

PUBLIC MATTER



(Do not write above this line.)

State Bar Court of California		
Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
<p>Counsel for the State Bar Cydney Batchelor Deputy Trial Counsel 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204</p> <p>Bar # 114637</p>	<p>Case Number(s)</p> <p>CONFIDENTIAL</p> <p>05-0-0563-JMR 05-0-2907</p> <p>RECEIVED</p> <p>FEB 08 2006</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>	<p>(for Court use)</p> <p>LODGED <i>KOS</i></p> <p>APR 12 2006</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p> <p>FILED <i>[Signature]</i></p> <p>JUL 09 2009</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p><input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per</p> <p>Guadalupe Gamino, Esq. 1169 Howard St., #204 San Francisco, CA 94103 Tele: 415/706-2090</p> <p>Bar # 74011</p>	<p>Submitted to Program Judge <u>ADDENDUM TO</u></p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of</p> <p>GUADALUPE GAMINO Bar # 74011 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:

- Respondent is a member of the State Bar of California, admitted 6/28/1977 (date)
- 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, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- 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 and order consists of 8 pages.
- A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
See attached
- Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."
See attached

(Do not write above this line.)

- (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 [Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) Prior Record of Discipline [see standard 1.2(f)] See original stipulation
- (a) State Bar Court Case # of prior case _____
- (b) Date prior discipline effective _____
- (c) Rules of Professional Conduct/State Bar Action violations _____
- (d) Degree of prior discipline _____
- (e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (2) Dishonesty: Respondent's misconduct was 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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
See attached
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

None

(Do not write above this line.)

C. Mitigating Circumstances [standard 1.2(e)]. 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 or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the ~~State Bar~~ State Bar during disciplinary investigation and proceedings.
See attached
- (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 of 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 in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (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 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.
- (13) **No mitigating circumstances are involved.**

Additional mitigating circumstances:

See attached

ATTACHMENT TO
ADDENDUM TO
STIPULATION RE FACTS AND CONCLUSIONS OF LAW

IN THE MATTER OF: **GUADALUPE GAMINO**

CASE NUMBER(S): **05-O-0563; 05-O-2907**

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct, as follows

Case No. 05-O-0563 (Gladys Lacayo-Bell):

Facts: In February 2004, Respondent was employed by Gladys Lacayo-Bell to evict some rental tenants from her property, and was paid \$1000.00 in advanced attorney fees. Respondent performed legal services in connection with the eviction. However, he failed to communicate adequately with Ms. Lacayo-Bell regarding his strategy, and the legal services that he performed were not what she wanted. Thereafter, Ms. Lacayo-Bell telephoned Respondent several times and wrote to him to inquire about the status of the eviction, but Respondent failed to return her calls in a timely manner. Since Ms. Lacayo-Bell wished to have the tenants evicted immediately, she employed another attorney to complete the eviction. In September 2005, after the intervention of the State Bar, Respondent refunded \$800.00 in attorney fees to Ms. Lacayo-Bell, which she agreed was a full settlement of her claim for reimbursement.

Conclusions of Law: By willfully failing to respond to Ms. Lacayo-Bell's telephone calls and letter in a timely manner, Respondent failed to respond to his client's reasonable requests for status reports, in violation of Business and Professions Code section 6068(m).

Case No. 05-O-2907 (Rosita and Vicente Quijada):

Facts: In November 2003, Rosita and Vincente Quijada ("the Quijadas") employed Respondent as subsequent counsel in a real property matter, and paid him \$1900.00

in advanced attorney fees, and \$300.00 for a filing fee. Thereafter, Respondent wrote several letters on the Quisadas' behalf and filed a civil action and a request to enter default in San Francisco County Court against the realtor who sold them their home. However, in June 2004, Respondent failed to appear at an order to show cause hearing in the matter, despite having notice of the hearing. Respondent also failed to appear at order to show cause hearings in September 2004, November 2004, and March 2005, despite having notice of those hearings as well. After learning of Respondent's failures to appear, the Quisadas contacted the State Bar, and the Bar contacted Respondent to notify him of their complaint. After the intervention of the Bar, Respondent contacted the Quijadas, refunded the entire \$1900.00 in advanced attorney fees, and told them that he would complete the case. However, after four months, Respondent had failed to complete the legal services.

