# PUBLIC MATTER

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT – LOS ANGELES**

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| In the Matter of<br><br>DAVIDE GOLIA,<br><br>Petitioner for Reinstatement. | Case No.: 17-R-06509-YDR<br><br>DECISION |

## Introduction[1]

This matter comes before the court on the petition for reinstatement to the practice of law filed by Davide Golia (Petitioner), after he was disbarred by the California Supreme Court, effective January 9, 2013. The petition for reinstatement is opposed by the Office of the Chief Trial Counsel of the State Bar of California (OCTC).

After carefully considering all of the evidence and arguments of the parties, this court concludes that Petitioner has demonstrated by clear and convincing evidence , that he has satisfied the requirements for reinstatement to the practice of law in California. Accordingly, this court recommends that Petitioner be reinstated to the practice of law upon the payment of all applicable fees and costs.

## Significant Procedural History

On October 30, 2017, David Golia (Petitioner), filed his petition for reinstatement. OCTC filed an opposition to the petition on March 16, 2018. The parties filed a Stipulation as to Facts (Stipulation) on May 8, 2018, and a four-day trial was held on May 8, 9, 10, and 17, 2018.

[1] Unless otherwise indicated, all statutory references are to the Business and Professions Code.

Petitioner was represented by Samuel C. Bellicini, Esq. OCTC was represented by Senior Trial Counsel Eric Aufdengarten, Esq. and Supervising Attorney, Drew D. Massey, Esq. The matter was submitted for decision on June 7, 2018, the same date on which the parties filed post-trial closing argument briefs.

**Requirements for Reinstatement**

Rule 5.445(A) of the Rules of Procedure provides that petitioners for reinstatement, who previously had been disbarred or resigned with charges pending, must:

1. pass a professional responsibility examination within one year prior to filing the petition;

2. establish their rehabilitation;

3. establish present moral qualifications for reinstatement; and

4. establish present ability and learning in the general law by providing proof that they have taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within three years prior to the filing of the petition.

Reinstatement petitioners must also submit proof that they have paid all discipline costs and have reimbursed all payments made by the Client Security Fund as a result of their prior misconduct. (Rules Proc. of State Bar, rule 5.441(B)(2).)

The evidence is uncontradicted, the parties have stipulated, and this court finds that Petitioner: (1) passed the Multistate Professional Responsibility Examinations (MPRE) administered on March 18, 2017, within one year prior to the filing of the instant petition for reinstatement; (2) passed the July 2016 Attorneys' Examination, administered by the Committee of Bar Examiners, within three years prior to the filing of the date that Petitioner filed his petition for reinstatement; (3) does not owe the Client Security Fund any money for reimbursement and there are no applications pending; and (4) has paid all discipline costs and applicable fees.

Thus, the only disputed issues in this matter are whether Petitioner has sustained his burden of proving that he is rehabilitated and has the present moral qualifications for reinstatement.

***Legal Principles Regarding Rehabilitation/Present Moral Qualifications***

The legal principles regarding reinstatement proceedings are well established. "Petitioner bears a heavy burden of proving his rehabilitation. [Citation.] He 'must show by the most clear and convincing evidence that efforts made towards rehabilitation have been successful.' [Citation.] Petitioner must present stronger proof of his present honesty and integrity than one seeking admission for the first time whose character has never been in question. [Citation.] 'In determining whether that burden has been met, the evidence of present character must be considered in light of the moral shortcomings which resulted in the imposition of discipline.' [Citation.]" (*In the Matter of Rudman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 546, 552-553.) And, that is because, "'The amount of evidence of rehabilitation required to justify [reinstatement] varies according to the seriousness of the misconduct.'" (*In re Menna* (1995) 11 Cal.4th 975, 987, quoting *Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1086 (dis. opn. of Lucas, C. J.).) Thus, the more egregious the misconduct underlying Petitioner's disbarment, the more evidence of rehabilitation and present good moral character is needed to justify reinstatement.

