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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>			<b>PUBLIC MATTER</b>
Counsel For The State Bar  <b>Anthony J. Garcia</b> <b>Senior Trial Counsel</b> <b>825 South Figueroa Street</b> <b>Los Angeles, CA 90017-2515</b> <b>(213) 765-1089</b>  Bar # 171419	Case Number(s): <b>12-O-15593 - RAH</b> <b>12-O-18212</b> <b>13-O-10383</b> <b>13-O-10600</b> <b>13-O-11211</b>	For Court use only  <div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">FEB 12 2014</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">STATE BAR COURT</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 5px;">CLERK'S OFFICE</div> <div style="font-size: 0.8em; font-weight: bold;">LOS ANGELES</div>	
Counsel For Respondent  <b>Arthur L. Margolis</b> <b>Margolis &amp; Margolis, LLP</b> <b>2000 Riverside Dr.</b> <b>Los Angeles, CA 90039</b> <b>(323) 953-8996</b>  Bar # 57703	Submitted to: <b>Assigned Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING  <b>ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: <b>ROMEL AMBARCHYAN</b>  Bar # 245216  A Member of the State Bar of California (Respondent)			

**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 **13** 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."



*[Signature]*  
 (Effective January 1, 2014)

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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: **two (2) billing cycles following the effective date of the Supreme Court order in this matter.** (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 [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **10-0-10091 et al. See page 9 for additional information regarding prior discipline.**
  - (b)  Date prior discipline effective **June 21, 2012**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **rules 1-300(B) (5 counts) and 4-200(A) (5 counts) of the Rules of Professional Conduct and Business and Professions Code section 6106.3 (5 counts)**
  - (d)  Degree of prior discipline **one year stayed suspension and two years probation with conditions including 60 days of actual suspension.**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was intentional, 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. **See page 10.**

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- (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 Page 10.**
- (8)  **Restitution:** Respondent failed to make restitution.
- (9)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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.

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- (11)  **Good Character:** Respondent's extraordinarily 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:**

**Good Character and Pre-trial Stipulation, see page 10.**

**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 1.2(c)(1) 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 **120 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 1.2(c)(1), 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 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

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- (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: **Respondent completed Ethics School on March 21, 2013 as a condition of his prior discipline. Protection of the public does not require that he re-take Ethics School.**
- (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:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

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- (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.**
- No MPRE recommended. Reason: **Respondent completed the MPRE on August 17, 2013 as a condition of his prior discipline. Protection of the public does not require that he re-take the MPRE.**
- (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 TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF: ROMEL AMBARCHYAN

CASE NUMBERS: 12-O-15593, 12-O-18212, 13-O-10383, 13-O-10600, 13-O-11211

**FACTS AND CONCLUSIONS OF LAW.**

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 No. 12-O-15593 (Complainant: Martin)

**FACTS:**

1. On January 28, 2010, North Carolina resident Gabriel S. Martin retained Respondent for legal services in connection with obtaining a home mortgage loan modification for Martin's North Carolina residence.

2. On February 1, 2010, Martin paid Respondent \$1,500 as an advance fee for Respondent's legal services.

3. On March 19, 2010, Martin paid Respondent an additional \$1,500 as an advance fee for Respondent's legal services.

4. North Carolina law prohibits the practice of law in North Carolina by persons not admitted to practice law in North Carolina, other than with exceptions for circumstances not relevant in this matter.

5. Respondent is not now, nor ever has been, licensed to practice law in North Carolina.

6. On October 10, 2012, Respondent refunded \$3,000 to Martin.

**CONCLUSIONS OF LAW:**

7. By accepting employment with Martin to perform legal services in connection with a home mortgage loan modification for Martin's North Carolina property, Respondent held himself out as entitled to practice law and actually practiced law in North Carolina and thereby wilfully violated the regulations of the profession in North Carolina in willful violation of the Rules of Professional Conduct, rule 1-300(B).

8. By entering into an agreement for, charging, and collecting legal fees from Martin when he was not licensed to practice law in North Carolina, Respondent entered into an agreement for, charged, and collected an illegal fee from Martin in willful violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 12-O-18212 (Complainant: Davis)

FACTS:

9. On May 30, 2011, Alvianna Davis retained Respondent for legal services in connection with obtaining a home mortgage loan modification on her residence.

