

PUBLIC MATTER

FILED

MAR 12 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
ALAN B. GORDON, No. 125642
ASSISTANT CHIEF TRIAL COUNSEL
MICHAEL J. GLASS, No. 102700
SENIOR TRIAL COUNSEL
845 South Figueroa Street
Los Angeles, California 90017-2515
Telephone: (213) 765-1254

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case Nos. 13-O-12753; 13-O-13310;
)	13-O-13514; 13-O-13727;
SWAZI ELKANZI TAYLOR,)	13-O-13963; 13-O-14115;
No. 237093,)	13-O-14145; 13-O-14446
)	
A Member of the State Bar)	NOTICE OF DISCIPLINARY CHARGES

NOTICE - FAILURE TO RESPOND!

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

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

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. SWAZI ELKANZI TAYLOR ("Respondent") was admitted to the practice of law in
4 the State of California on June 1, 2005, was a member at all times pertinent to these charges, and
5 is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-12753
8 Business and Professions Code, section 6106.3
9 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

10 2. On or about August 12, 2011, Respondent agreed to negotiate, arrange, or otherwise
11 perform a loan modification or other form of mortgage loan forbearance for a fee for a client,
12 Edwin Salvo, and on or about August 12, 2011, charged, demanded, and collected \$5,000 from
13 the client before Respondent had fully performed each and every service Respondent had
14 contracted to perform or represented to the client that Respondent would perform, in violation of
15 Civil Code, section 2944.7, and in willful violation of Business and Professions Code, section
16 6106.3.

17 COUNT TWO

18 Case No. 13-O-12753
19 Business and Professions Code, section 6106.3
20 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

21 3. On or about August 7, 2012, Respondent agreed to negotiate, arrange, or otherwise
22 perform a loan modification or other form of mortgage loan forbearance for a fee for a client,
23 Edwin Salvo, and on or about August 7, 2012, charged, demanded, and collected \$2,500 from
24 the client before Respondent had fully performed each and every service Respondent had
25 contracted to perform or represented to the client that Respondent would perform, in violation of
26 Civil Code, section 2944.7, and in willful violation of Business and Professions Code, section
27 6106.3.

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COUNT THREE

Case No. 13-O-12753
Rules of Professional Conduct, rule 4-100(A)
[Failure to Deposit Client Funds in Trust Account]

4. On or about March 27, 2013, Respondent received, on behalf of Respondent's client, Edwin Salvo, a settlement check from Bank of America made payable to Respondent, on behalf of Salvo, in the amount of \$4,000. Respondent failed to deposit the amount of \$4,000 in funds received for the benefit of a client in a bank account labeled "Trust Account," "Client's Funds Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT FOUR

Case No. 13-O-12753
Business and Professions Code, section 6106
[Moral Turpitude-Misappropriation]

5. On or about March 27, 2013, Respondent received, on behalf of Respondent's client, Edwin Salvo, a settlement check from Bank of America made payable to Respondent, on behalf of Salvo, in the amount of \$4,000. Of this sum, the client was entitled to \$3,200. Respondent dishonestly or grossly negligently misappropriated for Respondent's own purposes, \$3,200 that Respondent's client was entitled to receive, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 13-O-13310
Business and Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

6. On or about February 14, 2011, Respondent agreed to negotiate, arrange, or otherwise perform a loan modification or other form of mortgage loan forbearance for a fee for a client, Grikor Babaiyans, and between on or about February 14, 2011, and on or about March 8, 2011, charged, demanded, and collected \$4,000 from the client before Respondent had fully performed each and every service Respondent had contracted to perform or represented to the client that

1 Respondent would perform, in violation of Civil Code, section 2944.7, and in willful violation of
2 Business and Professions Code, section 6106.3.

3 COUNT SIX

4 Case No. 13-O-13310

5 Business and Professions Code, section 6106.3

6 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

7 7. On or about March 1, 2011, Respondent agreed to negotiate, arrange, or otherwise
8 perform a loan modification or other form of mortgage loan forbearance for a fee for a client,
9 Grikor Babaiyans, and between on or about March 1, 2011, and on or about September 30, 2011,
10 charged, demanded, and collected \$2,658.82 from the client before Respondent had fully
11 performed each and every service Respondent had contracted to perform or represented to the
12 client that Respondent would perform, in violation of Civil Code, section 2944.7, and in willful
13 violation of Business and Professions Code, section 6106.3.

14 COUNT SEVEN

15 Case No. 13-O-13310

16 Rules of Professional Conduct, rule 3-110(A)

17 [Failure to Perform with Competence]

18 8. On or about September 24, 2012, Grikor Babaiyans employed Respondent to perform
19 legal services, namely filing a Chapter 7 Bankruptcy Petition on behalf of Babaiyans, which
20 Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful
21 violation of Rules of Professional Conduct, rule 3-110(A) by not filing Bankruptcy Schedules on
22 behalf of Babaiyans in or about October 2012.