It is also equally well established that "[t]he law looks with favor upon the regeneration of erring attorneys and should not place unnecessary burdens upon them." (*Resner v. State Bar* (1967) 67 Cal.2d 799, 811.) "There can, of course, be no absolute guarantee that petitioner will never engage in misconduct again. But if such a guarantee were required for reinstatement none could qualify. All [this court] can require is a showing of rehabilitation and of present moral

fitness." (*Ibid.*) In short, Petitioner is not required to show perfection. (*In the Matter of Giddens* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 25, 37.)

## Findings of Fact

The following findings of fact are based on the petition, the parties' stipulation, and the evidence before the court.

***Petitioner's Background, Conviction and Conduct Leading to Disbarment***

Petitioner was born in Naples, Italy. Several years after his biological father passed, his mother married an American serviceman who subsequently moved the close-knit family to Arizona and California, before settling in Hawaii. Moving to the United States proved to be quite an adjustment for Petitioner. For example, when Petitioner first arrived in the U.S. at the age of six, he didn't speak English. But, with his stepfather's patient guidance, Petitioner learned to speak the language and excelled in school.

After graduating from college, Petitioner and his new wife, Tess, left Hawaii and travelled to Southern California for Petitioner to attend law school at the University of San Diego Law School (USD Law). Petitioner excelled at USD Law and made law review. Petitioner was admitted to the practice of law in California on June 14, 1985. Around that time, Petitioner met Bob Marks, who initially was one of Petitioner's clients. By April of 1987, however, Petitioner and Marks started the law firm of Marks & Golia, which specialized in government contracts and public works litigation. Petitioner had a strong work ethic and, by 2006, he and Marks had grown the firm from 2 attorneys and a secretary to 31 attorneys and about 60 staff members. They were friends and law partners for about 25 years.

As Marks & Golia became more successful, Petitioner began to invest in real estate, purchasing a commercial building in San Diego, two condos in Waikiki, Hawaii, a home in Poway and a condo in Rancho Bernardo. In 2007, Troy Nichols, the real estate agent who

represented Petitioner in some of his earlier real estate investments, told Petitioner about what he believed would be a lucrative Santa Cruz hotel investment. The Santa Cruz hotel investment involved Petitioner making an investment of a $1 million unsecured "bridge loan" to two developers, David Ortiz and Brian Gaines, in order for Ortiz and Gaines to close on the purchase of the lot on which the hotel was situated. Ortiz and Gaines were supposed to have obtained $15 million in financing for the construction of the hotel. Ortiz and Gaines were to repay Petitioner for the $1 million bridge loan in 30 days and in consideration for the $1 million bridge loan, Petitioner was to become a one-third partner in the finished hotel project.

Petitioner drew down $1 million on his personal line of credit and invested the funds in the purchase of the hotel property. However, several months later, by late 2007, the construction loan lenders had decided not to fund the $15 million construction loan and Ortiz and Gaines tried to obtain alternate lenders. Petitioner began to pay the interest on the $1 million line of credit and, out of fear of losing his $1 million investment, he began to pay about $23,000 a month on behalf of Gaines and Ortiz for the purchase of the hotel lot. When the City of Santa Cruz threatened to pull the permits if the hotel construction did not commence, Petitioner paid $800,000 to build a slurry wall on the lot.

In March 2008, Gaines and Ortiz introduced Petitioner to Bryan Egan, who was supposed to be a Las Vegas loan broker. Petitioner paid Egan an upfront fee of $155,000 for Egan to obtain a $15 million loan. Egan approached Petitioner with a suggestion that he obtain a $2 million line of credit from Citibank by presenting Citibank with a fraudulent scheme where Petitioner was the president of a fictitious and financially successful company, Accord Project Management Group (Accord). The Accord financial statements Petitioner submitted to Citibank falsely reflected that Accord had over $167 million in annual sales and over 2,000 employees at 800+ business locations. (Exh. 2, pp. 12-13.) From the very beginning, Petitioner knew that

Accord did not exist, that the Accord financial statements submitted to Citibank, and that the information Petitioner discussed with the Citibank Vice President during his meeting with him at Petitioner's law firm, were false. Yet, Petitioner signed the loan documents and participated in the bank fraud scheme.[2]

On September 26, 2008, Citibank offered Accord a $2 million line of credit, subject to the terms and conditions of a credit approval letter.[3] (Exh. 1001.) Subsequently, Egan periodically prepared, and Petitioner submitted, other fraudulent Accord financial statements to Citibank to avoid detection and a possible demand for immediate repayment. Petitioner also installed a separate Accord "business" phone line at his home.

