

DEC 29 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
GREGORY P. DRESSER, No. 136532
ASSISTANT CHIEF TRIAL COUNSEL
ROBERT A. HENDERSON, No. 173205
SUPERVISING SENIOR TRIAL COUNSEL
ROBIN BRUNE, No. 149481
SENIOR TRIAL COUNSEL
180 Howard Street
San Francisco, California 94105-1639
Telephone: (415) 538-2218

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case No. 15-O-12486
MARC A. GARCIA,)
No. 179822,) 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:

kwiktag® 197 148 694



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURISDICTION

1. Mark A Garcia ("respondent") was admitted to the practice of law in the State of California on December 4, 1995, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-12486
Business and Professions Code, section 6068(a)
[Failure to Comply With Laws]

2. On or between February 5, 2009 and January 9, 2013, respondent failed to disclose the income he received from Morse & Pfeiff on six Statement of Economic Interest Forms [CA 700], in violation of Government Code sections 87200, et seq., and respondent thereby willfully violated Business and Professions Code, section 6068(a).

COUNT TWO

Case No. 15-O-12486
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

3. On or about February 5, 2009, respondent stated in writing under penalty of perjury to the Merced County Superior Court that, for the reporting period of January 1-December 31, 2008, he had provided true and complete information on his Statement of Economic Interests Form [CA 700] when respondent knew or was grossly negligent in not knowing the statement(s) were false, in that respondent did not report the \$4,516 a month he knew he was receiving from Morse & Pfeiff, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT THREE

Case No. 15-O-12486
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

4. On or about January 5, 2010, respondent stated in writing under penalty of perjury to the Merced County Superior Court that, for the reporting period of January 1-December 31, 2009, he had provided true and complete information on his Statement of Economic Interests

1 Form [CA 700] when respondent knew or was grossly negligent in not knowing the statement(s)
2 were false, in that respondent did not report the \$4,516 a month he knew he was receiving from
3 Morse & Pfeiff, and thereby committed an act involving moral turpitude, dishonesty or
4 corruption in willful violation of Business and Professions Code, section 6106.

5 COUNT FOUR

6 Case No. 15-O-12486
7 Business and Professions Code, section 6106
8 [Moral Turpitude - Misrepresentation]

9 5. On or about February 3, 2010, respondent stated in writing under penalty of perjury
10 to the Merced County Superior Court that, for the reporting period of January 1- December 31,
11 2009, he had provided true and complete information on his Statement of Economic Interests
12 Form[CA 700] when respondent knew or was grossly negligent in not knowing the statement(s)
13 were false, in that respondent did not report the \$4,516 a month he knew he was receiving from
14 Morse & Pfeiff, and thereby committed an act involving moral turpitude, dishonesty or
15 corruption in willful violation of Business and Professions Code, section 6106.

16 COUNT FIVE

17 Case No. 15-O-12486
18 Business and Professions Code, section 6106
19 [Moral Turpitude - Misrepresentation]

20 6. On or about February 25, 2011, respondent stated in writing under penalty of perjury
21 to the Merced County Superior Court that, for the reporting period of January 1-December 31,
22 2010, he had provided true and complete information on his Statement of Economic Interests
23 Form [CA 700] when respondent knew or was grossly negligent in not knowing the statement(s)
24 were false, in that respondent did not report the \$4,516 a month he knew he was receiving from
25 Morse & Pfeiff, and thereby committed an act involving moral turpitude, dishonesty or
26 corruption in willful violation of Business and Professions Code, section 6106.

27 ///

28 ///

///

1
2
3
4
5
6
7
8
9
10
11

COUNT SIX

Case No. 15-O-12486
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

7. On or about February 15, 2012, respondent stated in writing under penalty of perjury, to the Merced County Superior Court that, for the reporting period of January 1-December 31, 2011, he had provided true and complete information on his Statement of Economic Interests Form when respondent knew or was grossly negligent in not knowing the statement(s) were false, in that respondent did not report the \$4,516 a month he knew he was receiving from Morse & Pfeiff, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

12
13
14
15
16
17
18
19
20
21
22

COUNT SEVEN

Case No. 15-O-12486
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

8. On or about January 9, 2013, respondent stated in writing, under penalty of perjury, to the Merced County Superior Court that, for the reporting period of January 1-December 31, 2012, he had provided true and complete information on his Statement of Economic Interests Form [CA 700] when respondent knew or was grossly negligent in not knowing the statement(s) were false, in that respondent did not report the \$4,516 a month he knew he was receiving from Morse & Pfeiff, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

23
24
25
26
27
28

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: December 29, 2015

By: 
Robin Brune
Senior Trial Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE
BY CERTIFIED AND REGULAR MAIL

CASE NO.: 15-O-12486

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

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

Article No.: 9414 7266 9904 2042 4856 59

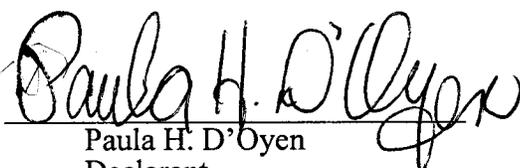
Marc A. Garcia
Garcia Law Firm
PO Box 2717
Merced, CA 95344

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

N/A

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: December 29, 2015

Signed: 

Paula H. D'Oyen
Declarant