

PUBLIC MATTER

FILED

MAY 23 2016

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
GREGORY P. DRESSER, No. 136532
INTERIM CHIEF TRIAL COUNSEL
SUSAN CHAN, No. 233229
ACTING 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. 16-N-10867
DALE IRVING GUSTIN,)
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:

JURISDICTION

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1 1. DALE IRVING GUSTIN ("respondent") was admitted to the practice of law in the
2 State of California on December 21, 1977, was a member at all times pertinent to these charges,
3 and is currently a member of the State Bar of California.

4 COUNT ONE

5 Case No. 16-N-10867
6 California Rules of Court, rule 9.20
7 [Failure to Obey Rule 9.20]

8 2. Respondent failed to file a declaration of compliance with California Rules of Court,
9 rule 9.20 in conformity with the requirements of rule 9.20(c) with the clerk of the State Bar
10 Court by November 18, 2015, as required by Supreme Court order no. S226413, in willful
11 violation of California Rules of Court, rule 9.20. (A true and correct copy of the rule 9.20 order
12 is attached hereto as Exhibit 1 and is incorporated by reference.)

13 COUNT TWO

14 Case No. 16-N-10867
15 Business and Professions Code, section 6106
16 [Moral Turpitude]

17 3. On or about December 3, 2015, respondent stated in writing, in his pleading entitled
18 "Declaration of Compliance With Rule 9.20 Regarding Notice to Clients and Withdrawal From
19 All Cases Pending as of June 30, 2015 and the Ruling in the Supreme Court Order Filed
20 September 9, 2015," filed on or about February 22, 2015 in the State Bar Court, that, as of June
21 30, 2014, he "has performed no legal work for any of his clients that had pending cases in which
22 he was the Attorney of Record or for any other persons," when respondent knew or was grossly
23 negligent in not knowing the statement was false, and thereby committed an act involving moral
24 turpitude, dishonesty or corruption in wilful violation of Business and Professions Code, section
25 6106.

26 **NOTICE - INACTIVE ENROLLMENT!**

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
28 **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.

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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,

DATED: May 23, 2016

By: 

Robin Brune
Senior Trial Counsel

SUPREME COURT
FILED

State Bar Court Nos. 13-O-10692/13-O-11454

SEP 09 2015

S226413

Frank A. McGuire Clerk

IN THE SUPREME COURT OF CALIFORNIA
En Banc

Deputy

In re DALE IRVING GUSTIN on Discipline.

The motion to strike is denied.

The petition for review is denied.

The court orders that Dale Irving Gustin, State Bar Number 76642, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. Dale Irving Gustin is suspended from the practice of law for the first six months of probation;
2. Dale Irving Gustin must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on February 12, 2015; and
3. At the expiration of the period of probation, if Dale Irving Gustin has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Dale Irving Gustin must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Dale Irving Gustin must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Werdegar, J., was absent and did not participate.

I, Frank A. McGuire, Clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this Court as shown by the records of my office.
Witness my hand and the seal of the Court this

9 day of September 2015
Clerk

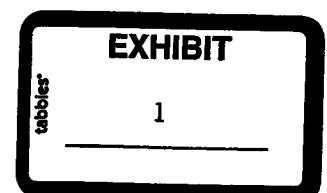
CANTIL-SAKAUYE

Chief Justice

RECEIVED

SEP 21 2015

CENTRAL ADMINISTRATION



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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

RE: DALE GUSTIN
CASE NOS.: 16-N-10867

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 2069 9445 11

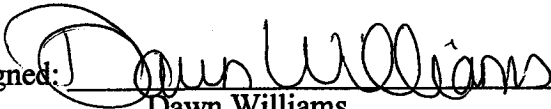
DALE I. GUSTIN
945 Spring St., Ste 9
PO Box 764
Paso Robles, CA 93447-0764

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: May 23, 2016

Signed: 
Dawn Williams
Declarant