During 2009, Petitioner explored various options to legally repay the Citibank $2 million line of credit. (Exh. 1002.) Finally, he borrowed $2 million from a friend and client, Doug Barnhart. Petitioner did not disclose to Barnhart that he was borrowing money from him to repay funds he had fraudulently obtained. Barnhart loaned Petitioner $2 million in April 2010 and Petitioner executed a promissory note to Barnhart for $2 million. On April 16, 2010, Petitioner used the funds borrowed from Barnhart to payoff and close the Citibank line of credit. (Exh. 1004.)

By March 2010, the Federal Bureau of Investigation (FBI) had become aware of Egan's illegal operations and raided Egan's office. Initially, the FBI thought Petitioner had unknowingly been victimized by Egan. They informed Petitioner that Egan was a convicted felon who was running a loan fee scheme and that they were aware that Petitioner had paid Egan

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[2] Petitioner testified that he agreed to carry out the fraudulent scheme due to his fear of failing financially and disappointing his family members who looked up to him as a role model and as a successful member of the family.

[3] Although Accord was listed as "borrower", the line of credit was secured by Petitioner and the Golia Trust as guarantors as Citibank had insisted on reviewing Petitioner's truthful personal financial statements and tax returns.

about $190,000. Subsequently, Petitioner became a suspect after it became apparent that he was an active participant and co-conspirator in the bank fraud scheme.

Although he felt disgraced and embarrassed, during the spring and early summer of 2011, Petitioner began to tell family members, friends and members of the legal community about his criminal conduct. On June 2, 2011, he disclosed his misdeeds to members of his firm and he withdrew from his firm's partnership on June 16, 2011. (Exh. 1008.)[4] Many of those he told were shaken by his revelation because they respected him as a successful colleague, role model and friend. Many testified that they were touched by his remorse and penitence.

With the equity he was paid from his interest in his firm, Petitioner paid off the $2 million loan he obtained from Barnhart.

On September 7, 2011, a Felony Information was filed against Petitioner in the case of *United States of America vs. Davide Golia*, United States District Court, District of Nevada, Case no. 2:11-cr-00285-PMP-LRL (the Criminal Proceeding), charging Petitioner with a single count of conspiracy to commit bank fraud (18 USC section 1344, 18 USC section 371), a felony. (Exh. 1010.) That same day, and contemporaneous with the filing of the Felony Information, a plea memorandum was filed in the Criminal Proceeding, in which Petitioner pled guilty to the single felony count alleged in the Felony Information.

On March 19, 2012, the United States Attorney's office filed a motion for a downward sentencing departure (Exh. 1015); a departure that prosecutors may, in their discretion, recommend when a cooperating witness provides 'substantial assistance. [Citation.]'" (*U.S. v. McFall* (9th Cir. 2009) 558 F.3d 951, 964, fn. 11.) The prosecutors stated that Petitioner had

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[4] Since August 2011, Petitioner has worked as a consultant with former client, TB Pennick & Sons, Inc., a general construction and concrete contractor. As an Executive Vice President of Risk Operations, Petitioner's duties include construction management, negotiating with subcontractors, purchasing insurance and monitoring outside counsel retained to represent TB Pennick & Sons, Inc.

cooperated with them by providing truthful information to the FBI which subsequently resulted in Egan pleading guilty.

On March 23, 2012, the March 19, 2012, guilty judgment was entered against Petitioner in the Criminal Proceeding. In the judgment, Judge Pro, the district court judge that presided over the Criminal Proceeding, indicated that Petitioner's criminal conduct ended in March 2010.