10. On June 10, 2011, Davis paid Respondent \$1,995 in advance attorney fees for loan modification services.

11. At the time Respondent received the \$1,995 in advance attorney fees from Davis, Respondent had not completed all of the home mortgage loan modification services that he agreed to perform on Davis' behalf.

12. By accepting an advance fee for home mortgage loan modification services, Respondent violated Civil Code section 2944.7.

13. Respondent refunded \$1,995 to Davis before the State Bar became involved in this matter.

CONCLUSION OF LAW:

14. By negotiating, arranging, or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from Davis prior to fully performing each and every service Respondent contracted to perform or represented that he would perform, in violation of Civil Code section 2944.7 (a) (1), Respondent willfully violated Business and Professions Code section 6106.3.

Case No. 13-O-10383 (Complainant: Hilden)

FACTS:

15. On June 6, 2011, Lynn and Susan Hilden retained Respondent for legal services in connection with obtaining a home mortgage loan modification on their residence.

16. Between June 24, 2011, and July 25, 2011, the Hildens paid Respondent \$3,990 in advance attorney fees for loan modification services.

17. At the time Respondent received the \$3,990 in advance attorney fees from the Hildens, Respondent had not completed all of the home mortgage loan modification services that he agreed to perform on the Hildens' behalf.

18. On March 14, 2013, Respondent refunded \$3,990 to the Hildens.

CONCLUSION OF LAW:

19. By negotiating, arranging, or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from the Hildens prior to fully performing each and every service Respondent contracted to perform or represented he would perform, in violation of Civil Code section 2944.7 (a) (1), Respondent willfully violated Business and Professions Code section 6106.3.



Case No. 13-O-10600 (Complainant: Brown)

FACTS:

20. On February 23, 2010, Washington resident Jeffrey Brown retained Respondent for legal services in connection with obtaining a home mortgage loan modification for Brown's Washington residence.

21. On February 23, 2010, Brown paid Respondent \$3,000 as an advance fee for Respondent's legal services.

22. Washington law prohibits the practice of law in Washington by persons not admitted to practice law in Washington, other than with exceptions for circumstances not relevant in this matter.

23. Respondent is not now, nor ever has been, licensed to practice law in Washington.

24. On March 14, 2013, Respondent refunded \$3,000 to Brown.

CONCLUSIONS OF LAW

25. By accepting employment with Brown to perform legal services in connection with a home mortgage loan modification for Brown's Washington property, Respondent held himself out as entitled to practice law and actually practiced law in Washington and thereby wilfully violated the regulations of the profession in Washington in willful violation of the Rules of Professional Conduct, rule 1-300(B).

26. By entering into an agreement for, charging, and collecting legal fees from Brown when he was not licensed to practice law in Washington, Respondent entered into an agreement for, charged, and collected an illegal fee from Brown in willful violation of Rules of Professional Conduct, rule 4-200(A).

Case No. 13-O-11211 (Complainant: Kilbert)

FACTS:

27. On April 5, 2010, Leon Kilbert retained Respondent for legal services in connection with obtaining a home mortgage loan modification on his residence.

28. Between April 12, 2010, and May 26, 2010, Kilbert paid Respondent \$4,000 in advance attorney fees for loan modification services.

29. At the time Respondent received the \$4,000 in advance attorney fees from the Kilbert, Respondent had not completed all of the home mortgage loan modification services that he agreed to perform on Kilbert's behalf.

30. On May 1, 2013, Respondent refunded \$4,000 to Kilbert.

CONCLUSION OF LAW:

31. By negotiating, arranging, or offering to perform a home mortgage loan modification or mortgage loan forbearance for a fee paid by a borrower, and demanding, charging, collecting and receiving fees from Kilbert prior to fully performing each and every service Respondent contracted to perform or represented he would perform, in violation of Civil Code section 2944.7 (a) (1), Respondent willfully violated Business and Professions Code section 6106.3.

