

**SUPREME COURT MINUTES
FRIDAY, JANUARY 4, 2019
SAN FRANCISCO, CALIFORNIA**

S253006 E071207 Fourth Appellate District, Div. 2 **PUBLIC EMPLOYMENT
RELATIONS BOARD v.
COUNTY OF RIVERSIDE
(SERVICE EMPLOYEES
INTERNATIONAL UNION,
LOCAL 721)**

Petition for review & application for stay denied

S178464 **PEOPLE v. MARTINEZ
(SANTIAGO)**

Extension of time granted

Based upon Deputy Attorney General Charles S. Lee's representation that the respondent's brief is anticipated to be filed by March 1, 2019, an extension of time in which to file that brief is granted to March 1, 2019. After that date, no further extension is contemplated.

S252148 **BAUMBACH ON DISCIPLINE**
Recommended discipline imposed

The court orders that VICKIE MARIE BAUMBACH (Respondent), State Bar Number 270604, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first six months of probation (with credit given for the period of interim suspension which commenced on March 25, 2018).
2. Respondent 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 September 20, 2018.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on September 20, 2018. 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 Respondent's membership fees for each of the years 2020 and 2021. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S252152**BERGREN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID LEE BERGREN, State Bar Number 154047, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys. DAVID LEE BERGREN 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.

S252153**DATTA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GAURAV D. DATTA (Respondent), State Bar Number 269338, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) Zoila Camacho in the amount of \$2,400 plus 10 percent interest per year from September 28, 2015.
- (2) Maribel Partida in the amount of \$195.38 plus 10 percent interest per year from December 18, 2015.
- (3) Billy Charles Dyson in the amount of \$1,066.01 plus 10 percent interest per year from September 28, 2015.
- (4) Christine Lynn Chase in the amount of \$168.02 plus 10 percent interest per year from November 17, 2015.
- (5) Robert Montenegro in the amount of \$60.11 plus 10 percent interest per year from December 16, 2015.
- (6) Marcia Watts in the amount of \$601.98 plus 10 percent interest per year from May 25, 2016.
- (7) Edgar Atescateno in the amount of \$242.17 plus 10 percent interest per year from April 20, 2016.
- (8) Rebecca Atescateno in the amount of \$100 plus 10 percent interest per year from March 8,

2016.

- (9) Barbara Roach in the amount of \$1,845 plus 10 percent interest per year from April 20, 2016.
- (10) Deonne Meredith in the amount of \$1,953.31 plus 10 percent interest per year from July 26, 2016.
- (11) Kimberly Martinez in the amount of \$344.66 plus 10 percent interest per year from July 6, 2016.
- (12) Reyna Pena in the amount of \$444.66 plus 10 percent inters per year from July 6, 2016.
- (13) Jose Salcedo in the amount of \$111.34 plus 10 percent interest per year from July 8, 2016.
- (14) Im S. Pyun in the amount of \$340 plus 10 percent interest per year from July 26, 2016.
- (15) Theresa Blake in the amount of \$408.33 plus 10 percent interest per year from July 26, 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).

Respondent 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.

S252265

MAINA ON DISCIPLINE

Recommended discipline imposed

The court orders that SAMUEL PATRICK OUYA MAINA, State Bar Number 176135, 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. SAMUEL PATRICK OUYA MAINA is suspended from the practice of law for the first 30 days of probation;
- 2. SAMUEL PATRICK OUYA MAINA 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 September 17, 2018; and
- 3. At the expiration of the period of probation, if SAMUEL PATRICK OUYA MAINA has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

SAMUEL PATRICK OUYA MAINA 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.

S252267**RICHARDS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LESLIE RICHARDS (Respondent), State Bar Number 94672, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first 30 days of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to Mark Humble, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$9,444 plus 10 percent interest per year from June 16, 2014 (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. If Respondent remains suspended for two years or longer as a result of not satisfying the preceding requirement, Respondent must also provide proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1)).
2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 21, 2018.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of suspension, whichever 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 Respondent remains suspended for 90 days or more, Respondent 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 120 and 130 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension. Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

S252269**TAYLOR ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PAUL NATHAN TAYLOR (Respondent), State Bar Number 199022, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent 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.

S252329**NESBITT ON DISCIPLINE**

Recommended discipline imposed

The court orders that ARRON BURT NESBITT (Respondent), State Bar Number 202948, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first one year of probation;
2. Respondent 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 September 21, 2018; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on September 21, 2018. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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 Respondent's membership fees for each of the years 2020 and 2021. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S252336**ADAMS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JO-ANN MARIE ADAMS (Respondent), State Bar Number 183871, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 90 days of probation;
2. Respondent 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 September 17, 2018; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on September 17, 2018. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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 Respondent's membership fees for each of the years 2020 and 2021. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S252337**AHLERS ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVEN M. AHLERS (Respondent), State Bar Number 251151, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and Respondent is placed on probation for three years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first two years of probation, and Respondent will remain suspended until providing proof to the State Bar Court of 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. Respondent must also comply with the other conditions of probation recommended by the

Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 7, 2018.

3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on September 7, 2018. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

S252350**BALLARD ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that SEAN JAMES BALLARD, State Bar Number 160070, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

SEAN JAMES BALLARD 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.

S252354**BUTLER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MATTHEW BARTLEY BUTLER (Respondent), State Bar Number 201781, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent 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.

S252357**COHEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NELSON LEE COHEN (Respondent), State Bar Number 153311, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to Bremer Whyte Brown & O'Meara, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$216,320 plus 10 percent interest per year from April 30, 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).

Respondent 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.

S252264**SPLIVALO ON
RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with charges pending of MICHAEL NORMAN SPLIVALO, State Bar Number 128465, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) MICHAEL NORMAN SPLIVALO remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move the State Bar Court to be restored to active status, at which time the Office of the Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by MICHAEL NORMAN SPLIVALO to be restored to active status. Any return to active status will be conditioned on MICHAEL NORMAN SPLIVALO's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.

S252328**WILSON ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with charges pending of ANDREW HARRIS WILSON, State Bar number 063209, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) ANDREW HARRIS WILSON remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move the State Bar Court to be restored to active status, at which time the Office of the Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will

expedite the resolution of any request by ANDREW HARRIS WILSON to be restored to active status. Any return to active status will be conditioned on ANDREW HARRIS WILSON's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.