During the March 19, 2012 sentencing hearing, the court assessed Petitioner's crime as follows:

> I understand that no loss actually occurred, that the victim of the fraudulent scheme has been made whole, and, hence, we don't have a victim standing here seeking some type of sentence or restitution repayment, things of that sort, that's been accomplished.
>
> So, was there actual loss? No. There was no actual loss. And that is an important fact certainly to consider in applying the advisory guidelines.
>
> Was there an intended loss? Oddly enough, it seems to me under this entire scheme as was outlined by Mr. Schiess [the prosecutor] and the way things played out, probably not so much. There was an intent to defraud, but it's like stealing the car and going down the street to the 7-Eleven and bringing it back. And I don't mean to minimize this because it's nothing like stealing a car, but the intent, it seems to me, from what was presented, and I haven't tried the case, I only have the arguments that have been made and the papers that have been filed, was that this was employed as a vehicle to continue on with something else." (Exh. 1016, pp. 58-59.)

Ultimately, along with other conditions, Golia was sentenced to three years' probation, 90 days work-release from a half-way house, and ordered to pay a $5,000 fine. (Exh. 1017.)

After serving a little over a year of his federal probation sentence, Petitioner filed a motion for early termination of probation on March 21, 2013. (Exh. 1024.) The United States Attorney's Office did not oppose the motion and it was granted on March 26, 2013. (Exh. 1024, pp. 18-21.)

Petitioner was never incarcerated for his crime.

***Petitioner's Disbarment and Post-Disbarment Activities***

As the parties stipulated, on September 21, 2011, Petitioner timely self-reported to the State Bar both the filing of the Felony Information, and his guilty plea, as required, pursuant to section 6068, subdivision (o). As further required by section 6068, subdivision (o), Petitioner timely self-reported his felony conviction to the State Bar on April 12, 2012.

On June 29, 2012, the OCTC filed a motion for summary disbarment, in *In re Davide Golia on Discipline*, State Bar Court Case no. 11-C-18659 (the Discipline Proceeding). Petitioner filed a statement of non-opposition to the motion for summary disbarment on July 11, 2012.

The Review Department of the State Bar Court found that Petitioner's conviction met the criteria for summary disbarment in that bank fraud, the offense of which Petitioner had been convicted, is a felony which involved moral turpitude.[5] On July 20, 2012, the Review Department filed an order which recommended that Petitioner be summarily disbarred and that Petitioner be suspended from the practice of law in the State of California, pending final disposition of the Discipline Proceeding. The Review Department also recommended that Petitioner be ordered to comply with the provisions of California Rules of Court, rule 9.20.[6]

On December 10, 2012, the California Supreme Court filed an order in the Discipline Proceeding (Supreme Court Case no. S205637), which, *inter alia*, disbarred Petitioner, and ordered him to comply with the provisions of California Rules of Court, rule 9.20. The December 10, 2012 order was effective on January 9, 2013. Pursuant to this order, on December 26, 2012, Petitioner timely filed a compliant rule 9.20 compliance declaration in the Discipline Proceeding.

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[5] Bank fraud is a felony of moral turpitude per se.

[6] Petitioner timely filed a compliant rule 9.20 compliance declaration on August 24, 2012.

***The Multistate Professional Responsibility Exam***

As the parties stipulated, Petitioner passed the Multistate Professional Responsibility Examination administered on March 18, 2017.

***Petitioner's Present Ability and Learning in the General Law***

On November 18, 2016, Petitioner was notified that he had passed the Attorneys' Examination administered by the California Committee of Bar Examiners.

***Disciplinary Costs/Annual Fees/Client Security Fund***

As the parties stipulated, Petitioner has paid all outstanding discipline costs and fees. Petitioner does not owe the Client Security Fund (CSF) any money, and there are no CSF applications pending.

**Rehabilitation and Present Moral Qualifications for Reinstatement**

***Petitioner's Community Service and Charitable Activities***

Since his conviction, Petitioner has become an active contributor to the betterment of the public and the legal community. During his probationary period, Petitioner was involved with various community service organizations in order to satisfactorily complete the 155 hours of community service ordered as a condition of his probation. Specifically, Petitioner worked with the Crossroads Christian Ministries, Intl., collecting and distributing food and donated clothing to the needy and, he volunteered as a coach for a youth basketball team, the San Diego Allstars. (Exh. 1024, pp. 10-11) Petitioner spearheaded fundraising activities for the Boy Scouts by forming a committee that met weekly for at least six months and raised about $110,000. Petitioner presented those funds to the organization at a program on September 25, 2012.[7]

[7] Although Petitioner receives no rehabilitation credit here for performing the 155 hours of community service activities in one year because the community service hours were required as a condition of Petitioner's probation, the court finds this information insightful in understanding, among other things, the main reason underlying the U. S. Attorney's Office's

Following the termination of his probationary period (which ended on March 26, 2013), Petitioner continued to participate in community service activities. Petitioner re-engaged with his church and has become an active participant in the Knights of Columbus, a church-affiliated group. He has been involved in church fundraisers and has assisted older church members who needed help with moving and other tasks. Petitioner also financially "adopted" an elementary school student in Haiti by providing support to her school for her food and education.