## AGGRAVATING CIRCUMSTANCES.

### **Prior Record of Discipline (Std. 1.5 (a)):**

Respondent has a prior imposition of discipline. In State Bar case nos. 10-O-10091 *et al.*, Supreme Court case no. S199672, effective June 21, 2012, the Supreme Court suspended Respondent for one year, stayed, and placed him on two years of probation with conditions including 60 days of actual suspension. Respondent stipulated to collecting advance fees for loan modification services in five client matters in violation of Business and Professions Code, section 6106.3, to practicing law in other jurisdictions without a valid law license in five client matters in violation of rule 1-300(B) of the Rules of Professional Conduct, and to collecting illegal fees from the five clients in the other jurisdictions in violation of rule 4-200(A) of the Rules of Professional Conduct. The time frame for the prior misconduct was December 2009 through July 2010. Respondent was given mitigating credit for his lack of a prior record of discipline, his extensive pro-bono work, his good faith but mistaken belief that by having stand-by counsel available in states where he was not licensed to practice law it was permissible for him to practice law in those states, and for his cooperation with the State Bar of California.

### **Multiple Acts of Misconduct (Std. 1.5 (b)):**

The current matter involves seven acts of misconduct in five client matters.

### **Harm (Std. 1.5 (f)):**

The current misconduct caused significant harm to Respondent's clients who were in financial distress and were seeking modification of their home mortgage loans in an attempt to improve their financial situation. Respondent's clients lost the use of the funds that they paid to Respondent for between two and three years.

## MITIGATING CIRCUMSTANCES.

### **Good Character:**

Respondent has presented statements from three references in the legal and general community including a doctor, an attorney, and a Department of Defense flight test engineer, who are aware of the full extent of his misconduct and who would testify regarding Respondent's good character at trial. In addition, Respondent has provided evidence that he has continued to provide pro-bono legal services to his community. (*In the matter of Respondent K* (Review Dept. 1993) 2 Cal State Bar Ct. Rptr. 335, 359 [Civic and charitable work can be mitigation as evidence of good character].)

### **Pretrial Stipulation:**

Respondent admitted to the misconduct and entered into this stipulation fully resolving these matters prior to trial. Respondent's cooperation at this stage has saved the State Bar resources and time. Respondent is entitled to mitigation for his cooperation. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "means for determining the appropriate disciplinary sanction in a particular case" and help fulfill the primary purposes of discipline which include: 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.

(Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1) (all further references to standards are to this source) (*In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing seven acts of professional misconduct. Standard 1.7(a) requires that if a member commits two or more acts of misconduct, and the standards specify different sanctions for each act, the most severe sanction must be imposed.

The most severe sanction applicable to Respondent’s misconduct is found in standard 2.14, which applies to Respondent’s violations of Business and Professions Code section 6106.3. Standard 2.14 provides that disbarment or actual suspension is appropriate for a violation of a provision of the Business and Professions Code not specified in the standards.

In Respondent’s prior discipline matter he was actually suspended for 60 days for his misconduct in ten separate home mortgage loan modification cases between December 2009 through July 2010. In the instant matter Respondent committed misconduct in five additional home mortgage loan modification cases. The misconduct in the present cases occurred between January 2010 and June 2011, a period that overlapped the period of misconduct in the prior discipline case. Further all of the misconduct in the present cases occurred prior to the imposition of discipline in Respondent’s prior discipline matter.

Under circumstances like this, the appropriate level of discipline is determined by considering “the totality of the findings in the two cases to determine what the discipline would have been had all the charged misconduct in this period been brought as one case.” (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.) When Respondent’s prior and current misconduct are considered together, the *Taylor* case offers guidance regarding the level of discipline.

In the *Taylor* case, the Review Department suspended Taylor for six months for taking advance fees in loan modification cases in violation of Business and Professions Code section 6106.3 in eight client matters. (*In the Matter of Taylor* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 221.) In determining the appropriate level of discipline, the Review Department assigned significant weight to Taylor’s failure to acknowledge, or take responsibility for, his culpability and his stated position that he should not be disciplined for violating a debatable point of law. (*Id.* at p. 235.)

