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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Margaret P. Warren 1149 So. Hill St. Los Angeles, CA 90015-2299 (213) 765-1342 Bar # 108774	Case Number(s): 10-O-10091; 10-O-10216; 11-O-10103; 11-O-10538; 11-O-11824; 11-O-12055; 11-O-12936; 11-O-13588; 11-O-14017; 11-O-14382	For Court use only FILED DEC 09 2011 <i>KE</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES
Counsel For Respondent Paul J. Virgo 9909 Topanga Blvd., #282 Chatsworth, CA 91311 (310) 666-9701 Bar # 67900	PUBLIC MATTER	
In the Matter of: Romel Ambarchyan Bar # 245216 A Member of the State Bar of California (Respondent)	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 1, 2006.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 16 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: costs to be paid in equal amounts prior to February 1 for the following two billing cycles following the effective date of the Supreme Court order: 2013 and 2014. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See p. 14, below.
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Please see p. 15, below.

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of one (1) year.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of sixty (60) days.

i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. and until Respondent does the following:

E. Additional Conditions of Probation:

(1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

(2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 - No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

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No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions:**

Attachment language (if any):

The parties hereby stipulate to the submission of the following statement for the Court's consideration. Were the Respondent to testify under oath in this matter, his testimony would be consistent with the representations contained in the statement.

Over approximately the past two years, Respondent has provided pro bono legal services to 17 individuals or entities, as follows:

1. Prepared and drafted Will; Set up corporation
2. Set up corporation. Drafted several correspondence with client's homeowner's insurance carrier.
3. Filed and negotiated claim against client's homeowner's insurance carrier regarding damage sustained by client's home.
4. Reviewed and revised purchase agreement for commercial property.
5. Prepared and drafted land trust for client.
6. Negotiated loan modification with client's lender; negotiated move out with new owner of property.
7. Drafted and negotiated lease terms.
8. Drafted commercial lease agreement for client.
9. Filed and settled personal injury car accident claim.
10. Reviewed Contracts.
11. Set up corporation; Drafted and reviewed settlement agreements
12. Drafted and reviewed contracts for business acquisitions.
13. Filed lawsuit regarding breach of contract for a residential lease agreement. Settled case with opposing party.
14. Negotiated a breach of contract dispute with a trucking brokerage. Filed complaint on behalf of client with Dept. of Transportation. Negotiated dispute with Fed Ex. as third party guarantor.
15. Filed and negotiated a property damage claim with insurance company and opposing party. Settled claim with opposing party.
16. Negotiated acquisition of ambulance corporation.
17. Reviewed real estate purchase agreement and provided legal advice regarding legal documents.

(N.B.: The names and contact information for the foregoing individuals/entities have been omitted herein, to protect those individuals'/entities' privacy.)

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Romel Ambarchyan, Bar No. 245216

CASE NUMBER(S): 10-O-10091; 10-O-10216; 11-O-10103; 11-O-10538;
11-O-11824; 11-O-12055; 11-O-12936; 11-O-13588;
11-O-14017; 11-O-14382

FACTS AND CONCLUSIONS OF LAW.

The parties waive the issuance of a Notice of Disciplinary Charges relating to the investigation matters listed hereinabove that are the subject matter of this stipulation, and further waive a formal hearing on the charges included in this Stipulation.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct:

Case Nos. 10-O-10091, 11-O-11824, 11-O-12055, 11-O-13588, 11-O-14017

Background Facts:

1. Respondent is not presently, and never has been, admitted to the practice of law in the following jurisdictions: the State of Florida; the Commonwealth of Massachusetts; the State of New York.

