

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

JUN 27 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case Nos. 13-O-14121, 13-O-14824, and
 13 JOHN M. RIBARICH,) 13-O-15828
 No. 183883,) NOTICE OF DISCIPLINARY CHARGES
 14)
 15 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

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

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

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. JOHN M. RIBARICH ("Respondent") was admitted to the practice of law in the State
4 of California on December 12, 1996, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6
7 COUNT ONE

8 Case No. 13-O-14121
9 Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

10 2. On or about August 8, 2012, Respondent agreed to attempt to negotiate or arrange
11 a home mortgage loan modification or other form of mortgage loan forbearance for a fee for
12 clients, Adrian and Deborah Balter, and thereafter between August 8, 2012 and May 2, 2013
13 collected \$21,700 from the clients before Respondent had fully performed each and every service
14 Respondent contracted to perform or represented to the clients that Respondent would perform,
15 in violation of Civil Code section 2944.7, and in willful violation of Business and Professions
16 Code section 6106.3.

17 COUNT TWO

18 Case No. 13-O-14824
19 Business and Professions Code section 6106.3
20 [Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

21 3. On or about September 16, 2011, Respondent agreed to attempt to negotiate a
22 home mortgage loan modification or other form of mortgage loan forbearance for a fee for a
23 client, Connie Armstead, and thereafter on September 16, 2011 charged and collected \$10,500
24 from the client before Respondent had fully performed each and every service Respondent
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-14824
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

4. On or about September 16, 2011, Respondent received from Respondent's client, Connie Armstead, the sum of \$10,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon the termination of Respondent's employment on or about July 16, 2013, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FOUR

Case No. 13-O-15828
Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

6. On or about August 28, 2010 and July 2, 2012, Respondent agreed to attempt to negotiate a home mortgage loan modification or other form of mortgage loan forbearance for a fee for clients Karen and Daryl Price, and thereafter on or about August 28, 2010 and July 2, 2012 charged and collected a total of \$19,500 from the client 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 2944.7, and in willful violation of Business and Professions Code section 6106.3.

COUNT FIVE

Case No. 13-O-15828
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

7. On or about August 28, 2010 and July 2, 2012, Respondent received from Respondent's clients, Karen and Daryl Price, the sum of \$19,500 as advanced fees for legal services to be performed. Respondent thereafter failed to render an appropriate accounting to the

1 clients regarding those funds upon a request for an accounting on or about August 16, 2013, in
2 willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

3
4 **NOTICE - INACTIVE ENROLLMENT!**

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

13
14 **NOTICE - COST ASSESSMENT!**

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

20 Respectfully submitted,

21 THE STATE BAR OF CALIFORNIA
22 OFFICE OF THE CHIEF TRIAL COUNSEL

23 DATED: June 27, 2014

24 By: 
25 MIA R. ELLIS
26 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-14121, 13-O-14824, 13-O-15828

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, 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 1006 8920 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. Row 1: MICHAEL E. WINE, 80 W. Sierra Madre Blvd., #355 Sierra Madre, CA 91024, Electronic Address.

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

N/A

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: June 27, 2014

SIGNED: Sandra Reynolds
Declarant