

PUBLIC MATTER

FILED

JUN 06 2016

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 15-O-15624
 13 STEPHEN FRANCIS GUINER,)
 No. 44495,) NOTICE OF DISCIPLINARY CHARGES
 14)
 15 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:

- 19 (1) YOUR DEFAULT WILL BE ENTERED;
- 20 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- 21 (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;
- 22 (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.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Stephen Francis Guiner ("respondent") was admitted to the practice of law in the
4 State of California on June 27, 1969, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-15624
8 Business and Professions Code section 6068(k)
[Failure to Comply With Conditions of Probation]

9 2. Respondent failed to comply with conditions attached to Respondent's disciplinary
10 probation in State Bar case no. 12-O-12324 as follows, in willful violation of Business and
11 Professions Code section 6068(k):

12 A. Failing to place the disputed funds in an interest bearing trust account by November
13 3, 2013;

14 B. Failing to contact the Office of Probation to schedule the schedule the required
15 meeting by November 18, 2013;

16 C. Failing to timely submit to the Office of Probation proof showing the disputed funds
17 were placed in an interest bearing trust account by November 18, 2013;

18 D. Failing to timely submit a medical waiver to the Office of Probation by November 18,
19 2013;

20 E. Failing to timely initiate arbitration by November 18, 2013;

21 F. Failing to submit timely a report from his mental health treatment provider by its due
22 date of January 10, 2014;

23 G. Failing to submit timely a quarterly report by its due date of April 10, 2014;

24 H. Failing to submit timely a report from his mental health treatment provider by its due
25 date of April 10, 2014;

26 I. Failing to timely submit to the Office of Probation proof showing the disputed funds
27 were placed in an interest bearing trust account by April 10, 2014;

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- 1 J. Failing to timely submit a copy of the arbitration award to the Office of Probation by
- 2 April 11, 2014;
- 3 K. Failing to timely comply with the arbitration award by April 26, 2014;
- 4 L. Failing to submit timely proof of compliance with the arbitration award to the Office
- 5 of Probation by May 26, 2014;
- 6 M. Failing to submit timely a quarterly report by its due date of July 10, 2014;
- 7 N. Failing to submit a report from his mental health treatment provider by its due date of
- 8 July 10, 2014;
- 9 O. Failing to attend Ethics School, the test given at the end of the session, and submit
- 10 proof of the same to the Office of Probation by October 19, 2014.
- 11 P. Failing to submit timely a report from his mental health treatment provider by its due
- 12 date of January 10, 2015;
- 13 Q. Failing to submit timely a report from his mental health treatment provider by its due
- 14 date of April 10, 2015;
- 15 R. Failing to submit a report from his mental health treatment provider by its due date of
- 16 July 10, 2015 or at any time;
- 17 S. Failing to submit a quarterly report by its due date of October 10, 2015 or at any time;
- 18 T. Failing to submit a report from his mental health treatment provider by its due date of
- 19 October 10, 2015 or at any time;
- 20 U. Failing to submit his final report by its due date of October 19, 2015 or at any time;
- 21 V. Failing to submit a report from his mental health treatment provider by its due date of
- 22 October 19, 2015 or at any time;

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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

By: 
Shataka Shores-Brooks
Deputy Trial Counsel

DATED: June 6, 2016

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DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 15-O-15624

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, 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 Los Angeles, 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, Article No.: 9414 7266 9904 2010 0850 96, at Los Angeles, on the date shown below, addressed to:

**Stephen Francis Guiner
7203 Lotus Ave #C
San Gabriel, CA 91775**

via regular US mail to:

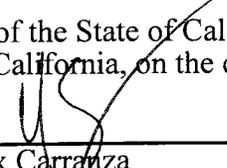
**Stephen Francis Guiner
7203 Lotus Ave #C
San Gabriel, CA 91775**

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 Los Angeles, California, on the date shown below.

DATED: June 6, 2016

Signed: 
Max Carranza
Declarant