

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

OCT 28 2016

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:

) Case No. 16-O-11832

14 JOSEPH D. GUMINA,
15 No. 288834,

) NOTICE OF DISCIPLINARY CHARGES

16 A Member of the State Bar.

17 **NOTICE - FAILURE TO RESPOND!**

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

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
22 (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;
23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
26 **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. Joseph D. Gumina ("respondent") was admitted to the practice of law in the State of
4 California on January 31, 2013, 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. 16-O-11832
8 Rules of Professional Conduct, rule 3-700(A)(2)
[Improper Withdrawal from Employment]

9 2. Respondent failed, upon termination of employment, to take reasonable steps to avoid
10 reasonably foreseeable prejudice to Respondent's client, Invensure Insurance Brokers, Inc., by
11 constructively terminating Respondent's employment on December 24, 2015 by failing to take
12 any action on the client's behalf after December 24, 2015, and thereafter failing to inform the
13 client that Respondent was withdrawing from employment, in willful violation of Rules of
14 Professional Conduct, rule 3-700(A)(2).

15 COUNT TWO

16 Case No. 16-O-11832
17 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

18 3. Respondent failed to cooperate and participate in a disciplinary investigation pending
19 against Respondent by failing to provide a substantive response to the State Bar's letters of June
20 24, 2016, August 5, 2016 and August 23, 2016, which Respondent received, that requested
21 Respondent's response to the allegations of misconduct being investigated in case no. 16-O-
22 11832, in willful violation of Business and Professions Code, section 6068(i).

23 NOTICE - INACTIVE ENROLLMENT!

24 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
25 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
26 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
27 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
28 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**

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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: October 28, 2016

By: _____
William Todd
Senior Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 16-O-11832

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, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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.: 9414 7266 9904 2010 0649 47 at Los Angeles, addressed to: (see below)
(for Ground Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: JOSEPH D. GUMINA, Law Office of Joseph D. Gumina, 139 Baileigh Lyn Loop, Jonesborough, TN 37659-4895, 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: October 28, 2016

SIGNED:

Signature of Laura Jett, LAURA JETT, Declarant