

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
CHARLES C. LOBELLO, BAR NO. 5052.

No. 68073

FILED

NOV 06 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
CHIEF DEPUTY CLERK

***ORDER REJECTING CONDITIONAL GUILTY PLEA AGREEMENT  
AND REMANDING FOR FURTHER PROCEEDINGS***

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Charles Lobello. Under the agreement, Lobello admitted to violations of RPC 8.4(b) (misconduct: commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer) and RPC 8.4(c) (misconduct: engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

The agreement provides for a two-year suspension retroactive to July 29, 2013, the date that Lobello was temporarily suspended from the practice of law based on his conviction of felony tax evasion. The agreement further provides that Lobello will pay the actual costs of the disciplinary proceeding, excluding Bar Counsel and staff salaries, within 30 days of receipt of a billing from the State Bar.

Based on our review of the record, we conclude that a suspension is warranted but that the length of the agreed-upon suspension and the retroactive start date are insufficient in relation to

Lobello's admitted conduct.<sup>1</sup> Accordingly, we reject the conditional guilty plea agreement and remand this matter to the Southern Nevada Disciplinary Board for further proceedings.<sup>2</sup>

It is so ORDERED.<sup>3</sup>

Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Douglas, J.  
Douglas

Saitta, J.  
Saitta

Pickering, J.  
Pickering

cc: Chair, Southern Nevada Disciplinary Board,  
Michael J. Warhola, LLC  
Charles C. Lobello  
Stan Hunterton, Bar Counsel, State Bar of Nevada

<sup>1</sup>*Cf. In re Discipline of Noel Gage*, Docket No. 64988 (Order Approving Conditional Guilty Plea Agreement, May 28, 2014); *In re Discipline of Harvey Whittemore*, Docket No. 66350 (Order of Suspension, March 20, 2015).

<sup>2</sup>Lobello's motion to expedite this court's review is denied as moot.

<sup>3</sup>This is our final disposition of this matter. Any further proceedings involving Lobello shall be docketed as a new matter.