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STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of

JAMES JAY SELTZER,

Member No. 54533,

A Member of the State Bar.

) Case No.: **09-O-13833-PEM**
)
) **ORDER VACATING ORDER ENTERING**
) **DEFAULT AND ORDER ENROLLING**
) **INACTIVE; ORDER VACATING ORDER**
) **SUBMITTING DEFAULT MATTER FOR**
) **DECISION; PETITION FOR**
) **DISBARMENT AND SUPPLEMENTAL**
) **DECLARATION IN SUPPORT OF**
) **PETITION FOR DISBARMENT MOOT;**
) **ORDER REGARDING SERVICE OF**
) **FIRST AMENDED NOTICE OF**
) **DISCIPLINARY CHARGES**

Upon further review, the court, on its own motion, concludes that the First Amended Notice of Disciplinary Charges (First Amended NDC) contained substantive amendments and was not served on respondent prior to the entry of his default. Accordingly, the court's February 28, 2012, order entering respondent's default and enrolling him inactive under Business and Professions Code section 6007, subdivision (e), is hereby vacated, nunc pro tunc, to February 28, 2012.

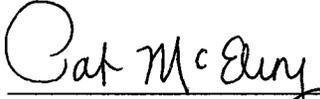
As the order entering respondent's default is vacated, the court's October 3, 2012, order submitting this default matter for decision is hereby vacated, and the State Bar's petition for disbarment filed August 1, 2012, and the supplemental declaration in support of the disbarment petition filed on August 22, 2012, is moot.



The State Bar of California, Office of the Chief Trial Counsel, is ordered to serve the First Amended NDC pursuant to rule 5.25 of the Rules of Procedure of the State Bar on both respondent and attorney Jon S. Heim, Harper & Heim, Lawyers, 4040 Civic Center Drive, Suite 200, San Rafael, California, 94903, within 10 days of service of this order. Respondent must file and serve a written response to the First Amended NDC within 20 days after it is served. (See Rules Proc. of State Bar, rule 5.43(A).)

IT IS SO ORDERED.

Dated: November 28, 2012



PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 November 29, 2012, I deposited a true copy of the following document(s):

ORDER VACATING ORDER ENTERING DEFAULT AND ORDER ENROLLING INACTIVE; ORDER VACATING ORDER SUBMITTING DEFAULT MATTER FOR DECISION' PETITION FOR DISBARMENT AND SUPPLEMENTAL DECLARATION IN SUPPORT OF PETITION FOR DISBARMENT MOOT; ORDER REGARDING SERVICE OF FIRST AMENDED NOTICE OF DISCIPLINARY CHARGES

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:

JAMES JAY SELTZER
JAMES JAY SELTZER
3300 POWELL ST STE 201
EMERYVILLE, CA 94608

(Courtesy Copy)

JON S. HEIM
HARPER & HEIM, LAWYERS
4040 CIVIC CENTER DR STE 200
SAN RAFAEL, CA 94903

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

Robert A. Henderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 29, 2012.


Laurretta Cramer
Case Administrator
State Bar Court