

Brent Oesterblad



State Bar of California  
Office of the Chief Trial Counsel  
Intake Department  
845 South Figueroa Street  
Los Angeles, CA 90017  
(800) 843-9053

RE: Formal Ethics Complaint Against:  
Robert Daniel Rodriguez – SBN #242396  
P.O. Box 2712  
San Ramon, CA 94583  
(209) 596-4263

September 12, 2018

Dear State Bar of California,

The factual basis for this complaint arises from attorney Robert Daniel Rodriguez’s (*hereafter*, “Rodriguez”), SBN #242396, illegal conduct in “doxing”<sup>1</sup> Brent Oesterblad (*hereafter*, “Oesterblad”). In this age of ubiquitous Internet access and social media tools to disseminate information, it has become increasingly important to protect the public from “bad actors” in utilizing the Internet to intimidate, harass and threaten individuals so as to genuinely create fear for their personal safety. These new realities and occurrences have led to the implementation of specific laws to identify and address such conduct. In California, criminal cyberbullying is a misdemeanor **CRIME** pursuant California Penal Code § 653.2. The California statute that Rodriguez has violated is in line with what is used to charge people on the federal level with 18 U.S.C. § 2261A(2)<sup>2</sup> (2015).

It is irrefutable that Rodriguez willfully engaged in criminal cyberbullying by making fabricated claims and assertions concerning Oesterblad that also included the online publishing of the **address to his residence** as a threat to some form of retribution. Although Oesterblad does not know or has ever had any dealings with attorney Rodriguez, this did not dissuade the pursuit of an overt act of online harassment as a stratagem associated with an ongoing feud initiated and a continued engagement by Rodriguez concerning his displeasure with online

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<sup>1</sup> E.G. – What is ‘doxing’? (Yes, it is illegal!): <https://patch.com/massachusetts/malden/what-is-doxing-yes-it-is-illegal>.

<sup>2</sup> E.G. – 18 U.S. Code § 2261A – Stalking: <https://www.law.cornell.edu/uscode/text/18/2261A>

postings disclosing factual information detailing his criminal conviction for domestic violence and the subsequent California law license suspension. Although the online postings of Rodriguez are both reprehensible and delusional for a wide range of identifiable misrepresentations, the complaint focuses exclusively on the “doxing” issue that is a clear violation of the California Penal Code § 653.2 and federal law 18 U.S.C. § 2261A(2).

The public is led to believe that a licensed attorney practicing law in the State of California is obligated to comport themselves in a professional manner, and certainly within the parameters of the **LAW**. It should **NOT** ever be acceptable for a purported “officer of the court” such as Rodriguez to **NOT** abide by the most basic set of ethical mandates that demand adherence such as obeying the **LAW**. One would believe ignorance of the law would **NOT** be a viable defense in the case of a licensed attorney.

The stated standards of the State Bar of California (*hereafter*, “SBC”) are provided on the official website claiming “**The State Bar: Discipline attorneys who violate rules and laws.**”<sup>3</sup> It is inconceivable that after **ONLY** two months from being reinstated to practice law after Rodriguez’s **FOURTH SUSPENSION**, he would be overtly engaging in new unhinged illegal conduct. It becomes indisputable that attorney Rodriguez not only does **NOT** adhere to but also openly mocks the ethical dictates of the California Rules of Professional Conduct contained within Business and Professional Code, § 6076 (*hereafter*, “Rules”), by willfully engaging in violations of Rule 3.3(a)(1) and Rule 8.4(c). If California licensed attorney Rodriguez is not held accountable to the “rule of law” and/or the Rules and SBC oversight, the entire premise of the ethical dictates are meaningless and are nothing short of rhetoric to appease an uninformed populace.

