

with [] as [] representative, because [] didn't want to deal with [] eccentric behavior concerning prices, and the drama that goes with it. So when [] and I arrived at [] I jumped in and started saying things like 'my client is willing to offer \$ []'. This was somewhat funny to [] and [] and [] didn't take it seriously because I knew nothing about drugs or their prices, or how to handle a drug purchase. [] ultimately purchased the Marijuana and I believe he and [] directly agreed on the terms.'

b6
b7C
Third Party

[] The applicant was contacted by Special Agent [] in regards to the issue above. The applicant confirmed that:

'in May 2008, he traveled with a friend to another friend's house for the purpose of buying marijuana. He stated that he assisted in negotiating the price of the marijuana purchase between the friends. He stated that he acted as a 'representative' of the buyer of the marijuana to the seller. He said that he was involved in the decision to travel to the house to buy the drugs, and in the negotiation of the purchase price, but that the deal was completed when the purchaser and seller directly agreed on the terms.'

Upon consulting with the Office of the General Counsel (OGC), on 06/24/2009, it was recommended that we discontinue the applicant based on the drug policy with recency (1) and context (2) as aggravating factors.



1) The behavior was recent-a year and one month ago.

2) The applicant is a lawyer and was acting as a lawyer when he engaged in the behavior. Per OGC, 'As a lawyer, he has been admitted to the state bar and therefore is a sworn officer of the court, with all the legal and ethical obligations his state bar imposes on him. Whether he bought/used the drugs himself is irrelevant. He was a party to the sale of drugs and he allowed himself to be a party/witness to a criminal act which shows poor judgement and a disregard for his legal/ethical obligations as a lawyer.'



The applicant also disclosed, in an attachment to his SF-86, that alcohol has had a negative impact on his work. The applicant stated the following:

'From 2006-2008, alcohol did have a negative impact on the applicant's work performance, because when he was hung over after too much drinking, he could not work as many hours in a day as usual and the applicant became somewhat irritable. The nature of the applicant's job is that hours are flexible as long as he got the work done, so when the applicant would occasionally need to take a morning or even a whole day off (estimating twice per month), he could do so unless there was an

