

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF

ALBERT A. PENA, III

STATE BAR CARD NO. 15741000

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§

CAUSE NO. 51878

AGREED ORDER OF INDEFINITE DISABILITY SUSPENSION

The Chief Disciplinary Counsel (hereinafter referred to as "CDC"), upon investigation of case numbers 201300331 and S0081227556, reasonably believes that Albert A. Pena, III (hereinafter referred to as "Respondent") is suffering from a Disability and has been authorized by the Commission for Lawyer Discipline to enter into this Agreed Indefinite Order of Disability Suspension by his court-ordered guardian.

There are currently two disciplinary complaints pending against the Respondent. They are Case No. 201300331 Robert Ringelstein – Albert A. Pena, III and Case No. S0081227556 Victor Gonzales – Albert A. Pena, III. Both cases are currently in the investigation stage and are hereby abated for the duration of the suspension pursuant to Rule 12.05 of the Texas Rules of Disciplinary Procedure.

IT IS THEREFORE ORDERED that Respondent Albert A. Pena, III is indefinitely suspended from the practice of law.

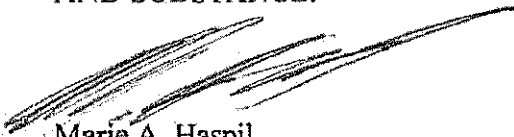
It is further **ORDERED** that Respondent Albert A. Pena, III, during said suspension, is hereby enjoined from practicing law in Texas, holding himself out as an attorney at law, performing any legal services, appearing as counsel in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law", "counselor at law", or "lawyer."

It is also **ORDERED** that Respondent Albert A. Pena, III shall immediately surrender his Texas law license and permanent State Bar Card to the Regional Counsel of the State Bar of Texas located at the Office of the Chief Disciplinary Counsel, State Bar of Texas, 711 Navarro St., Suite 750, San Antonio, TX 78205.

Signed this 28th day of February, 2013.


CHAIR PRESIDING

AGREED AS TO BOTH FORM
AND SUBSTANCE:



Marie A. Haspil
Assistant Disciplinary Counsel
State Bar of Texas
State Bar No. 24007329

DATE: 2/22/13



Reynaldo Pena
Guardian of Albert Pena, III
For Respondent
State Bar Number: 24042339

DATE: 2/20/13

AFFIDAVIT OF REYNALDO PENA

STATE OF TEXAS §
COUNTY OF NUECES §

On this 20th day of February, 2013, Reynaldo Pena personally appeared

before me, the undersigned authority, who after being duly sworn, stated upon his oath:

"I, Reynaldo Pena, am over the age of eighteen years and am competent to make this affidavit in all respects, and am personally acquainted with the facts herein stated. I am the court-ordered guardian of Albert A. Pena, III.


"It is my understanding that the Chief Disciplinary Counsel is willing to stipulate that Albert A. Pena, III is suffering from a disability as defined in Rule 1.06(I) of the Texas Rules of Disciplinary Procedure. I hereby stipulate to same on his behalf.

"I hereby waive Albert A. Pena, III's right to be separately noticed of a disability complaint by the Chief Disciplinary Counsel and the right to any hearing resulting therefrom. I further waive Albert A. Pena, III's right to have the Board of Disciplinary Appeals review the record of the Chief Disciplinary Counsel regarding the disability from which he suffers and the right to the appointment of a District Disability Committee as provided in Rule 12.02 of the Texas Rules of Disciplinary Procedure. I also waive Albert A. Pena, III's right to have counsel appointed to represent him in this matter.

"As Mr. Albert A. Pena's III court-ordered guardian, I swear and affirm that he is suffering from a disability as defined in Rule 1.06(I) of the Texas Rules of Disciplinary Procedure and request that the Board of Disciplinary Appeals enter an Order of indefinite disability suspension of the practice of law against him.

"I am a licensed attorney in the State of Texas and am currently winding up Albert A. Pena, III's law practice so there is no need for the State Bar of Texas to file a Motion for the Assumption of Jurisdiction of his files.

"I acknowledge the above to be true and correct."



Reynaldo Pena, Affiant
State Bar Number: 24042339

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, this 20th
day of February, 2013.



