

1 STATE BAR OF CALIFORNIA
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FILED

DEC 18 2012

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

8
9 STATE BAR COURT

10 HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of:) Case Nos. 12-O-14401, 12-O-14602,
12 ROBERT G. SCURRAH, Jr.,) 12-O-17028
13 No. 82766,)
14 A Member of the State Bar.) NOTICE OF DISCIPLINARY CHARGES

15 **NOTICE - FAILURE TO RESPOND!**

16 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
17 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
18 **THE STATE BAR COURT TRIAL:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
21 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
22 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
23 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
24 **AND THE DEFAULT IS SET ASIDE, AND;**
25 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
26 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
27 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
28 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

The State Bar of California alleges:

JURISDICTION



1. Robert G. Scurrah, Jr. (Respondent) was admitted to the practice of law in the State of California on November 29, 1978, was a member at all times pertinent to these charges,

1 and is currently a member of the State Bar of California.

2 COUNT ONE

3 Case No. 12-O-14401
4 Business & Professions Code, section 6106.3
5 [Illegal Advanced Fee]

6 2. Respondent willfully violated Business and Professions Code, section 6106.3(a), by
7 negotiating, arranging or otherwise offering to perform a mortgage loan modification, or other
8 form of mortgage loan forbearance, for a fee paid by the borrower, and demanding, charging,
9 collecting or receiving such fee prior to fully performing each and every service Respondent had
10 contracted to perform or represented that he would perform, in violation of Section 2944.7(a) of
11 the Civil Code, as follows:

12 3. On or about June 30, 2011, Jose Frias (Frias) employed Respondent, through CDA
13 Law Center, to negotiate a mortgage loan modification on his behalf.

14 4. On or about July 5, 2011, Respondent collected \$595 from Frias as an advance fee for
15 Respondent's legal services.

16 5. On or about July 11, 2011, Respondent collected an additional sum of \$1,600 from
17 Frias' bank account.

18 6. On or about September 20, 2011, Respondent collected additional sum of \$1,600
19 from Frias' bank account.

20 7. Respondent collected \$3,795 from Frias prior to completing all of the loan
21 modification services he had agreed to perform.

22 8. By agreeing to negotiate a mortgage loan modification for Frias and collecting \$3,795
23 in fees from Frias when Respondent had not completed all loan modification services he had
24 agreed to perform, Respondent negotiated, arranged or otherwise offered to perform a mortgage
25 loan modification for a fee paid by the borrower, and demanded, charged, collected or received
26 such fee prior to fully performing each and every service Respondent had contracted to perform
27 or represented that he would perform, in violation of Section 2944.7(a)(1) of the Civil Code.

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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 THE CHIEF TRIAL COUNSEL

DATED: December 18, 2012

By: _____

Anthony Garcia
Deputy Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 12-O-14401, 12-O-14602 AND 12-O-17028

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, 1149 South Hill Street, Los Angeles, California 90015, 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))
- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)
Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
Article No.: 7196-9008-9111-0443-0238 at Los Angeles, 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, and Courtesy Copy to. Row 1: David C. Carr, Law Office of David Cameron Carr, 530 B St Ste 1410, San Diego, CA 92101.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

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 Los Angeles, California, on the date shown below.

DATED: December 18, 2012

SIGNED: Ana Botosaru Nercessian
Declarant