Conclusions of Law: By repeatedly failing to appear in Court on the Quijadas' behalf on four occasions, or to complete the legal services after he promised to do so, Respondent failed to perform competently the legal services for which he had been employed., in violation of Rule of Professional Conduct 3-110(A).

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was February 7, 2006.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct: By committing the misconduct set forth above, Respondent committed multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Facts supporting mitigation:

Cooperation with the State Bar: Respondent has been extraordinarily cooperative with the State Bar in the resolution of these cases.

Other mitigation:

Lawyer's Assistance Program Participation: Respondent has continuously participated in the State Bar Lawyer Assistance Program since signing the long-term agreement with LAP on March 10, 2003.

Restitution: Although he did not do so until after the intervention of the State Bar, Respondent refunded advanced attorney fees in the amount of \$800.00 to Ms. Lacayo-Bell and \$1900.00 to the Quijadas.

(Do not write above this line.)

In the Matter of GUADALUPE GAMINO	Case number(s): 05-0-0563-JMR; 05-0-2907
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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, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

2/7/06  GUADALUPE GAMINO
Date Respondent's signature Print name

N/A N/A N/A
Date Respondent's Counsel's signature Print name

2/7/06  CYDNEY BATCHELOR
Date Deputy Trial Counsel's signature Print name

(Do not write above this line.)

In the Matter of GUADALUPE GAMINO	Case number(s): 05-0-0563-JMR; 05-0-2907
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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 135(b) and 802(b), Rules of Procedure.)

4/12/06
Date


Judge of the State Bar Court

State Bar Court of the State Bar of California
Hearing Department: Los Angeles San Francisco
PILOT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES

Counsel for the State Bar Cydney Batchelor, #114637 State Bar of California 180 Howard St., 7th Fl. San Francisco, CA 94105 Tele: 415/538-2204	Case Number(s) <div style="text-align: center; font-size: 2em; font-weight: bold; opacity: 0.5;">CONFIDENTIAL</div> <div style="text-align: center; font-size: 2em; font-weight: bold;">PUBLIC MATTER</div> 01-H-4221-JMR 01-0-976 02-0-14755	(for Court use) <div style="text-align: center; font-size: 2em; font-weight: bold;">LODGED</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">JUL 29 2003</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel for Respondent Guadalupe Gamino, #74011 1169 Howrad St., #204 San Francisco, CA 94103 Tele: 415/437-0330	<div style="font-size: 2em; font-weight: bold;">FILED</div> <div style="font-size: 1.5em; font-weight: bold;">OCT 05 2009</div> STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO	
In the Matter of GUADAUPE GAMINO Bar # 74011 A Member of the State Bar of California (Respondent)	Submitted to Pilot Program Judge <div style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

- A. Parties' Acknowledgments:
- (1) Respondent is a member of the State Bar of California, admitted 6/28/77
(Date)
- (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, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on 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. Dismissed charge(s)/count(s) are listed under "Dismissals." This stipulation consists of 10 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts".
See attachment
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."
See attachment
- (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.

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component (attachment) of this stipulation under specific headings, i.e., "Facts", "Dismissals", "Conclusions of Law."

Aggravating Circumstances (Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

(1) Prior Record of Discipline [see standard 1.2(f)]

(a) State Bar Court Case # of prior case 00-0-12709

(b) Date prior discipline effective 4/27/01

(c) Rules of Professional Conduct/State Bar Action violations Rules of Professional Conduct 3-110(A), 3-700(D)(1), 3-700(D)(2), and Business and Professions Code section 6068(i) and 6068(m)

(d) Degree of prior discipline Private reproof

(e) If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline"

(2) Dishonesty: Respondent's misconduct was 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 the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.

(7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
See attachment

(8) No aggravating circumstances are involved.

Additional aggravating circumstances:

None.