Case No. 10-O-10091

Facts:

2. On April 23, 2010, Michael Vlcek ("Vlcek"), a resident of the State of Florida who owned real property in Florida, hired Respondent to negotiate and obtain for Vlcek a residential home loan modification.
3. Respondent knew that Vlcek's property was located in a jurisdiction in which Respondent was not entitled to practice law.
4. Vlcek paid Respondent a flat fee totaling \$3,750.00 by May 10, 2010.
5. By agreeing to represent, and representing, Vlcek as an attorney in seeking modification of Vlcek's mortgage on real property located in Florida when Respondent was not entitled to practice law in Florida, Respondent held himself out as entitled to practice law, and practiced law, in a jurisdiction in violation of the regulations of the profession in that jurisdiction.
6. On October 5, 2010, Respondent mailed a letter to Vlcek, terminating his representation of Vlcek and enclosing a check refunding \$900.00 of the \$3,750.00 fee Vlcek had paid him.

7. On November 15, 2010, Respondent was notified by the State Bar that Vlcek had made a complaint against him.

8. On December 8, 2010, Respondent sent Vlcek a check in the amount of \$2,850.00 (which represented the balance of the \$3,750.00 flat fee Vlcek paid him) to Vlcek.

Case No. 11-O-11824

Facts:

9. On December 8, 2009, Stephen Dowdy ("Dowdy"), a resident of the Commonwealth of Massachusetts who owned real property in Massachusetts, hired Respondent to negotiate and obtain for Dowdy a residential home loan modification.

10. Respondent knew that Dowdy's property was located in a jurisdiction in which Respondent was not entitled to practice law.

11. On December 21, 2009, Dowdy paid Respondent a flat fee totaling \$3,500.00.

12. By agreeing to represent, and representing, Dowdy as an attorney in seeking modification of Dowdy's mortgage on real property located in the Commonwealth of Massachusetts when Respondent was not entitled to practice law in Massachusetts, Respondent held himself out as entitled to practice law, and practiced law, in a jurisdiction in violation of the regulations of the profession in that jurisdiction.

13. On March 25, 2011, Respondent was notified by the State Bar that Dowdy had made a complaint against him.

14. On April 27, 2011, Respondent refunded to Dowdy the \$3,500.00 flat fee Dowdy had paid him.

Case No. 11-O-12055

Facts:

15. On July 15, 2010, John Reade ("Reade") a resident of the Commonwealth of Massachusetts who owned real property in Massachusetts, hired Respondent to negotiate and obtain for Reade a residential home loan modification.

16. Respondent knew that Reade's property was located in a jurisdiction in which Respondent was not entitled to practice law.

17. On July 19, 2010, Reade paid Respondent a flat fee of \$3,750.00.

18. By agreeing to represent, and representing, Reade as an attorney in seeking modification of Reade's mortgage on real property located in the Commonwealth of Massachusetts when Respondent was not entitled to practice law in Massachusetts, Respondent held himself out as entitled to practice law, and practiced law, in a jurisdiction in violation of the regulations of the profession in that

jurisdiction.

19. On April 8, 2011, Respondent was notified by the State Bar that Reade had made a complaint against him.

20. On May 3, 2011, Respondent refunded to Reade the \$3,750.00 flat fee Reade had paid him.

Case No. 11-O-13588

Facts:

21. On December 28, 2009, Andrew Mantone ("Mantone") hired Respondent to represent him in a residential mortgage loan modification on real property Mantone owned in Merrick, New York.

22. Respondent knew that Mantone's property was located in a jurisdiction in which Respondent was not entitled to practice law.

23. Between December 28, 2009 and February 16, 2010, Mantone paid Respondent a total of \$5,250.00 in legal fees.

24. On May 6, 2011, Respondent was notified by the State Bar that Mantone had made a complaint against him.

25. On June 21, 2011, Mantone notified the State Bar that he had received a refund of \$3,500.00 from Respondent.

11-O-14017

Facts:

26. On November 23, 2010, Clayton Booker ("Booker"), a resident of the State of Florida who owned real property in Florida, hired Respondent to negotiate and obtain for Booker a residential home loan modification.

27. Respondent knew that Booker's property was located in a jurisdiction in which Respondent was not entitled to practice law.

