

PUBLIC MATTER

FILED

OCT 11 2013

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

1 STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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8 STATE BAR COURT

9 HEARING DEPARTMENT - LOS ANGELES

10
11 In the Matter of:) Case Nos. 12-O-17964, 13-O-10351,
12 ROBERT G. SCURRAH, Jr.,) 13-O-11044, 13-O-11194,
No. 82766,) 13-O-11207
13)
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**
THE STATE BAR COURT TRIAL:

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

25 The State Bar of California alleges:

26 **JURISDICTION**

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

1 currently a member of the State Bar of California.

2 COUNT ONE

3 Case No. 12-O-17964

4 Business and Professions Code, section 6106.3

5 [Violation of Civil Code section 2944.7(a)(1)-Illegal Advanced Fee]

6 2. On or about May 27, 2011, Respondent agreed to attempt to negotiate a home
7 mortgage loan modification for a fee for his clients, Gerri Neal Dunham and Scott Dunham, and
8 thereafter between on or about May 31, 2011, and June 25, 2011, received \$3,695 from the
9 clients before Respondent had fully performed each and every service Respondent contracted to
10 perform or represented to the clients that Respondent would perform, in violation of Civil Code,
11 section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

12 COUNT TWO

13 Case No. 13-O-10351

14 Business and Professions Code, section 6106.3

15 [Violation of Civil Code section 2944.7(a)(1)-Illegal Advanced Fee]

16 3. On or about February 28, 2012, Respondent agreed to attempt to negotiate a home
17 mortgage loan modification for a fee for his clients, Tom and Anastasia Coleman, and thereafter
18 between on or about March 12, 2012, and June 14, 2012, received \$5,695 from the clients before
19 Respondent had fully performed each and every service Respondent contracted to perform or
20 represented to the clients that Respondent would perform, in violation of Civil Code, section
21 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

22 COUNT THREE

23 Case No. 13-O-11044

24 Business and Professions Code, section 6106.3

25 [Violation of Civil Code section 2944.7(a)(1)-Illegal Advanced Fee]

26 4. On or about November 11, 2011, Respondent agreed to attempt to negotiate a home
27 mortgage loan modification for a fee for his clients, Beatrice and John Lewis, and thereafter
28 between on or about December 1, 2011, and June 2, 2012, received \$3,495 from the clients
before Respondent had fully performed each and every service Respondent contracted to perform
or represented to the clients that Respondent would perform, in violation of Civil Code, section

1 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

2 COUNT FOUR

3 Case No. 13-O-11194

4 Business and Professions Code, section 6106.3

5 [Violation of Civil Code section 2944.7(a)(1)-Illegal Advanced Fee]

6 5. On or about October 31, 2012, Respondent agreed to attempt to negotiate a home
7 mortgage loan modification for a fee for his client, Sandra Navarro, and thereafter on or about
8 November 14, 2012, received \$1,950 from the client before Respondent had fully performed
9 each and every service Respondent contracted to perform or represented to the client that
10 Respondent would perform, in violation of Civil Code, section 2944.7, and in willful violation of
11 Business and Professions Code, section 6106.3.

12 COUNT FIVE

13 Case No. 13-O-11207

14 Business and Professions Code, section 6106.3

15 [Violation of Civil Code section 2944.7(a)(1)-Illegal Advanced Fee]

16 6. On or about May 10, 2012, Respondent agreed to attempt to negotiate a home
17 mortgage loan modification for a fee for his clients, Arnulfo and Blanca Vicente, and thereafter
18 between on or about May 14, 2012, and May 16, 2012, received \$3,495 from the clients before
19 Respondent had fully performed each and every service Respondent contracted to perform or
20 represented to the clients that Respondent would perform, in violation of Civil Code, section
21 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

22 NOTICE - INACTIVE ENROLLMENT!

23 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
24 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
25 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
26 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
27 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
28 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
RECOMMENDED BY THE COURT.**

NOTICE - COST ASSESSMENT!

DECLARATION OF SERVICE

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

CASE NUMBER(s): 12-O-17964, et al.

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))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6) to:

- (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.: 7196-9008-9111-6409-7662 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, Courtesy Copy via US Mail to:
Row 1: Robert G. Scurrah, Jr; Law Offices of Robert G Scurrah, 24901 Dana Point Harbor Dr, Ste A-150, Dana Point, CA 92629; CC via Electronic Address; David C. Carr, 525 B St Ste 1500, 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').

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: October 11, 2013

SIGNED:

Ana Botosaru Nercessian
Declarant