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

If the Respondent is not accepted into the Pilot Program or does not sign the Pilot 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 Pilot Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

5-6-03
Date


Respondent's Signature

GUADALUPE GAMINO
Print Name

N/A
Date

N/A
Respondent's Counsel Signature

N/A
Print Name

5/6/03
Date


Deputy Trial Counsel's Signature

CYDNEY BATCHELOR
Print Name

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Guadalupe Gamino

CASE NUMBER(S): 01-H-4221, 01-O-976, 02-O-14755

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 01-H-04221:

Facts: Effective April 27, 2001, Respondent was privately reprovved by the State Bar, and thereby ordered to comply with certain conditions ("reproval order"). The reproval order required him to pay restitution in the amount of \$250.00, plus 10% interest per annum from August 23, 1999, to Felicia Newhouse, and to provide proof to the Probation Unit; to take and pass the Multistate Professional Responsibility Examination and provide proof of passage; to file quarterly written reports for one year, commencing July 10, 2001; to file a final written report on or before May 1, 2002; and to take and pass the State Bar Ethics School. Respondent paid restitution, and passed the MPRE. However, he failed to attend or pass Ethics School, failed to file the quarterly written report due on or before April 10, 2002, and failed to file the final written report due on or before May 1, 2002.

Conclusions of Law: By willfully failing to file the quarterly written report due April 10, 2002, and failing to file the final written report due May 1, 2002, and failing to take and pass Ethics School, Respondent failed to comply with reproval conditions, in violation of rule 1-110 of the Rules of Professional Conduct.

Case No. 01-O-00976:

Facts: In January 1997, Respondent was employed by James Kelly to represent him and his company Mad Hatter & Associates in civil litigation with Kevin McDonough. Over the course of the representation, Mr. Kelly paid Respondent approximately \$470.00 for attorney's fees. While he was attorney of record, Respondent failed to file an answer to a civil complaint (January-February 1997); failed to serve a motion to vacate default properly (August 1997); and failed to appear at the arbitration (October 1999). In addition, Respondent had actual knowledge of the arbitration, but failed to notify Mr. Kelly about it so that he could appear (June-October 1999). Respondent was thereafter sanctioned for his failure to appear at the arbitration, in the amount of \$250.00 owed to the City and County of San Francisco (April 2000). Respondent received notice of the sanctions, and they became final; however, Respondent failed to pay them. In addition, Respondent was sanctioned for failing to provide the court with an updated address while a proceeding was pending, in the amount of \$2500.00 owed to Kevin J. McDonough (April 2000). Respondent also had notice of those sanctions, and they became final; however, Respondent failed to pay the sanctions or to report them to the State Bar.

Conclusions of Law: By recklessly failing to file a response to the civil complaint, failing to serve the motion to vacate default properly, failing to notify his client of the arbitration, and failing to appear at trial, Respondent failed to perform the legal services for which he was employed in a competent manner, in violation of rule 3-110(A) of the Rules of Professional Conduct. By willfully failing to notify the State Bar about the \$2500.00 sanctions, Respondent failed to self-report sanctions, in violation of section 6068(o)(3) of the Business and Professions Code.

Case No. 02-O-14755

Facts: Beginning in January 1998, Respondent became attorney of record for Aileen O'Driscoll in the matter entitled *Rubenzler v. O'Driscoll*, San Francisco Superior Court case number 989906. Thereafter, Respondent was subject to two orders by the court. First, Respondent was sanctioned when the default against Ms. O'Driscoll was set aside due to Respondent's failure to respond on her behalf, in the amount of \$4112.50 owed to "Lynn and Sperandio" (June 1998). Respondent received actual notice of the sanctions, and they became final. However, Respondent failed to pay the sanctions or to report them to the State Bar. Second, Respondent was also ordered to pay the full amount of fees that the opposing party had incurred in obtaining the default and in opposing the motion to set aside the default, in the amount of \$8638.50 owed to Lynn Rubenzler (August 1999). In

that order, the court also required Respondent to report the award to the State Bar. Respondent denies receiving notice of the order, and had changed his official membership records address during the interim between when the first sanctions award was issued and the second order; the second award also remains unpaid.

Conclusions of Law: By willfully failing to report the sanctions in the amount of \$4112.50 to the State Bar, Respondent failed to self-report non-discovery sanctions in excess of \$1000.00, in violation of section 6068(o)(3) of the Business and Professions Code.

NEXUS BETWEEN MISCONDUCT AND CHEMICAL DEPENDENCY.

If called as a witness, Respondent would testify as follows regarding the nexus between the misconduct set forth above and his chemical dependency: "I consumed alcohol until I was 35 years old (1985), when I stopped completely because I was passing out after I drank. I did not drink any alcohol at all until 11 years later (1996), the year after I was divorced. I began to drink again socially, and within a year (1997), I was drinking again on a daily basis. My consumption of alcohol escalated to the point that it was interfering with all aspects of my life, and on August 15, 2002, I stopped entirely. I have not had a drink of alcohol since that date."