28. Booker paid Respondent a flat fee of \$3,500.00, as follows: \$1,750.00 on November 23, 2010; and \$1,750.00 on December 23, 2010.

29. By agreeing to represent, and representing, Booker as an attorney in seeking modification of Booker's mortgage on real property located in Florida when Respondent was not entitled to practice law in Florida, Respondent held himself out as entitled to practice law, and practiced law, in a jurisdiction in violation of the regulations of the profession in that jurisdiction.

30. On June 17, 2011, the State Bar wrote to Respondent's counsel, asking whether Respondent had made any refund to Booker.

31. On July 7, 2011, Respondent refunded \$3,500.00 to Booker.

Legal Conclusions—Case Nos. 10-O-10091, 11-O-11824, 11-O-12055, 11-O-13588, 11-O-14017:

32. By agreeing to represent, and representing, Vlcek and Booker as an attorney in seeking modifications of their mortgages on real property located in Florida; agreeing to represent, and representing, Dowdy and Reade as an attorney seeking modifications of their mortgages on real property located in Massachusetts; and agreeing to represent, and representing, Mantone as an attorney seeking modification of Mantone's mortgage on real property located in New York, when Respondent was not entitled to practice law in Florida, Massachusetts, and New York, Respondent held himself out as entitled to practice law, and practiced law, in jurisdictions in violation of the regulations of the profession in those jurisdictions, in willful violation of rule 1-300(B) of the Rules of Professional Conduct.

33. By entering into an agreement for, charging, and collecting legal fees from Vlcek and Booker when he was not licensed to practice in Florida; by entering into an agreement for, charging, and collecting legal fees from Dowdy and Reade when he was not licensed to practice in Massachusetts; and by entering into an agreement for, charging, and collecting legal fees from Mantone when he was not licensed to practice in New York, Respondent entered into an agreement for, charged, and collected an illegal fee from Vlcek, Booker, Dowdy, Reade, and Mantone, in willful violation of rule 4-200(A) of the Rules of Professional Conduct.

Case Nos. 10-O-10216; 11-O-10103; 11-O-10538; 11-O-12936; 11-O-14382

Background Facts:

34. On October 11, 2009, SB 94 (Calderon) was chaptered. The legislation took effect immediately.

35. The legislation prohibits the collection of advance fees for loan modifications, as specified. Among other provisions, new Civil Code Section 2944.7(a)(1) provides as follows:

Notwithstanding any other provision of law, it shall be unlawful for any person who negotiates, attempts to negotiate, arranges, attempts to arrange, or otherwise offers to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee or other compensation paid by the borrower, to do any of the following: (1) Claim, demand, charge, collect, or receive any compensation until after the person has fully performed each and every service the person contracted to perform or represented that he or she would perform.

36. Civil Code Section 2944.7(d) provides that Section 2944.7 applies only to mortgages and deeds of trust secured by residential real property containing four or fewer dwelling units.

37. Under Business and Professions Code Section 6106.3(a), it constitutes cause for the imposition of discipline of an attorney for an attorney to engage in any conduct in violation of Civil Code Section 2944.7.

38. Agreements entered into and advance fees collected prior to October 11, 2009 are not affected. Advance fees based on agreements entered into prior to October 11, 2009, but collected after October 11, 2009, must be fully refunded.

Case No. 10-O-10216

Facts:

39. On January 6, 2010, Ramon Tupaz ("Tupaz") hired Respondent to represent him in a residential mortgage loan modification on real property Tupaz owned in Woodland Hills, CA.

40. Between January and February 2010, Tupaz paid Respondent a total of \$4,500.00 in advance fees. Respondent had not completed all of the loan modification services Tupaz hired him to perform at the time Respondent received the \$4,500.00 in advance fees from Tupaz.

