

**PUBLIC MATTER
FILED**

MAR 16 2018

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

1 STATE BAR OF CALIFORNIA
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10 STATE BAR COURT
11 HEARING DEPARTMENT - SAN FRANCISCO

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13 In the Matter of:) Case No. 17-O-05052
14 MARTIN GUERBADOT,)
No. 275873,) NOTICE OF DISCIPLINARY CHARGES
15)
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**
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
26 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Martin Guerbador ("respondent") was admitted to the practice of law in the State of
4 California on May 16, 2011, 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. 17-O-05052
8 Rules of Professional Conduct, Rule 4-100(A)
9 [Commingling -- Payment of Personal Expenses from Client Trust Account]

10 2. On or about April 13, 2017, respondent authorized the following electronic
11 withdrawals between on or about April 20, 2017, and on or about September 12, 2017, from
12 funds in respondent's client trust account at Chase Bank, account no. XXXXX9611, for the
13 payment of personal expenses, in willful violation of the Rules of Professional Conduct, rule 4-
14 100(A):

15	<u>DATE</u>	<u>AMOUNT</u>	<u>WITHDRAWAL BY</u>
16	April 20, 2017	\$164.71	Navient Solutions, LLC
17	May 12, 2017	\$.76	Navient Solutions, LLC
18	June 12, 2017	\$177.20	Navient Solutions, LLC
19	June 26, 2017	\$123.41	Sprint
20	July 12, 2017	\$177.99	Navient Solutions, LLC
21	July 24, 2017	\$118.70	Sprint

22 COUNT TWO

23 Case No. 17-O-05052
24 Rules of Professional Conduct, Rule 4-100(A)
25 [Commingling Personal Funds in Client Trust Account]

26 3. On or about March 22, 2017 through September 11, 2017, respondent deposited or
27 commingled funds belonging to respondent into respondent's client trust account at Chase Bank,
28

1 XXXXX9611, as follows in willful violation of the Rules of Professional Conduct, rule 4-
2 100(A):

<u>Date of Deposit</u>	<u>AMT. DEPOSITED</u>	<u>FORM OF DEPOSIT</u>
March 22, 2017	\$200.00	check
June 19, 2017	\$225.00	check
August 1, 2017	\$67.50	electronic transfer
August 28, 2017	\$40.00	electronic transfer
September 11, 2017	\$20.00	electronic transfer
October 12, 2017	\$40.00	electronic transfer
October 16, 2017	\$2,875.00	check
November 3, 2017	\$30.00	electronic transfer

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13 COUNT THREE

14 Case No. 17-O-05052
15 Business and Professions Code, section 6068(i)
16 [Failure to Cooperate in State Bar Investigation]

17 4. Respondent failed to cooperate and participate in a disciplinary investigation pending
18 against respondent by failing to provide a substantive response to the following State Bar letters,
19 which respondent received, that requested respondent's response to the allegations of misconduct
20 being investigated in the designated cases, in willful violation of Business and Professions Code,
21 section 6068(i):

<u>DATE OF LETTER</u>	<u>STATE BAR CASE(S)</u>
August 31, 2017	17-O-05052
October 11, 2017	17-O-05733; 17-O-05958
October 24, 2017	17-O-05958
November 1, 2017	17-O-06352
November 20, 2017	17-O-06352
February 1, 2018	17-O-06577

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February 26, 2018

17-O-06577

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.

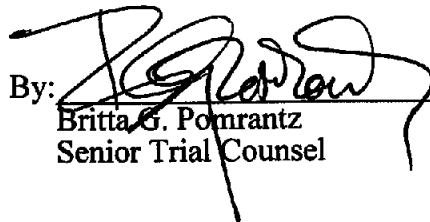
NOTICE - COST ASSESSMENT!

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: 3.16.2018

By: 
Britta G. Pomrantz
Senior Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 17-O-05052

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, 180 Howard Street, San Francisco, California 94105, 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 San Francisco, 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 2112 6608 87 at San Francisco, addressed to: (see below)
(for Overnight 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: Martin R. Guerbador, Martin R. Guerbador MRG Immigration 1337 Portola Drive San Francisco, CA 94127-1509, 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 San Francisco, California, on the date shown below.

DATED: March 16, 2018

SIGNED: [Signature]
Victoria Gotera
Declarant