Notary Public
In and for the State of Texas

No. 2013-GU-00006-5

IN THE GUARDIANSHIP OF

ALBERT A. PENA, III,

AN INCAPACITATED PERSON

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IN COUNTY COURT-AT-LAW

NO. 5

NUECES COUNTY, TEXAS

**ORDER APPOINTING TEMPORARY GUARDIAN
OF THE PERSON AND ESTATE**

On this day came on to be considered the Application of Reynaldo A. Pena for the Appointment of a Temporary Guardian of the Person and Estate of Albert A. Pena, III, an Adult, whose presence was determined to be not necessary by the Court. After hearing all the evidence and testimony of witnesses, and considering the Application and any affidavits submitted, the Court finds that there is clear and convincing evidence to indicate an imminent necessity exists for the appointment of a Temporary Guardian pursuant to Sections 875-879 of the Texas Probate Code; that Proposed Ward has no legal guardian of his Person and Estate; that this Court has venue and jurisdiction of this cause; that proper notice has been given; that Applicant, Reynaldo A. Pena, is eligible to act as Temporary Guardian of the Person and Estate of the Proposed Ward; and is entitled to be so appointed. The Court further finds (Reason for temp guardian).

IT IS THEREFORE ORDERED, that Reynaldo A. Pena is appointed Temporary Guardian of the Person and Estate of Albert A. Pena, III, an Adult, until the 8th day of April, 2013; that this Order appointing Reynaldo A. Pena as Temporary Guardian shall be effective and the Clerk shall attach a certificate to the Order showing compliance upon the taking of his Oath and giving of a bond in the sum of \$5,000 which sum is the proper sum hereby ordered fixed in accordance with the requirement of law.

IT IS FURTHER ORDERED, that Jacqueline Chapa, an attorney licensed to practice

before this Court, is appointed as Attorney Ad Litem to represent the interests of the Proposed Ward.

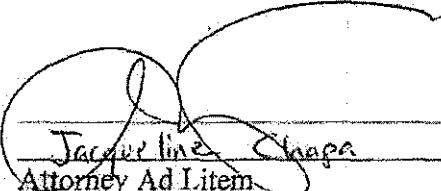
IT IS FURTHER ORDERED, that the compensation to attorneys, mental health professionals, or interpreter ordered by this Court pursuant to Sections 646 and 687 of the Texas Probate Code are taxed as costs of this proceeding.

IT IS FURTHER ORDERED, that the Temporary Guardian shall have the powers and duty to marshal the assets of the Proposed Ward's Estate, to manage his financial affairs until he gets well, and is able to make medical decisions.

SIGNED this 7 day of Feb, 2013.



JUDGE PRESIDING



Jacqueline Chapa
Attorney Ad Litem
State Bar No.: 05652480

RECEIVED
FEB 07 2013
PATSY PEREZ, DISTRICT CLERK
NUECES COUNTY

Main Office
P.O. Box 2987
Corpus Christi, TX 78403-3987
(361) 888-0571

IN THE INTEREST OF
ALBERT A. PENA, III
AN INCAPACITATED PERSON



IN THE COUNTY COURT AT LAW NO. 5
NUECES COUNTY, TEXAS

CERTIFICATE OF APPOINTMENT

On February 07, 2013, **REYNALDO A. PENA** was appointed Temporary Guardian of the person and estate of **ALBERT A. PENA, III**, an incapacitated person. The oath of the Guardian was filed on February 07, 2013. The bond was filed on February 07, 2013 and approved on February 07, 2013, as required by law. The foregoing Order with the specific powers and duties is the Guardian's evidence of authority.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT at office in Corpus Christi, Nueces County, Texas, on this the 7th day of February, 2013.



PATSY PEREZ
NUECES COUNTY DISTRICT CLERK
CLERK OF THE DISTRICT COURTS AND
COUNTY COURTS AT LAW

BY Rosalva Turincio, DEPUTY
ROSALVA TURINCIO



Mathew T. Alexander, M.D. Jonathan Piotrowski, PA-C Melissa Y. Macias, M.D.
Kevin S. Marcum, P.A.-C Kristina Barton, PA-C

February 06, 2013

Re: Albert A Pena III
DOB: November 23, 1942

To Whom It May Concern:

This is to certify that Mr. Albert A Pena III is under continued neurosurgical care. He was originally treated in March 2011 for a parafalcine hemorrhage. He was then diagnosed with normal pressure hydrocephalus. He underwent brain surgery on 9/6/12, 10/16/12 and 11/30/12 all related to his medical conditions. This condition has been affecting his short term memory, thinking processes and gait. He has not been able to fully recover his full mental faculties since the onset of symptoms. Please take this into consideration for any legal discussion regarding Mr. Pena.

Should you require further information, please don't hesitate to call my office at (361) 883-4323.

Sincerely,

P. Langham Gleason

1227 Third Street
Corpus Christi, TX 78404

Office: (361) 883-4323
Fax: (361) 883-4324