41. On December 1, 2010, Respondent was notified by the State Bar that Tupaz had made a complaint against him.

42. On January 12, 2011, Respondent refunded in full to Tupaz the \$4,500.00 in advance fees Tupaz had paid him.

Case No. 11-O-10103

Facts:

43. On September 20, 2010, Mike McFadden ("McFadden") hired Respondent to represent him in a residential mortgage loan modification on real property McFadden owned in Victorville, CA.

44. On October 6, 2010, McFadden paid Respondent \$2,000.00 in advance fees.

45. Respondent had not completed all of the loan modification services McFadden hired him to perform at the time Respondent received the \$2,000.00 from McFadden.

46. On March 18, 2011, Respondent was notified by the State Bar that McFadden had made a complaint against him.

47. On April 12, 2011, Respondent refunded in full to McFadden the \$2,000.00 in advance fees McFadden had paid him.

Case No. 11-O-10538

Facts:

48. On January 7, 2010, David Loesel ("Loesel") hired Respondent to represent him in a residential mortgage loan modification on real property Loesel owned in San Gabriel, CA.

49. Between February 8, 2010 and April 19, 2010, Loesel paid Respondent a total of \$5,000.00 in advance fees.

50. Respondent had not completed all of the loan modification services Loesel hired him to perform at the time Respondent received the \$5,000.00 in advance fees from Loesel.

51. On December 15, 2010, Respondent sent a letter to Loesel, withdrawing from representation of Loesel.

52. On February 8, 2011, Respondent was notified by the State Bar that Loesel had made a complaint against him.

53. On March 1, 2011, Respondent refunded in full to Loesel the \$5,000.00 in advance fees Loesel had paid him.

Case No. 11-O-12936

Facts:

54. On May 6, 2010, Benjamin Feliciano ("Feliciano") hired Respondent to represent him in a residential mortgage loan modification on real property Feliciano owned in Fresno, CA.

55. Between May 21, 2010 and July 1, 2010, Feliciano paid Respondent a total of \$4,000.00 in advance fees.

56. Respondent had not completed all of the loan modification services Feliciano hired him to perform at the time Respondent received the \$4,000.00 from Feliciano.

57. On April 14, 2011, Respondent was notified by the State Bar that Feliciano had made a complaint against him.

58. In June 2011, Respondent mailed a check to Feliciano in the amount of \$4,000.00, in full reimbursement of the advance fees Feliciano had paid him.

Case No. 11-O-14382

Facts:

59. In February 2010, Marvin Markowitz ("Markowitz") hired Respondent to represent him in residential mortgage loan modifications on four (4) parcels of real property Markowitz owned in the Los Angeles, CA area (the "subject properties").

60. Markowitz paid Respondent a total of \$26,500.00 in advance fees.

61. Respondent had not completed all of the loan modification services Markowitz hired him to perform at the time Respondent received the \$26,500.00 in advance fees from Markowitz.

62. On January 20, 2011, Markowitz received correspondence from his lender regarding the four (4) subject properties, in which the lender declined to modify any of the residential loans on the four subject properties.

63. On February 23, 2011, Markowitz sent a letter to Respondent, terminating Respondent's services and withdrawing his (Markowitz's) authorization for Respondent to communicate with Markowitz's lender; informing Respondent that all four of the subject properties were in foreclosure; requesting his file from Respondent; and requesting a partial refund of \$13,500.00 of the legal fees Markowitz had paid Respondent, pursuant to Respondent's retainer agreement with Markowitz that included provisions for partial refund of fees if no loan modification was accomplished.

64. On June 20, 2011, Respondent was notified by the State Bar, through his counsel, that Markowitz had made a complaint against him.

65. In July 2011, Respondent refunded to Markowitz the full amount Markowitz had requested.

Legal Conclusions—Case Nos. 10-O-10216; 11-O-10103; 11-O-10538; 11-O-12936:

66. By claiming, demanding, charging, collecting, or receiving any compensation until after he had fully performed each and every service he contracted to perform or represented that he would perform in residential mortgage loan modification matters he had been hired to perform on behalf of Tupaz, McFadden, Loesel, Feliciano, and Markowitz, in violation of the provisions in Civil Code section 2944.7, Respondent charged and collected compensation for services he had not yet fully performed in his clients' residential mortgage loan modification matters, in willful violation of Bus. & Prof. Code section 6106.3(a).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was November 4, 2011.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.3 provides:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

AGGRAVATING FACTORS.

