

PUBLIC MATTER

FILED

MAY 01 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 JAYNE KIM, No. 174614
4 CHIEF TRIAL COUNSEL
5 JOSEPH R. CARLUCCI, No. 172309
6 DEPUTY CHIEF TRIAL COUNSEL
7 MELANIE J. LAWRENCE, No. 230102
8 ASSISTANT CHIEF TRIAL COUNSEL
9 MICHAEL J. GLASS, No. 102700
10 SENIOR TRIAL COUNSEL
11 845 South Figueroa Street
12 Los Angeles, California 90017-2515
13 Telephone: (213) 765-1254

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case Nos. 13-O-14847; 13-O-15298;
13 SWAZI ELKANZI TAYLOR,) 13-O-16534
14 No. 237093,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
- 27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **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.

kwiktag® 048 639 920



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The State Bar of California alleges:

JURISDICTION

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

COUNT ONE

Case No. 13-O-14847
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. On or about July 19, 2011, Brenda McGlothan employed Respondent to perform legal services, namely filing a Chapter 7 Bankruptcy Petition on behalf of McGlothan, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A) by performing no legal services of value including by not advising McGlothan to complete a course in financial management and not filing a statement of completion of the course in financial management on behalf of McGlothan in or about April 2012.

COUNT TWO

Case No. 13-O-13847
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

3. On or about July 19, 2011, Respondent received advanced fees in the sum of \$1,300 from a client, Brenda McGlothan, to perform legal services, namely to file a Chapter 7 Bankruptcy Petition. Respondent performed no legal services of value on behalf of the client and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon termination of employment, on or about May 1, 2012, any part of the \$1,300 advanced fee, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT THREE

Case No. 13-O-13847
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

4. On or about July 19, 2011, Respondent received advanced fees in the sum of \$1,300, from client Brenda McGlothan, to perform legal services, namely to file a Chapter 7 Bankruptcy Petition. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds upon termination of Respondent's employment on or about May 1, 2012, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

COUNT FOUR

Case No. 13-O-15298
Business and Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

5. On or about April 19, 2012, Respondent agreed to negotiate, arrange, or perform a loan modification or other form of mortgage loan forbearance for a fee for clients, Clarence Hill and Cathy Hill, and thereafter, between on or about April 19, 2012, and on or about May 16, 2012, charged, demanded, and collected \$2,000 from the clients before Respondent had fully performed each and every service Respondent had been 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-16534
Business and Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

6. On or about January 12, 2011, Respondent agreed to negotiate, arrange, or perform a loan modification or other form of mortgage loan forbearance for a fee for a client, Jose Zuniga, and thereafter, between on or about January 12, 2011, and October 24, 2011, charged, demanded, and collected \$4,840 from the client before Respondent had fully performed each and every service Respondent had been contracted to perform or represented to the client that Respondent

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

3 COUNT SIX

4 Case No. 13-O-16534
5 Rules of Professional Conduct, rule 4-100(A)
6 [Failure to Deposit Client Funds in Trust Account]

7 7. On or about May 11, 2012, Respondent received, on behalf of Respondent's client,
8 Jose Zuniga, a settlement check from Bank of America made payable to Respondent, on behalf
9 of Zuniga, in the amount of \$6,500. Respondent failed to deposit the amount of \$6,500 in funds
10 received for the benefit of a client in a bank account labeled "Trust Account," "Client's Funds
11 Account" or words of similar import, in willful violation of Rules of Professional Conduct, rule
12 4-100(A).

13 COUNT SEVEN

14 Case No. 13-O-16534
15 Business and Professions Code, section 6106
16 [Moral Turpitude-Misappropriation]

17 8. On or about May 11, 2012, Respondent received, on behalf of Respondent's client,
18 Jose Zuniga, a settlement check from Bank of America made payable to Respondent, on behalf
19 of Zuniga, in the amount of \$6,500. Of this sum, the client was entitled to \$4,200. Respondent
20 dishonestly or grossly negligently misappropriated for Respondent's own purposes, \$4,200 that
21 Respondent's client was entitled to receive, and thereby committed an act involving moral
22 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section
23 6106.

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT EIGHT

Case No. 13-O-16534
Rules of Professional Conduct, rule 4-100(B)(1)
[Failure to Notify of Receipt of Client Funds]

9. On or about May 11, 2012, Respondent received, on behalf of Respondent's client, Jose Zuniga, a settlement check from Bank of America made payable to Respondent, on behalf of Zuniga, in the amount of \$6,500. Respondent failed to notify the client of Respondent's receipt of funds on the client's behalf, in willful violation of Rules of Professional Conduct, rule 4-100(B)(1).

NOTICE - INACTIVE ENROLLMENT!

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

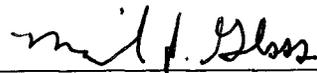
NOTICE - COST ASSESSMENT!

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: May 1, 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-14847, 13-O-15298, 13-O-16534

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))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(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 6410 9327 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: Swazi Elkanzi Taylor, Taylor Mortgage Lawyers 468 N. Camden Dr., Ste. 215-B Beverly Hills, CA 90210, 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'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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: May 1, 2014

SIGNED:

Sandra Reynolds

Sandra Reynolds Declarant