In addition, Petitioner engaged in meaningful community service activities that benefitted the legal community when he participated in post-disbarment talks with law students at three institutions: Thomas Jefferson Law School in San Diego; University of San Francisco School of Law and USD Law, Petitioner's alma mater. During these talks, which took place between February 4, 2016 and November 7, 2017, Petitioner painfully but candidly, shared the circumstances leading up to and involving his misdeeds, which ultimately resulted in his disbarment. Petitioner conveyed full responsibility for his actions while talking with the law students he addressed. He explained that members of the legal profession hold a place in society which demands that at all times, and in all settings, lawyers must be mindful of, and act in accordance with, their ethical obligations, not only to their clients, but to society at large.

All in all, Petitioner's community activities are positive evidence of his rehabilitation efforts and present good moral character. (See *Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.)

***Evidence of Good Moral Character***

In support of his efforts to prove his rehabilitation and present moral qualifications, Petitioner presented good moral character testimony from 15 individuals: two construction company owners (Tim and Marc Pennick), three family members (his wife, sister and son), and eight attorneys (Bob Steele, Michael Snider, Stephen Schultz, Mark Bennett, James Dieffenbach,

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non-opposition and the federal court's rationale for granting a termination of his probation two years earlier than originally ordered.

Peter Ippolito, R.J. Pinto, and his former law partner, Robert Marks). In addition, three individuals (Byron Klemaske II, Douglas Barnhart and Craig Ramseyer, Esq.), submitted declarations in which they declared under penalty of perjury, that Petitioner was of good moral character.

As the testimony and declarations of the witnesses/declarants indicate, several have personal as well as professional relationships with Petitioner. Most have known Petitioner for 15-30 years, long before the occurrence of the misconduct that resulted in his disbarment. Others met him after the occurrence of the misconduct. All of the witnesses were aware of the circumstances surrounding the unlawful conduct that resulted in Petitioner entering a guilty plea for conspiracy to commit bank fraud. All expressed their opinion that Petitioner is of good moral character. Some provided evidence of their knowledge of petitioner's acceptance of responsibility for his misconduct. Others testified to his honesty and integrity. Petitioner has gained the trust and confidence of his employers and his former law partner.

These individuals communicated their observations and opinions regarding Petitioner's rehabilitation and moral character. Each stated that Petitioner personally informed them about, and took responsibility for, his criminal conduct. Each stated that Petitioner was contrite and remorseful about his conduct that lead to his disbarment. All of the character witnesses and declarants were very supportive of Petitioner and made favorable comments about his honesty, truthfulness, and integrity.

All character witnesses presented by Petitioner, as well as the individuals who submitted declarations on Petitioner's behalf, were aware of the nature of the proceedings and Petitioner's conduct that resulted in the criminal charges that had been filed against him[8]. The court finds

[8] A number of Petitioner's character witnesses had previously traveled to Las Vegas for the March 19, 2012 sentencing hearing that took place in the Criminal Proceeding. As a matter

that each of the character witnesses who testified on petitioner's behalf and the individuals who submitted declarations were credible.

As noted above, several attorneys, who are particularly aware of the high standard of moral character necessary in the legal profession, appeared as character witnesses in support of petitioner or submitted declarations made under penalty of perjury.

