

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL  
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**FILED**

NOV 08 2013

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

|                            |   |   |
|----------------------------|---|---|
| IN THE MATTER OF THE       | ) | Case Nos. 13-C-16126, 13-C-16127 & 13-C-16128                                     |
| CONVICTION OF:             | ) |   |
|                            | ) | Transmittal of Records of Conviction of Attorney (Bus. & Prof.                    |
| SCOTT BRYAN WHITENACK,     | ) | Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)                         |
| No. 102950,                | ) |   |
|                            | ) | <input type="checkbox"/> Felony;  |
|                            | ) | <input checked="" type="checkbox"/> Crime(s) involved moral turpitude;            |
| A Member of the State Bar. | ) | <input type="checkbox"/> Probable cause to believe the crime(s) involved moral    |
|                            | ) | turpitude;  |
|                            | ) | <input type="checkbox"/> Crime(s) which may or may not involve moral turpitude or |
|                            | ) | other misconduct warranting discipline;   |
|                            | ) | <input type="checkbox"/> Transmittal of Notice of Finality of Conviction.         |

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- ☒ 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 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: SCOTT BRYAN WHITENACK

Date member admitted to practice law in California: June 10, 1982

Member's Address of Record: Law Offices of Belli & Belli

3388 Orcutt Rd.

Santa Maria, CA 93455

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: October 9, 2013

Convicting court: Superior Court, County of San Luis Obispo

Case number(s): F000494618 (Consolidated with M494619 and M494620)

Crime(s) of which convicted and classification(s): Violation of Penal Code §484(a) (Petty Theft), a misdemeanor involving moral turpitude analogous to *In re Rothrock* (1944) 25 Cal.2d 588; and Vehicle Code §14601.1(a) (Driving when Privilege Suspended or Revoked for Other Reason), a misdemeanor which may or may not involve moral turpitude or other misconduct warranting discipline. .

[X] 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.

[X] 4. Other information to assist the State Bar Court

On October 1, 2013, pursuant to Penal Code §17(b), the Court reduced count 1 of the original complaint, Penal Code §459 (Burglary – Second Degree) from a felony to a misdemeanor; and count 2, Penal Code §529 (False Impersonation) from a felony to a misdemeanor. On the same day, the Court granted the People's motion to consolidate case numbers M494619 (State Bar case number 13-C-16126), M494620 (State Bar case number 13-C-16127) and F000494618 (State Bar case number 13-C-16128), with F000494618 as the lead case. On October 2, 2013, the People filed an amended complaint. On October 9, 2013, the Court dismissed the remaining charges of the amended complaint: Penal Code §459 (Burglary – Second Degree) a misdemeanor; Penal Code §529 (False Impersonation), a misdemeanor; Penal Code §647(f) (Public Intoxication), a misdemeanor; and Vehicle Code §31 (False Information to a Police Officer), a misdemeanor.

DOCUMENTS TRANSMITTED:


Certified Complaint  
Certified Plea  
Certified Docket

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED:

November 7, 2013

BY:

  
CHARLES A. MURRAY  
Senior Trial Counsel

# DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 13-C-16126, 13-C-16127, 13-C-16128

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, 1149 South Hill Street, Los Angeles, California 90015, 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; CERTIFIED COMPLAINT; CERTIFIED PLEA; CERTIFIED DOCKET

☐

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 Los Angeles.

☒

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

☐

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 Los Angeles, 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 6410 2496 at Los Angeles, 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            | Business-Residential Address   | Fax Number         | Courtesy Copy to: |
|--------------------------|--|--------------------|-------------------|
| SCOTT BRYAN<br>WHITENACK | LAW OFFICES OF BELLI & BELLI<br>3388 ORCUTT RD.<br>SANTA MARIA, CA 93455 | Electronic Address |                   |

☐

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 Los Angeles, California, on the date shown below.

DATED: November 8, 2013

SIGNED:

KIM WIMBISH  
Declarant