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was May 6, 2003.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct: By committing the misconduct set forth above in State Bar cases numbered 01-H-4221, 01-O-976, 02-O-14655, Respondent committed multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Facts supporting mitigation:

Cooperation with the State Bar: Throughout the investigation and resolution of these cases, Respondent has been extraordinarily cooperative with the State Bar.

Other mitigation:

Lawyer's Assistance Program Participation: Respondent signed an application agreement to be assessed by the Lawyer's Assistance Program on November 1, 2002, and fully cooperated in that assessment process. Respondent cooperated in an evaluation by a LAP-selected physician, and then met with the LAP Evaluation Committee to discuss full participation in LAP recovery program. Respondent signed the participation agreement with LAP that memorializes his five-year commitment to that recovery program on March 10, 2003.

Restitution: Although Respondent contends that he did not receive notice of the second monetary award against him in case number 02-O-014755 above, he has nevertheless agreed to include that award in the restitution conditions set forth herein.

STATE BAR ETHICS SCHOOL EXCLUSION.

Respondent has enrolled to take the State Bar Ethics School on June 12, 2003. Therefore, it is not recommended that he be required to do so as part of this stipulation. Respondent understands, however, that his failure to take and pass Ethics School on June 12, 2003, may result in the State Bar moving to amend this stipulation and contending that greater discipline is warranted.

MULTI-STATE PROFESSIONAL RESPONSIBILITY EXAMINATION EXCLUSION.

Respondent passed the MPRE in March 2002, pursuant to the private reproof imposed in State Bar case number 00-O-12709. Therefore, it is not recommended that he be ordered to do so here.

RESTITUTION.

Respondent waives any objection to immediate payment by the State Bar Client Security Fund upon a claim or claims for the principal amounts of restitution set forth below:

In accordance with the timetable set forth in the in the "Pilot Program Contract" to be executed between the State Bar Court and Respondent on the captioned cases, Respondent must make restitution as follows:

Kevin J. McDonough, or the Client Security Fund if it has paid, in the principal amount of \$2500.00, plus interest at the rate of 10% per annum from June 1, 2000, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

City and County of San Francisco, in the principal amount of \$250.00, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

"Lynn and Sperandio", or the Client Security Fund if it has paid, in the principal amount of \$4112.50, plus interest at the rate of 10% per annum from August 1, 1998, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

Lynn Rubenzer, or the Client Security Fund if it has paid, in the principal amount of \$8638.50, plus interest at the rate of 10% per annum from September 1, 1999, until paid in full and furnish satisfactory evidence of restitution to the State Bar Court.

ORDER

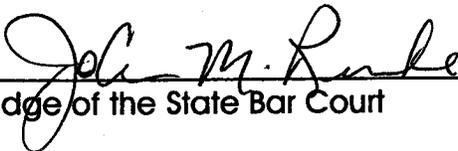
Finding this stipulation to be fair to the parties, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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.

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; 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Pilot Program or does not sign the Pilot Program Contract. (See rules 135(b) and 802(b), Rules of Procedure.)

The effective date of the disposition is the effective date of the Supreme Court order herein, normally 30 days after the file date of the Supreme Court Order. (See rule 953(a), California Rules of Court.)

Date 7/28/03



Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 October 5, 2009, I deposited a true copy of the following document(s):

DECISION AND DISCIPLINE ORDER; ORDER SEALING CERTAIN DOCUMENTS

ADDENDUM TO STIPULATION RE FACTS AND CONCLUSIONS OF LAW

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

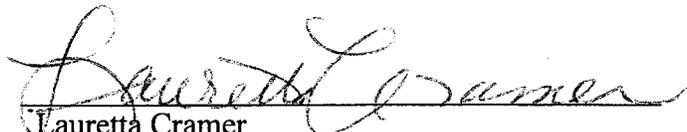
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**GUADALUPE GAMINO
1169 HOWARD ST #204
SAN FRANCISCO, CA 94103**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ERICA DENNINGS , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 5, 2009.


Laretta Cramer
Case Administrator
State Bar Court