The Review Department of this court has "observed that 'in determining whether an erring attorney has proved rehabilitation and present moral qualifications, the California Supreme Court has heavily weighed the favorable testimony of acquaintances, neighbors, friends, associates and employers with reference to their observation of the daily conduct and mode of living of such an attorney. [Citations.]' " (*In the Matter of Salyer* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 816, 822-823, quoting *In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 317-318.) Moreover, it is well-established that favorable testimony from members of the bar and members of the public held in high regard is entitled to considerable weight. (See, e.g., *In the Matter of Salyer*, *supra*, 4 Cal. State Bar Ct. Rptr. at p. 824; *In the Matter of Miller* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 423, 431.) While such character testimony does not alone establish the requisite good character, it can, as it does here, corroborate and expand on the other evidence of rehabilitation and present good moral character received by this court.

***The OCTC's Contentions Regarding Petitioner's Rehabilitation and Evidence of Exemplary Conduct***

The OCTC contends that Petitioner has not demonstrated rehabilitation over a sustained period with truly exemplary conduct given that Petitioner was disbarred less than five years prior to the filing of his petition. The State Bar also contends that Petitioner did not disclose in his

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of fact, the sentencing judge commented "certainly so many friends and family members being here is not typical of most sentencings that I conduct." (Exh. 1016, p. 57.)

petition, misrepresentations that he made to the Citibank vice president who visited Petitioner's law office in September of 2008 and that he failed to advise Barnhart that he obtained the $2 million loan from Citibank by submitting fraudulent documents.

Petitioner testified to his accountability for these transgressions and for all actions surrounding the conspiracy to commit bank fraud crime for which he was convicted. Petitioner was not required to provide each specific wrongful act that led to his felony conviction. The court does not find that Petitioner's rehabilitation efforts were discounted by his failure to disclose his misrepresentations to the bank vice president and concealment of information from Barnhart. It is clear that Petitioner has accepted responsibility for his wrongdoing and recognizes the import of acting with honesty and integrity at all times, whether acting as an attorney or in personal matters.

Moreover, when discussing his wrongdoing, Petitioner candidly shared this information with others and he pointedly stated he alone is accountable for the acts that resulted in his conviction and ultimately, in his disbarment.

**Discussion**

It is well established that the law favors the regeneration of erring attorneys and should not place unnecessary burdens upon them in proving rehabilitation. (*In the Matter of Brown, supra,* 2 Cal. State Bar Ct. Rptr. at p. 315, citing *Tardiff v. State Bar* (1980) 27 Cal.3d 395, 404; *Resner v. State Bar* (1967) 67 Cal.2d 799, 811; *In re Gaffney* (1946) 28 Cal.2d 761, 764; *In re Andreani* (1939) 14 Cal.2d 736, 749; and *In the Matter of McCray* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 373, 382.) Even an attorney's prior "egregious past misconduct" does not preclude reinstatement. (*In the Matter of Bellicini* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 883, 890.) While evidence of sustained exemplary conduct is required for reinstatement to be granted, sustained exemplary conduct "does not require perfection from an applicant nor total

freedom from true mistake." (*In the Matter of Giddens* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 25, 37; see, e.g., *In the Matter of Salyer*, *supra*, 4 Cal. State Bar Ct. Rptr. 816 [member reinstated despite failure to file rule 955 affidavit]; *In the Matter of Miller* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 423 [petitioner's failure to be forthcoming with his clients about the circumstances of his resignation, suggesting to them that he was retiring and concealing his discipline, was not a bar to reinstatement]; *In the Matter of Rudman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 546 [DUI conviction after resignation not a bar to reinstatement].) "'Where the evidence is uncontroverted . . . and shows exemplary conduct extending over a period of from eight to ten years without even a suggestion of wrongdoing, it would seem that rehabilitation had been established.'" (*In the Matter of Brown*, *supra*, 2 Cal. State Bar Ct. Rptr. at p. 317; quoting *Werner v. State Bar* (1954) 42 Cal.2d 187, 198 (conc. opn. of Carter, J.).)

Here, no negative character inferences can be drawn. Nor is there evidence of any misconduct or problems in Petitioner's professional life prior to 2008 or after March 25, 2010. There is no evidence of any misconduct by Petitioner in the years that have elapsed since the misconduct that gave rise to his disbarment. Instead, he has presented overwhelming evidence, including extensive testimonials from members of the legal profession of his rehabilitation and present good moral character.

