

FILED

NOV 22 2013

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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PUBLIC MATTER

8 STATE BAR COURT

9 HEARING DEPARTMENT - LOS ANGELES

10
11 In the Matter of:) Case Nos. 13-O-12453, 13-O-12595,
12 ROBERT G. SCURRAH, Jr.,) 13-O-13070
No. 82766,)
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**
20 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
22 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
23 **AND THE DEFAULT IS SET ASIDE, AND;**
- 24 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
25 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
26 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
27 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
28 **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:

kwiktag* 152 145 565



26 **JURISDICTION**

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. 13-O-12543
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 December 6, 2012, Respondent agreed to attempt to negotiate a home
7 mortgage loan modification for a fee for his client, Frank Castiglione, and thereafter between on
8 or about December 6, 2012, and December 28, 2012, received \$2,745 from the client before
9 Respondent had fully performed each and every service Respondent contracted to perform or
10 represented to the clients that Respondent would perform, in violation of Civil Code, section
11 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

12 COUNT TWO

13 Case No. 13-O-12595
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 September 6, 2011, Respondent agreed to attempt to negotiate a home
17 mortgage loan modification for a fee for his clients, Jose Castellano and Claudia Marron, and
18 thereafter between on or about September 6, 2011, and June 14, 2012, received \$3,595 from the
19 clients before Respondent had fully performed each and every service Respondent contracted to
20 perform or represented to the clients that Respondent would perform, in violation of Civil Code,
21 section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

22 COUNT THREE

23 Case No. 13-O-13070
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 December 17, 2012, Respondent agreed to attempt to negotiate a home
27 mortgage loan modification for a fee for his clients, Marilyn and Eric Smiler, and thereafter
28 between on or about December 7, 2012, and June 2, 2012, received \$4,595 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
3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
11 **RECOMMENDED BY THE COURT.**

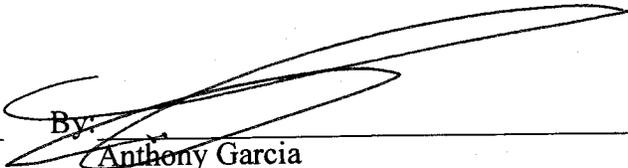
12 **NOTICE - COST ASSESSMENT!**

13 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
14 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
15 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
16 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
17 **PROFESSIONS CODE SECTION 6086.10.**

18 Respectfully submitted,

19 THE STATE BAR OF CALIFORNIA
20 OFFICE OF THE CHIEF TRIAL COUNSEL

21 DATED: November 22, 2013

22 By: 

23 Anthony Garcia
24 Senior Trial Counsel
25
26
27
28

DECLARATION OF SERVICE

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

CASE NUMBER(s): 13-O-12453, 13-O-12595 and 13-O-13070

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.: 7160 3901 9844 3984 0981 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:
David C. Carr, Law Office of David Cameron Carr PLC, 525 B St Ste 1500, San Diego, CA 92101, CC via Electronic Address

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: November 22, 2013

SIGNED: [Signature]
Ana Botosaru Nercessian
Declarant