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STATE BAR COURT
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**STATE BAR COURT OF CALIFORNIA
REVIEW DEPARTMENT
IN BANK**

In the Matter of)	Case No. 09-C-10438
DAVID GONZALEZ,)	
A Member of the State Bar, No. 187618.)	ORDER
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On December 17, 2010, the State Bar transmitted a record of conviction, asserting respondent David Gonzalez was convicted of misdemeanor violations of: (1) Penal Code section 550, subdivision (b)(1) (insurance fraud); (2) Penal Code section 487, subdivision (a) (grand theft); and (3) Insurance Code section 750, subdivision (a) (unlawful offer or receipt of consideration for referral by claims handler). Respondent did not timely file a reply or otherwise dispute the evidence submitted by the State Bar. (Rules Proc. of State Bar, former rule 601(b).) Since the convictions for insurance fraud and grand theft involve moral turpitude per se, we issued an order placing Gonzalez on interim suspension, effective February 21, 2011, and referred the matter to the hearing department for a hearing and decision recommending the discipline to be imposed.

On February 14, 2011, respondent filed a motion to extend time to file motion to vacate interim suspension, provide temporary relief, vacate interim suspension, and modify referral order. As for the insurance fraud and grand theft convictions, respondent contends that, before judgment was entered of these two counts he was allowed to

withdraw his plea and the charges were dismissed, and thus, there never was a final judgment of conviction for purposes of attorney discipline. (Bus. & Prof. Code, § 6102, subd. (c).) On February 16, 2011, the State Bar filed its non-opposition to the motion.

Finding good cause, respondent's motion is granted. We hereby vacate, in its entirety, our order filed on January 25, 2011, and issue the following referral order:

Respondent David Gonzalez has been convicted of violating Insurance Code section 750, subdivision (a) (unlawful offer or receipt of consideration for referral by claims handler), a misdemeanor that may or may not involve moral turpitude. As the judgment of conviction is final, this case is referred to the hearing department for a hearing and decision recommending the discipline to be imposed in the event that the hearing department finds that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting.

REMKE

Presiding Judge

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 Los Angeles, on March 3, 2011, I deposited a true copy of the following document(s):

ORDER FILED MARCH 3, 2011

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 Los Angeles, California, addressed as follows:

ARTHUR LEWIS MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039

by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

by overnight mail at , California, addressed as follows:

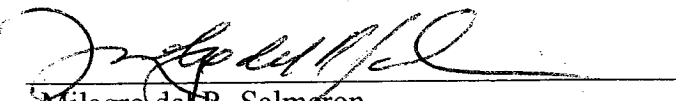
by fax transmission, at fax number . No error was reported by the fax machine that I used.

By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Michael John Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 3, 2011.


Milagro del R. Salmeron
Case Administrator
State Bar Court