Truly exemplary conduct includes service to the community, including the legal community. In this court's view, Petitioner's sharing, on three occasions, his own experiences and educating law students about the gravity of a lawyer's breach of one's ethical obligations, is a form of community service to the profession to which this court affords great significance. The significance of this activity and the court's reasons for affording Petitioner extensive credit for engaging in this form of service, can be gleaned from the following observations made by University of San Francisco School of Law instructor Carol Langford:

> [T]hank you very much for speaking to my Professional Responsibility class at the University of San Francisco this summer. I knew you would be a useful resource for my class, and to your credit, you stood up before a classroom of very skeptical students and you were completely honest about what you had done wrong, what you wished you had done instead and how much you understood and felt remorse for hurting your family, your law firm and society in general by falsifying loan documents. The students were really impressed and later asked both you and me questions like '[h]ow can I avoid this?' and '[w]hat advice would you give a young lawyer on how to avoid Bar trouble?'
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> . . .
>
> You made light of nothing. You fully accepted responsibility for everything you had done, and clearly understood the nature of your acts. I could tell it was tough for you to admit to a class of young, discipline-free future attorneys that you were one of the "disbarred". Yet you did, with hands shaking a little and a quavering voice at times.
>
> I think that the class liked that you paid back the loan money you got and that you are appreciative of your wife's support.

Since his conviction and disbarment, Petitioner has rebuilt his life in an exemplary fashion. Petitioner not only successfully completed with his criminal probation, but, because he "accepted responsibility for his actions and quickly performed his sentence", he was granted early termination of his criminal probation. (See Exh. 1024.) In addition, Petitioner has obtained non-legal employment, re-directed his lifestyle, supported his family, paid the $2 million in restitution that he initially obtained by ill-gotten means, as well as repaid the $2 million loan he obtained from Barnhart. Petitioner's pre-disbarment restitution of over $2 million, his work with the Boy Scouts, his church and church members, church-affiliated groups and his support for others less fortunate, such as the elementary students in Haiti, demonstrate exemplary conduct and good moral character.

This court also finds that Petitioner's testimony in this proceeding was candid and credible. Petitioner has expressed genuine remorse and has accepted full responsibility for the misconduct that lead to his disbarment. He is well aware of the harm his misconduct caused the legal profession. For a minimum of 4 ½ years, Petitioner has worked hard, been productive, and

given of himself through charitable and civic volunteer activities to atone for the wrongs he committed.

Petitioner's present good moral character is attested to by many character witnesses. The court finds that Petitioner's sustained period of exemplary conduct, his recognition of the seriousness of his misconduct, his dedication to his family, and his genuine expression of remorse, are all strong indicators of Petitioner's rehabilitation and present honesty and integrity. Reviewing the record as a whole, the court finds that Petitioner has demonstrated rehabilitation and moral reformation from the acts which led to his disbarment and that he currently possesses the moral qualifications for reinstatement to the practice of law.

## Conclusion and Recommendation

In conclusion, the court finds that Petitioner (1) passed a professional responsibility examination within one year before he filed his petition for reinstatement, (2) established his present ability and learning in the general law by providing proof of having taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within three years prior to filing the petition for reinstatement, and (3) has established that he is rehabilitated and presently possesses the moral qualifications for reinstatement to the practice of law in California. (Cal. Rules of Court, rule 9.10(f); see also Rules Proc. of State Bar, rule 5.445(A).)

Accordingly, the court recommends that Davide Golia's October 30, 2017 petition for reinstatement after disbarment be **GRANTED** and that he be **REINSTATED** as a member of the State Bar of California upon his payment of the required fees and his taking the oath required by law. (Cal. Rules of Court, rule 9.10(f); section 6078; Rules Proc. of State Bar, rule 5.445(A).)

Dated: September 5, 2018

YVETTE D. ROLAND
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 5, 2018, I deposited a true copy of the following document(s):

DECISION

in a sealed envelope for collection and mailing on that date as follows:

☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SAMUEL C. BELLICINI
SAMUEL C. BELLICINI, LAWYER
1005 NORTHGATE DR # 240
SAN RAFAEL, CA 94903

☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Drew D. Massey, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 5, 2018.

Angela Carpenter
Court Specialist
State Bar Court