The illegal criminal cyberbullying of Oesterblad with the undeniable “doxing” threat perpetrated by Rodriguez was a vitriol attack of fraudulence which demands an immediate and extensive review by the SBC of the specific circumstances outlined and evidence presented below. The specific violations committed by Robert D. Rodriguez are governed by the dictates of the following Rules:

1. **Rule 3.1(a)(1) – Meritorious Claims and Contentions.** (a) A lawyer shall not: (1) bring or continue an action, conduct a defense, assert a position in litigation, or defend a proceeding, or take an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person.
2. **ER 8.4(c) – Misconduct.** It is professional misconduct for a lawyer to: (c) engage in conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation. (\* & \*\*)

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<sup>3</sup> E.G. – The State Bar of California: <http://www.calbar.ca.gov/About-Us/Our-Mission>

\*[1] A violation of this rule can occur when a lawyer is acting in propria persona or when a lawyer is **NOT** practicing law or acting in a professional capacity.

\*\*[2] A lawyer may be disciplined under **Business and Professional Code Section 6106** or acts involving moral turpitude, dishonesty, or corruption, whether intentional, reckless, or grossly negligent.

The deplorable conduct of Rodriguez brings into question the level of moral turpitude and dishonesty due to a history of **LAWLESSNESS** to warrant the potential penalties as dictated by the California Legislature for discipline under Business and Professional Code Section 6106:

- 1. Business and Professional Code, Division 3 – Professional and Vocations Generally, Chapter 4 – Attorneys, Article 6 – Disciplinary Authority of the Courts, 6106<sup>4</sup>:**  
“The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension.”

The repeated propensity of Robert D. Rodriguez to engage in criminal conduct demands the SBC assign a Trial Counsel to review the online posting of Rodriguez and recommend the appropriate disciplinary procedures for the circumstances involved in repeated ethical violations of the Rules and the **LAW**. As the current violations and specific incident of provocative unethical conduct comes within a **VERY** short period of time after being reinstated from a **FOURTH SUSPENSION**, Oesterblad is requesting that upon completion of an appropriate investigation and disciplinary process procedures that Rodriguez be justifiably disciplined in the form of permanent disbarment in order to properly protect the public. If there is to be any credibility to the stated responsibilities of the SBC in providing relevant disciplinary oversight in regard to licensed attorneys, assuring the public that its representatives are themselves required to abide by the **LAW** is fundamental. Engaging in illegal cyberbullying involving “doxing” as a form of generating threats that resulted in a genuine fear for another’s physical wellbeing, requires the appropriate disciplinary outcome for such criminal conduct as demonstrated by a repeat offender Robert D. Rodriguez who should be permanently disbarred.

The allegations herein regarding Rodriguez misconduct are summarized as follows:

- 1) Rodriguez initiated an online campaign to malign a website that republished factual information concerning the history of his legal practice as a California attorney.**

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<sup>4</sup> E.G.- The California Legislative Information - ( Article 6 added by Stats. 1939, Ch. 34. ):  
[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=6106.&lawCode=BPC](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6106.&lawCode=BPC)

The impetus for the indignation demonstrated by Rodriguez originated from an online posting published by the website BarComplaint.com (*hereafter*, “BarComplaint”) on June 18, 2018 (*see*, Exhibit A). It is incomprehensible how Rodriguez can rationally assert BarComplaint engaged in “defamation” as claimed when the identified post only involves irrefutably **FACTUAL** information that is readily available through public records. Furthermore, BarComplaint did **NOT** author the content Rodriguez finds objectionable and claims is “defamatory,” the website **REPUBLISHES** content made available by third party sources. In the case of the Rodriguez post, BarComplaint combined the content of two reputable publishers being disseminated online in using Northern California Record<sup>5</sup> (*see*, Exhibit B) and the official website of The State Bar of California<sup>6</sup> (*see*, Exhibit C). The basis for the illegal conduct perpetrated by Rodriguez against Oesterblad was a post on BarComplaint that was **NOT** even original content, but rather the **REPUBLISHING** of existing material being disseminated online that had been authored utilizing sources of information based on public records released in the public domain. The content Rodriguez claimed was objectionable and constitutes “defamation” originated and is **CURRENTLY** available for public review that is being disseminated by the **STATE BAR OF CALIFORNIA**. The conduct of Rodriguez is not only criminal pursuant California Penal Code, it is delusional.

