Knutla (#182938) on behalf of Ms. Robert's family. Attorney requests a waiver and refund of Ms. Robert's 2018 license fees. Attorney's request is based on Ms. Robert's murder shortly after paying her 2018 license fees.	Grant- \$385

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18.	Raina Marie Rochert	240225 / 2005	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Grant- \$100
19.	Lee Ann Schaub	133308 / 1988	Inactive	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on with the impacts of the death of her father on December 28, 2017.	Grant- \$30
20.	Thomas Gerard Sellers	150915/ 1990	Active	Attorney has a current balance of \$530. Attorney requests late fee scaling and a waiver of the 2018 late payment penalty. Attorney's request is based on financial hardship.	Grant- \$195
21.	Stefanie Leigh Steinberg	228252 / 2003	Active	Attorney has a current balance of \$160.50. Attorney requests late fee scaling and a waiver of the 2018 late payment penalty. Attorney's request is based on family hardship caused by natural disaster.	Grant- \$195
22.	Rebecca Rae Stern	177385 / 1995	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Grant- \$100
23.	Michel W. Valentine	153078 / 1991	Active	Attorney has no balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Grant- \$100
24.	Laura Solomon Weltman	188978 / 1997	Active	Attorney has a current balance of \$530. Attorney requests late fee scaling and a waiver of the 2018 late payment penalty. Attorney's request is based on financial hardship.	Grant- \$197.50
25.	Christopher Paul Witteman	115314 / 1984	Inactive	Attorney has no current balance. Attorney requests the inactive license fee for 2018 and a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship and preoccupation with matters relating to his retirement.	Grant- \$375

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26.	Lindsey Marie Hansen	299875/ 2014	Active	Attorney has a current balance of \$530. Attorney requests a waiver of the 2018 license fees and late payment penalty. Attorney's request is based on financial hardship. Attorney has received 1 Board waiver in the past.	Partial Grant- \$195 Attorney is granted late fee scaling for 2018 and a waiver of the 2018 late payment penalty - \$195
27.	Faraz Adjinasian	285417 / 2012	Active	Attorney has no balance. Attorney requests a waiver of the 2017 late payment penalty. Attorney's request is based on his claim that he did not receive notice in 2017 that fee statements would no longer be mailed out.	Deny
28.	Richard Don Agay	27998 / 1932	Active	Attorney has a current balance of \$530. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due.	Deny
29.	Melodie Katherine Arian	302358 / 2015	Active	Attorney has a balance of \$625. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive notice that her fees were due.	Deny
30.	Richard Harold Barsotti	194950 / 1998	Active	Attorney has a current balance of \$530. Attorney requests late fee scaling and a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Deny
31.	Stephanie Marie Brody	232802 / 2004	Inactive	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive adequate notice that her fees were due.	Deny
32.	Courtney Nicole Conner	279062 / 2011	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her belief that she did not receive sufficient notice that her fees were due.	Deny

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33.	Jamie Lorraine Crook	245757 / 2006	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive notice that her fees were due.	Deny
34.	Sharon Marie Drew	182936 / 1996	Active	Attorney has a current balance of \$4,145. Attorney requests a waiver of the 2017 license fees. Attorney's request is based on her belief that since she could not practice law due to multiple disciplinary suspensions in 2017, she should not have to pay license fees for that year.	Deny
35.	Michael Friess Ehrlich	183922 / 1996	Active	Attorney has no current balance. Attorney requests a waiver of the 2017 late payment penalty. Attorney's request is based on his claim that he did not receive notice that his fees 2017 fees were due until after the March 1, 2017 deadline.	Deny
36.	Jerry E. Ellison	178230 / 1995	Inactive	Attorney has a current balance of \$185. Attorney requests a waiver of the 2018 license fees and late payment penalty. Attorney's request is based on financial and medical hardship.	Deny
37.	Michael David Feinman	230075 / 2004	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive proper notice that his 2018 license fees were due.	Deny
38.	Lynn Susan Frank	157261 / 1991	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive notice that her 2018 license fees were due.	Deny
39.	Josh Daniel Friedman	274652 / 2010	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2018 license fees were due.	Deny