Respondent’s misconduct in this case and in the prior discipline matter occurred before the Review Department issued the *Taylor* decision (discussed above) which clarified the law regarding advance fees in California home mortgage loan modification cases. Here, when considering Respondent’s prior misconduct and the present misconduct, Respondent committed more acts of misconduct than Taylor and accepted work involving home mortgage loan modification cases in states where Respondent was not licensed to practice law. However, there is stronger mitigation present in Respondent’s case because, unlike Taylor, Respondent has accepted responsibility for his actions, has refunded all of the

fees he collected from his former clients, and has cooperated with the State Bar in entering into this stipulation to fully resolve the matter prior to trial. On balance, a total of six (6) months of actual suspension would have been appropriate for all of Respondent's misconduct. Respondent was already suspended for two (2) months in his prior discipline and an additional four (4) months of suspension in the present matters will protect the public, the courts, and the legal profession, and serve the purposes of attorney discipline as announced in standard 1.1.

**COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of January 24, 2014, the prosecution costs in this matter are approximately \$5,500. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

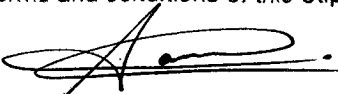
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In the Matter of: ROMEL AMBARCHYAN	Case number(s): 12-O-15593 - RAH 12-O-18212 13-O-10383 13-O-10600 13-O-11211
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**SIGNATURE OF THE PARTIES**

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.

1/29/14  
Date

  
Respondent's Signature

ROMEL AMBARCHYAN  
Print Name

1/30/14  
Date

  
Respondent's Counsel Signature

ARTHUR L. MARGOLIS  
Print Name

1/30/14  
Date

  
Deputy Trial Counsel's Signature

ANTHONY J. GARCIA  
Print Name

(Do not write above this line.)

In the Matter of: ROMEL AMBARCHYAN	Case Number(s): 12-O-15593 - RAH 12-O-18212 13-O-10383 13-O-10600 13-O-11211
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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.)**

Date 2/12/14

  
RICHARD A. HONN  
Judge of the State Bar Court

**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 February 12, 2014, 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:

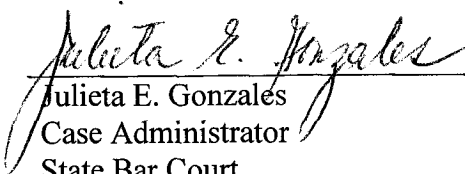
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ARTHUR LEWIS MARGOLIS  
MARGOLIS & MARGOLIS LLP  
2000 RIVERSIDE DR  
LOS ANGELES, CA 90039

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

Anthony J. Garcia, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 12, 2014.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court

1 CENTURY LAW GROUP  
2 Edward O. Lear, No. 132699  
3 Paul J. Virgo (Of Counsel), No. 67900  
4 5200 West Century Blvd., Suite 345  
5 Los Angeles, California 90045  
6 Telephone: (310) 642-6900

7 Attorneys for Johnny Sison Ascano

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8 THE STATE BAR COURT  
9 HEARING DEPARTMENT - LOS ANGELES

10 In the Matter of ) Case Nos.: 12-O-16170-RAH  
11 )  
12 )  
13 Johnny Sison Ascano, Respondent )  
14 ) ) RESPONDENT'S ANSWER TO NOTICE  
15 No. 166219 ) OF DISCIPLINARY CHARGES  
16 )  
17 )  
18 A Member of the State Bar

19 TO THE HONORABLE RICHARD A. HONN, JUDGE OF THE STATE BAR  
20 COURT OF THE STATE BAR OF CALIFORNIA, AND TO DEPUTY TRIAL  
21 COUNSEL MELISSA R. MARSHALL, OFFICE OF THE CHIEF TRIAL COUNSEL  
22 OF THE STATE BAR OF CALIFORNIA:

23 Pursuant to Rule 5.43 of the Rules of Procedure of the  
24 State Bar of California, Respondent Johnny Sison Ascano, by and  
25 through his attorney(s) of record, hereby submits the following  
26 in response to the Notice of Disciplinary Charges (hereinafter  
27 "NDC") on file herein:

28 Under the provisions of the Rules of Procedure of the  
State Bar of California, Respondent Johnny Sison Ascano hereby  
responds to each and every allegation of the NDC and the whole