23 COUNT EIGHT

24 Case No. 13-O-13310

25 Business and Professions Code, Section 6068(m)

26 [Failure to Respond to Client Inquiries]

27 9. Respondent failed to promptly respond to two reasonable e-mail status inquiries made
28 by Respondent's client, Grikor Babaiyans, between on or about January 8, 2013, and on or about
February 1, 2013, that Respondent received in a matter in which Respondent had agreed to
provide legal services, in willful violation of Business and Professions Code, section 6068(m) by

1 failing to respond to the client's January 8, 2013, and February 1, 2013, e-mails requesting status
2 updates on the settlement of the civil lawsuit.

3 COUNT NINE

4 Case No. 13-O-13514

5 Business and Professions Code, section 6106.3

6 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

7 10. On or about November 16, 2011, Respondent agreed to negotiate, arrange, or
8 otherwise perform a loan modification or other form of mortgage loan forbearance for a fee for a
9 client, Melaynee Devore, and on or about November 21, 2011, charged, demanded, and collected
10 \$7,000 from the client before Respondent had fully performed each and every service
11 Respondent had contracted to perform or represented to the client that Respondent would
12 perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and
13 Professions Code, section 6106.3.

14 COUNT TEN

15 Case No. 13-O-13727

16 Business and Professions Code, section 6106.3

17 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

18 11. On or about December 14, 2012, Respondent agreed to negotiate, arrange, or
19 otherwise perform a loan modification or other form of mortgage loan forbearance for a fee for a
20 client, Beverly Kellman, and between on or about December 14, 2012, and on or about January
21 11, 2012, charged, demanded, and collected \$4,835 from the client before Respondent had fully
22 performed each and every service Respondent had contracted to perform or represented to the
23 client that Respondent would perform, in violation of Civil Code, section 2944.7, and in willful
24 violation of Business and Professions Code, section 6106.3.

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1 COUNT SEVENTEEN

2 Case No. 13-O-13963
3 Rules of Professional Conduct, rule 3-700(A)(2)
4 [Improper Withdrawal From Employment]

5 18. Respondent failed, upon termination of employment, to take reasonable steps to
6 avoid reasonably foreseeable prejudice to Respondent's client, William Hill, by constructively
7 terminating his employment on or about March 29, 2013, as a result of being suspended from the
8 practice of law effective on March 29, 2013, and by not informing the client until on or about
9 March 28, 2013, that Respondent was withdrawing from employment, in willful violation of
10 Rules of Professional Conduct, rule 3-700(A)(2).

11 COUNT EIGHTEEN

12 Case No. 13-O-14115
13 Business and Professions Code, section 6106.3
14 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

15 19. On or about July 20, 2012, Respondent agreed to negotiate, arrange, or otherwise
16 perform a loan modification or other form of loan forbearance for a fee for clients, Ana
17 Magallanes and Santos Magallanes, and between on or about August 2, 2012, and on or about
18 September 16, 2012, charged, demanded, and collected \$6,220 from the clients before
19 Respondent had fully performed each and every service Respondent had contracted to perform or
20 represented to the client 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 NINETEEN

23 Case No. 13-O-14145
24 Business and Professions Code, section 6106.3
25 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

26 20. On or about December 15, 2009, Respondent agreed to negotiate, arrange, or
27 otherwise perform a loan modification or other form of loan forbearance for a fee for a client,
28 Freyda Campbell, and between on or about December 15, 2009, and on or about September 10,
2012, charged, demanded, and collected \$6,730 from the client before Respondent had fully
performed each and every service Respondent had contracted to perform or represented to the

1 client that Respondent would perform, in violation of Civil Code, section 2944.7, and in willful
2 violation of Business and Professions Code, section 6106.3.

3 COUNT TWENTY

4 Case No. 13-O-14446
5 Business and Professions Code, section 6106.3
6 [Violation of Civil Code, section 2944.7(a)-Illegal Advanced Fee]

7 21. On or about October 2, 2012, Respondent agreed to negotiate, arrange, or otherwise
8 perform a loan modification or other form of loan forbearance for a fee, for a client, Keith
9 Nelson, and on or about October 5, 2012, charged, demanded, and collected \$8,445 from the
10 client before Respondent had fully performed each and every service Respondent had contracted
11 to perform or represented to the client that Respondent would perform, in violation of Civil
12 Code, section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

13 NOTICE - INACTIVE ENROLLMENT!

14 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
15 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
16 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
17 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO
18 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN
19 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
20 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
21 RECOMMENDED BY THE COURT.**

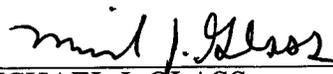
22 NOTICE - COST ASSESSMENT!

23 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC
24 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS
25 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING
26 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND
27 PROFESSIONS CODE SECTION 6086.10.**

28 Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: March 12, 2014

By: 
MICHAEL J. GLASS
Senior Trial Counsel

DECLARATION OF SERVICE

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

CASE NUMBER(s): 13-O-12753, 13-O-13310, 13-O-13514, 13-O-13727, 13-O-13963, 13-O-14115, 13-O-14146, 13-O-14446

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, 845 South Figueroa Street, Los Angeles, California 90017-2515, 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)

(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 1008 4722 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 to:
Person Served: Swazi Elkanzi Taylor
Business-Residential Address: Taylor Mortgage Lawyers, 468 N. Camden Dr., Ste. 215-B, Beverly Hills, CA 90210
Fax Number: Electronic Address

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: March 12, 2014

SIGNED: Sandra Reynolds
Declarant