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40.	David Bruce Gibson	138355 / 2010	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2018 license fees were due.	Deny
41.	Francisco Xavier Gomez	53620 / 1972	Active	Attorney has no current balance. Attorney requests late fee scaling for 2018 and a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2018 license fees were due.	Deny
42.	Eugene Clifford Hirschhoff	195647 / 1998	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive notice that his fees were due.	Deny
43.	Stacey Ann Kuch	176306 / 1995	Not Eligible	Attorney has a current balance of \$8,493.25. Attorney requests the inactive license rate and waiver of the late fee for the years 2003-2017. Attorney's request is based on family hardship.	Deny
44.	Michael Kwan	249422 / 2007	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2018 license fees were due.	Deny
45.	Michael Allen Lewis	169024 / 1993	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2018 license fees were due.	Deny
46.	Ronald Alan Litz	38618 / 1966	Inactive	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive notice that his 2018 license fees were due.	Deny

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47.	Kathleen Marie Lord	194679 / 1998	Inactive	Attorney has a current balance of \$135. Attorney requests a waiver of the 2018 license fee and late payment penalty. Attorney's request is based on financial and medical hardship. Attorney has received 1 Board waiver in the past.	Deny
48.	Anne Rebecca Marx	206342 / 2000	Active	Attorney has a current balance of \$100. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on family hardship.	Deny
49.	Joshua Maurice Mohrsaz	307759 / 2015	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive notice that his license fees were due.	Deny
50.	Sherrie Ann Munson	270140 / 2010	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive notice that her license fees were due.	Deny
51.	Elizabeth Nigro	177941 / 2014	Active	Attorney has a no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive notice that her license fees were due.	Deny
52.	Lawrence Michael Parente	208861 / 2000	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due.	Deny
53.	Mark Brian Peters	140342 / 1986	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due. Attorney has received 1 Board waiver in the past.	Deny

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54.	Kelly Ann Prichett	177322 / 1995	Active	Attorney has no current balance. Attorney requests a waiver or adjustment of her fees from 2001 through 2010. Attorney's request is based on her opinion that she should not have to pay license fees for the period she was unable to practice due to her suspension for nonpayment of fees and MCLE noncompliance.	Deny
55.	Stewart Daniel Rine	91461 / 1980	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive notice that his license fees were due.	Deny
56.	Lawrence Sidney Rookhuyzen	91708 / 1980	Inactive	Attorney has a current balance of \$185. Attorney requests a waiver of the 2018 license fees and late payment penalty. Attorney's request is based on his claim that he qualifies for a military fee waiver because of the missionary work he is doing on behalf of his church.	Deny
57.	Lisa Erin Rosenberg	285241 / 2012	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive adequate notice that her license fees were due.	Deny
58.	Reinette Marie Saleeby	169900 / 1994	Inactive	Attorney has a balance of \$185. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive adequate notice that her license fees were due.	Deny
59.	Andrew R Schauer	303952 / 2015	Active	Attorney has a current balance of \$530. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due.	Deny

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60.	William Norton Stahl	68239 / 1976	Not Eligible	Attorney has a current balance of \$3,551.25. Attorney requests a waiver of his license fees for years 2012 through 2018. Attorney's request is based on financial hardship.	Deny
61.	Joslyn Beth Stuart	164348 / 1993	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive adequate notice that her license fees were due.	Deny
62.	Thomas Douglas Tabbert II	252050 / 2015	Active	Attorney has a current balance of \$530. Attorney requests a retroactive adjustment of his license fees for years 2010 through 2016, from the active rate to the inactive rate. Attorney's request is based on his claim that he was not properly made aware that he could switch his license to inactive status.	Deny
63.	Gayle Michele Tamlar	106622 / 1982	Active	Attorney has no current balance. Attorney requests a waiver of the 2017 late payment penalty. Attorney's request is based on her claim that she did not receive adequate notice that her 2017 license fees were due.	Deny
64.	Susanna Torke	275081 / 2011	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her claim that she did not receive notice that her license fees were due.	Deny
65.	James A. Vickman	128099 / 1987	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due.	Deny
66.	Richard M. Vokulich	118388 / 1985	Active	Attorney has a current balance of \$530. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive notice that his fees were due.	Deny