**2) Attorney Rodriguez’s illegal conduct is further exposed for its nefarious intent as Oesterblad is NOT an employee, owner or administrator of BarComplaint.**

On July 20, 2018, attorney Rodriguez, only identifying himself as “Robert” of Modesto, would file a “complaint” with RipOffReport.com (*hereafter*, “ROR”), Report: #1452676 (*see*, Exhibit D). It is well established that the ROR website receives high relevance ratings within the Google indexing process that effects the placement of search results to be provided to Google search results. The point is Rodriguez knowingly chose his online venue of ROR for Internet dissemination of false accusations and illegal “doxing” to garner the maximum reach and obtain the highest level of exposure to threats and potential danger to Oesterblad and his family.

The post was authored and submitted to ROR for Internet dissemination by Rodriguez as a direct assault on the reputation of BarComplaint in an overt attempt to diminish the credibility of the content found on the website concerning his criminal conviction and **FOUR SUSPENSIONS** from practicing law. The complaint submitted by Oesterblad to the SBC is **NOT** addressing his eventual inclusion, thus subjecting him to the multitude of defamatory accusations that are ludicrous and demonstrate delusional rants by Rodriguez such as:

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<sup>5</sup> E.G. – State Bar Court of California suspends Modesto attorney for not adhering to prior discipline: <https://nocalrecord.com/stories/511126263-state-bar-court-of-california-suspends-modesto-attorney-for-not-adhering-to-prior-discipline-order>

<sup>6</sup> E.G. – Attorney Licensee Profile: <http://members.calbar.ca.gov/fal/Member/Detail/242396>

- “pretending to be a legitimate governmental regulatory agency.”
- “intended to deceive and defraud.”
- “unauthorized practice of law.”
- “violation of the law and criminal.”
- “Do not give them any money! A scam! A ripoff!”
- “sad misfit dorks.”

To be crystal clear with the SBC in regard to his complaint, Oesterblad is **NOT AN EMPLOYEE, OWNER and/or ADMINISTRATOR** of the website BarComplaint. Yet, Attorney Rodriguez willfully engaged in online harassment subjecting Oesterblad to these vitriol attacks of complete fabrications of nonsensical allegations.

**3) Attorney Rodriguez expanded his online harassment postings with ROR to engage in illegal cyberbullying by “doxing” Oesterblad pursuant California Penal Code § 653.2.**

On August 22, 2018, Rodriguez submitted to ROR as “Robert” a post in which he would undeniably engage in “doxing” Oesterblad with the inclusion of his home residence address (*see*, Exhibit E). Under the criminal cyberbullying statute, California law makes a type of online or electronic conduct a crime when posting personal information to cause fear. Any person who electronically posts or transmits<sup>7</sup>:

- a personal identifying data of another person, or
- a harassing\* message about another person. \* “Harassment” means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that **serves no legitimate purpose.**

The post authored and submitted to ROR on August 22, 2018 by Rodriguez meets **BOTH** elements of the cyberbullying crime statute pursuant California Penal Code § 653.2. Clearly the inclusion of Oesterblad’s home residence address was meant to harass and serve as a threat of harm. To double down on the harassing message and to be delivered by a licensed attorney was the direct threat in stating: “More than likely I will have to file suit against them seeking injunctions under federal law.”

