

PUBLIC MATTER

FILED

MAR 24 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case Nos.: 14-O-00459; 14-O-05543;
DALE IRVING GUSTIN,) 15-O-11167
No. 76642,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:

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1 on or about December 3, 2013, in that respondent filed pleadings and therein failed to cite to an
2 applicable provision of the Civil Code; failed to designate specifically the grounds upon which
3 the motion would be made; failed to file a timely motion; failed to identify the order sought to be
4 vacated; failed to cite any viable authority for vacating the order; failed to cite any authority that
5 the opposing party acted improperly as the junior lien holder; failed to cite to newly discovered
6 evidence in support of allegations of fraud; and failed to cite to facts in that matter, in willful
7 violation of Rules of Professional Conduct, rule 3-200(B).

8 COUNT FOUR

9 Case No. 14-O-00459

10 Rules of Professional Conduct, rule 5-100(A)

11 [Threatening Charges to Gain Advantage in Civil Suit]

12 5. On or about June 19, 2014, respondent communicated with counsel for the defendants
13 in *Kalvans et. al. v. Mizera*, Monterey Superior Court, case no. M92503, and threatened to
14 present criminal charges against the defendants, specifically, forgery and/or perjury, to obtain an
15 advantage in a civil dispute with the defendants, specifically a settlement of \$450,000, in willful
16 violation of the Rules of Professional Conduct, rule 5-100(A).

17 COUNT FIVE

18 Case Nos. 14-O-05543; 15-O-11167

19 Business and Professions Code, section 6068(a)

20 [Failure to Comply With Laws – Unauthorized Practice of Law]

21 6. On or between July 7, 2014, and January 2, 2015, respondent held himself out as
22 entitled to practice law and actually practiced law when respondent was not an active member of
23 the State Bar by filing pleadings and/or appearing on behalf of Nesenia Gonzales, in *Gonzales v.*
24 *Rodriguez (aka Gonzales v. Farmers Insurance)*, San Luis Obispo County Superior Court case
25 #CV 138197; filing pleadings and/or appearing on behalf of Willemke Bokma in *Bokma v.*
26 *Backlund et al.* case no. GNM128434 filed in Monterey County Superior Court, and signing and
27 filing a stipulation on behalf of Loren Nauta in *Nauta v. Bank of America*; case nos. B248343
28 and B255962, filed in the 2nd District Court of Appeal, in violation of Business and Professions
Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code,
section 6068(a).

COUNT SIX
Case Nos. 14-O-05543; 15-O-11167
Business and Professions Code, section 6106
[Moral Turpitude]

7. On or between July 7, 2014, and January 2, 2015, respondent held himself out as entitled to practice law, and actually practiced law, when respondent knew, or was grossly negligent in not knowing, respondent was not an active member of the State Bar by Bar by filing pleadings and appearing in court on behalf of Nesenia Gonzales, in *Gonzales v. Rodriguez (aka Gonzales v. Farmers Insurance)*, San Luis Obispo County Superior Court case #CV 138197; filing pleadings and appearing on behalf of Willemke Bokma in *Bokma v. Backlund et al.*, case no. GNM128434 filed in Monterey County Superior Court, and filing a stipulation on behalf of Loren Nauta in *Nauta v. Bank of America*, case nos. B248343, and B255962, filed in the 2nd District Court of Appeal, and thereby committed acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

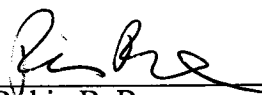
NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: March 24, 2016

By: 
Robin B. Brune
Senior Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL**

2 **RE: DALE GUSTIN**
3 **CASE NOS.: 14-O-00459; 14-O-05543; 15-O-11167**

4 I, the undersigned, over the age of eighteen (18) years, whose business address and place of
5 employment is the State Bar of California, 180 Howard Street, San Francisco, California
6 94105, declare that I am not a party to the within action; that I am readily familiar with the
7 State Bar of California's practice for collection and processing of correspondence for mailing
8 with the United States Postal Service; that in the ordinary course of the State Bar of
9 California's practice, correspondence collected and processed by the State Bar of California
10 would be deposited with the United States Postal Service that same day; that I am aware that
11 on motion of party served, service is presumed invalid if postal cancellation date or postage
12 meter date on the envelope or package is more than one day after date of deposit for mailing
13 contained in the affidavit; and that in accordance with the practice of the State Bar of
14 California for collection and processing of mail, I deposited or placed for collection and
15 mailing in the City and County of San Francisco, on the date shown below, a true copy of the
16 within

17 **NOTICE OF DISCIPLINARY CHARGES**

18 in a sealed envelope placed for collection and mailing as *certified mail, return receipt*
19 **requested**, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date
20 shown below, addressed to:

21 **Article No. 9414 7266 9904 2042 4851 85**

22 **DALE I. GUSTIN**
23 **945 Spring St., Ste 9**
24 **PO Box 764**
25 **Paso Robles, CA 93447-0764**


26 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

27 **N/A**

28 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: March 24, 2016

Signed: _____


Dawn Williams
Declarant