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67.	Scott David Wiener	189266 / 1997	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due.	Deny
68.	Seungil Oh Yang	188981 / 1997	Inactive	Attorney has a current balance of \$185. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his license fees were due.	Deny
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69.	Andrew B. Breidenbach	281586 / 2011	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his belief that the State Bar did not provide adequate notice and various life events that occupied his time.	Deny
70.	Peter Wells Colby	99490 / 1981	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his mistaken belief that he had until the end of February to pay his fees on time.	Deny
71.	Nicolle Ann Cumberland	229050 / 2003	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on the fact that she moved to China before the 2018 fees became payable and once in China, was not able to access the State Bar of California website.	Grant - \$100
72.	J. Cristina Giner	157227 / 1992	Inactive	Attorney has a balance of \$185. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her being preoccupied with the death of her family member on November 4, 2017.	Deny

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73.	Steven Scott Owen	154237 / 1991	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2018 license fees were due.	Deny
74.	Benjamin S. Reccius	309076 / 2016	Active	Attorney has no current balance. Attorney requests a waiver of the 2017 late payment penalty. Attorney's request is based on financial hardship.	Deny
75.	Tripti Sharad Sharma	231991 / 2004	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship and on not receiving a paper fee statement in the mail.	Deny
76.	Jade K. Smith	306461 / 2015	Active	Attorney has a current balance of \$483. Attorney requests a waiver of her current balance. Attorney's request is based on financial hardship.	Deny
77.	Yvonne Joan Crowley-Srem	209079 / 2000	Active	Attorney has no current balance. Attorney requests late fee scaling and a waiver of the 2018 late fee. Attorney's request is based on financial hardship and her claim that she did not receive adequate notice that her 2018 license fees were due.	Deny
78.	Aja M. Taormina	293507 / 2013	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on her belief that her boss would be paying her 2018 license fees.	Deny
79.	Cecelia M. Turnbeau	316326 / 2017	Active	Attorney has a current balance of \$736. Attorney requests a waiver of the 2017 and 2018 license fees and late payment penalty. Attorney's request is based on financial hardship.	Grant – Partial waiver in the amount of \$147.25

80.	Mary Elizabeth Vadasz	228992 / 2003	Active	Attorney has no current balance. Attorney requests a waiver of the 2018 late payment penalty. Attorney's request is based on medical hardship.	Deny
81.	Stephen A. Cardone	134677 / 1988	Inactive	Attorney has a current balance of \$357.00. Attorney requests the Inactive license rate for 2017. Attorney's request is based on his claim that he was told by State Bar staff that he could revert back to Inactive status after the March 1, 2017 deadline and pay the Inactive license rate for the year.	Deny
82	John Maynard Farrell	186464 / 1996	Active	Attorney has no current balance. Attorney requests a waiver of the 2017 late payment penalty. Attorney's request is based on his claim that he did not receive adequate notice that his 2017 license fees were due. (added 7/18)	Deny

Because the Finance and Planning Committee is not meeting at the July Board meeting, this matter is proceeding directly to the Board of Trustees

FISCAL/PERSONNEL IMPACT

This item contains 28 recommendations for a waiver or adjustment of fees for a total financial impact of \$9,686.75. If the recommended adjustments in Attachment A are approved, the year to date fiscal impact will be \$9,686.75.

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - core business operations

RECOMMENDATION

It is recommended that the Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees approve the fee adjustments for the State Bar licensees as presented this day before the Board, and on file in the San Francisco office of the State Bar.

ATTACHMENT LIST

None