

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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ORIGINAL



APR 04 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

APR - 4 2013

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

STATE BAR COURT
IN THE CLERK'S OFFICE OF THE
SAN FRANCISCO
CONVICTION OF:

SEAN P. GJERDE,
No. 217467

A Member of the State Bar

-) Case No. 10-C-6102
)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
)
) [X] Felony;
) [X] Crime(s) involved moral turpitude;
) [] Probable cause to believe the crime(s) involved moral
) turpitude;
) [] Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
) [] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [X] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- [] B. Notice of Appeal
- [] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- [] D. Other

Name of Member: Sean P. Gjerde

Date member admitted to practice law in California: December 11, 2001

Member's Address of Record: Sean P. Gjerde

PO Box 236

Wilton, CA 95693

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: December 18, 2012

Convicting court: United States District Court, Eastern District of California

Case number(s): 2:10-cr-00223

Crime(s) of which convicted and classification(s): 18 U.S.C. §371 (Conspiracy To Commit Mail Fraud (19 U.S.C. § 1341) and to Make False Statements in Mortgage Applications (18 U.S.C. § 1014), a felony that necessarily involves moral turpitude (as in *Arden v. State Bar* (1987) 43 Cal.3d 713, 718 (conspiracy to commit mail fraud involves moral turpitude); *In re Utz* (1989) 48 Cal.3d 468, 5609-570 (mail fraud conviction involves moral turpitude); *In the Matter of Jebbia* (Review Dept. 1999) 4 Cal. State Bar Ct. Rptr. 51 (violation of 18 U.S.C. §1014 involves moral turpitude); *In re McAllister* (1939) 14 Cal.2d 602, 603 (conspiracy involves moral turpitude if target crime involves moral turpitude).

☒ 3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.


☐ 4. Other information to assist the State Bar Court

DOCUMENTS TRANSMITTED:

Indictment dated 6/10/10
Plea Agreement dated 12/18/2012
Docket for 12/18/2012

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

BY:


Donald R. Steedman
Senior Trial Counsel

DATED: April 4, 2013

A copy of this transmittal and its
Attachments have been sent to:

Sean P. Gjerde
PO Box 236
Wilton, CA 95693

Michael E. Wine
301 N. Lake Avenue, Suite 800
Pasadena, CA 91101

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

NUMBER(s): 10-C-6102

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY; INDICTMENT DATED 6/10/10; PLEA AGREEMENT DATED 12/18/2012; DOCKET FOR 12/18/2012

- ☒ **By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.
- ☒ **By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.
- ☐ **By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").
- ☐ **By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.
- ☐ **By Electronic Service: (CCP § 1010.6)**
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

☒ (for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 7196 9008 9111 6623 2146 at San Francisco, addressed to: (see below)

☐ (for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,
Tracking No.: addressed to: (see below)

Person Served via Certified Mail	Business-Residential Address	Fax Number	Courtesy Copy via Regular Mail to:
SEAN P. GJERDE	P.O. BOX 236 WILTON, CA 95693	Electronic Address	SEAN P. GJERDE PO BOX 236 WILTON, CA 95693 MICHAEL E. WINE 301 N. LAKE AVE., SUITE 800 PASADENA, CA 91101

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

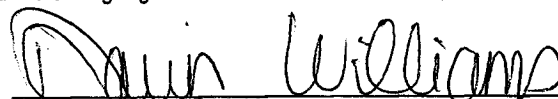
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: April 4, 2013

SIGNED:


DAWN WILLIAMS
Declarant

State Bar of California
DECLARATION OF SERVICE