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<sup>7</sup> E.G. - [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=653.2](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=653.2)

The Rodriguez post to harass Oesterblad by disseminating his home address online also is in line as a violation of federal statute 18 U.S.C. § 2261A(2) – **STALKING**. Specifically the statute identifies as criminal stalking to be<sup>8</sup>:

(2) with the intent to kill, injure, **HARASS, INTIMIDATE**, or place under surveillance with intent to kill, injure, **HARASS**, or **INTIMIDATE** another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that-

(A) places that person in reasonable fear of death of or serious bodily injury to a person described in clause (i), (ii), or (iii) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A), shall be punished as provided in section 2261(b) of this title.

There was absolutely no reason for attorney Rodriguez to falsely claim a plethora of defamatory allegations against Oesterblad associated to a personal and/or business feud with the website BarComplaint. The fact that Rodriguez escalated an online feud concerning the republishing of **FACTUAL** information detailing his disciplinary record with the SBC to degenerate to a level of criminal cyberbullying of Oesterblad with the “doxing” stratagem of harassment is reprehensible and demands appropriate attention.

**4) The illegal criminal cyberbullying and stalking perpetrated by Rodriguez has been reported to and is being evaluated by the Federal Bureau of Investigation (FBI).**

Upon being informed that the “doxing” post was being disseminated on the ROR website, Oesterblad contacted the Phoenix Field Office of the FBI. The information was provided to a FBI Special Agent who operates within the cyber crime division (*see*, Exhibit F). Oesterblad has been subjected to years of online harassment and legal litigation with a person named David Ellis of Phoenix, Arizona and there exist an open file documenting all activities associated with continued cyber harassment. Clearly attorney Robert D. Rodriguez has joined the efforts of David Ellis as a co-conspirator in the “doxing” post. The FBI Special Agent acknowledged receipt of the information concerning the ROR post. The following morning the agent would follow up with an additional acknowledgement that upon investigation of the ROR post, it was determined that “Robert” was in fact working with “Mr. Ellis.”

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<sup>8</sup> E.G. - <https://www.law.cornell.edu/uscode/text/18/2261A>

A small issue regarding Rodriguez's ROR post and the number of defamatory allegations concerning Oesterblad that he had "lost" twice in superior and federal court" is **NOT** only categorically false, it is the polar opposite as he has had **ALL** attempts of litigation **DISMISSED** by the courts in both state and federal courts.

## **CONCLUSION**

The complaint submitted to the SBC for review details the criminal cyberbullying committed by California licensed attorney Robert D. Rodriguez. He willfully attempted to bully, harass, coerce and intimidate private party Oesterblad as part of a stratagem to get **FACTUAL** content concerning him personally being disseminated online removed. The specific issue requiring an appropriate investigation and discipline by the SBC is the conduct of Rodriguez that was in fact criminal conduct. The content in question involves the "doxing" of Oesterblad as an online threat to potentially cause physical endangerment. The specific conduct demonstrated by attorney Rodriguez involved behavior that constituted moral turpitude and willful dishonesty.

The SBC is charged with the responsibility of protecting the public from problematic attorneys. In the case of attorney Rodriguez, he has demonstrated a propensity to engage in ethical violations with willful disregard to the Rules. He has also engaged in **CRIMINAL** conduct that has resulted in a conviction for domestic violence against a woman. Now he is once again committing crimes with his cyberbullying antics against Oesterblad due to a ridiculous feud with a business entity that Oesterblad is **NOT** even employed by or an owner. As part of its duty, the SBC should ensure that the public has ready access to information about attorney misconduct, so it can make informed decisions about who to retain when seeking counsel.

For these reasons, the SBC should conduct an in-depth investigation into the allegations outlined in detail in this complaint in regards to Rodriguez. Oesterblad submits the request that Rodriguez be sanctioned in the form of permanent disbarment for such ethical violations of the Rules and **LAWS** demonstrating open contempt toward the principals set forth by the SBC **AND** the California Legislature. The SBA **MUST** perform its duty "to serve and **PROTECT** the public."

Respectfully submitted this 12<sup>th</sup> day of September, 2018,

Brent Oesterblad