The current misconduct acknowledged by Respondent, in ten (10) separate matters, evidences multiple acts of misconduct.

MITIGATING FACTORS.

Respondent has no prior record of discipline.

Respondent is no longer accepting any loan modification clients.

In those foreign jurisdictions where Respondent undertook representation of clients in loan modification matters, Respondent made arrangements with local counsel who would be available to represent the clients in the event the clients' matters proceeded to litigation. Respondent believed that that was all he was required to do in order to be in compliance with both the foreign jurisdictions' rules and California rules regarding the practice of law in jurisdictions where the member is personally not licensed.

Respondent cooperated with the State Bar in these proceedings; reached a stipulated disposition in this matter before any disciplinary charges were filed; and by stipulating to facts, legal conclusions and discipline has demonstrated recognition of wrongdoing. The stipulation assisted the State Bar's prosecution by obviating the need for a trial on the merits as to culpability, and allowing the parties and the court to focus on the appropriate discipline. (*In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190.)

The parties submit that the protection of the public, the courts and the legal profession, and the preservation of public confidence in the legal profession, will be served by the disposition in this matter, which focuses on the rehabilitation of Respondent. The parties submit that the disposition herein is consistent with the fundamental purpose of disciplinary proceedings, as articulated in Standard 1.3; and submit that the stipulated period of actual suspension and probationary conditions in this matter are sufficient assurance that Respondent will conform his future conduct to ethical standards and adequate protection of the public, courts and profession.

STATE BAR ETHICS SCHOOL.


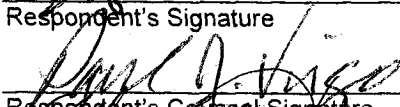
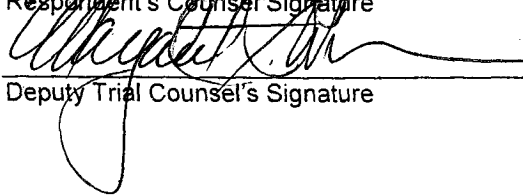
Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School. The MCLE credit for Ethics School will be in addition to Respondent's regular MCLE requirement.

(Do not write above this line.)

In the Matter of: Romel Ambarchyan, #245216	Case number(s): 10-O-10091; 10-O-10216; 11-O-10103; 11-O-10538; 11-O-11824; 11-O-12055; 11-O-12936; 11-O-13588; 11-O-14017; 11-O-14382
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>11/17/11</u> Date	 Respondent's Signature	<u>Romel Ambarchyan</u> Print Name
<u>11/15/2011</u> Date	 Respondent's Counsel Signature	<u>Paul J. Virgo</u> Print Name
<u>18 NOV 11</u> Date	 Deputy Trial Counsel's Signature	<u>Margaret P. Warren</u> Print Name

(Do not write above this line.)

In the Matter of: Romel Ambarchyan, #245216	Case Number(s): 10-O-10091; 10-O-10216; 11-O-10103; 11-O-10538; 11-O-11824; 11-O-12055; 11-O-12936; 11-O-13588; 11-O-14017; 11-O-14382
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

12-09-11
Date


Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

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

I am a Case Administrator 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 December 9, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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

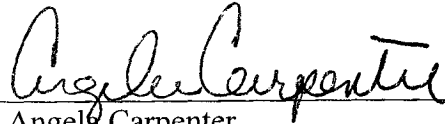
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PAUL VIRGO
9909 TOPANGA BLVD, #282
CHATSWORTH CA 91311

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

MARGARET WARREN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 9, 2011.



Angela Carpenter
Case Administrator
State Bar Court