

PUBLIC MATTER

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
MELANIE J. LAWRENCE, No. 230102
ASSISTANT CHIEF TRIAL COUNSEL
BROOKE A. SCHAFER, No. 194824
SUPERVISING SENIOR TRIAL COUNSEL
ASHOD MOORADIAN, No. 194283
SENIOR TRIAL COUNSEL
845 South Figueroa Street
Los Angeles, California 90017-2515
Telephone: (213) 765-1004

FILED

OCT 31 2014

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

LEE ALAN GROSS,
No. 153412,

A Member of the State Bar.

) Case Nos.: 14-O-00303; 14-O-00440;
) 14-O-01012; 14-O-01466; 14-O-01584;
) 14-O-02153; 14-O-02243; 14-O-02317;
) 14-O-03027; 14-O-03028; 14-O-03095;
) 14-O-03399; 14-O-03503;

) **NOTICE OF DISCIPLINARY CHARGES**

kwiktag® 183 821 514



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.**

///

1 The State Bar of California alleges:

2 JURISDICTION

3 1. LEE ALAN GROSS ("Respondent") was admitted to the practice of law in the State
4 of California on June 11, 1991, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-00303
8 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

9 2. From in or about September 2013 through in or about December 2013, Respondent
10 held himself out as entitled to practice law and practiced law by soliciting employment through
11 advertisement, by advising South Carolina resident Colleen L. Clark of her legal rights and
12 options regarding a mortgage loan modification, by accepting employment with Ms. Clark and
13 by performing legal services in connection with negotiating and obtaining a mortgage loan
14 modification for Ms. Clark when to do so was in violation of the laws and regulations of the
15 profession in South Carolina, namely South Carolina Code § 40-5-310 and South Carolina
16 Rules of Professional Conduct, rule 5.5(b), all in willful violation of the Rules of Professional
17 Conduct, rule 1-300(B).

18 COUNT TWO

19 Case No. 14-O-00303
20 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

21 3. On or about September 19, 2013, Respondent entered into an agreement for, charged
22 and/or collected from South Carolina resident Colleen L. Clark a fee of \$3,595 to perform legal
23 services that was illegal because Respondent was not entitled to practice law in South Carolina,
24 in willful violation of the Rules of Professional Conduct, rule 4-200(A).

25 ///

26 ///

27 ///

28 ///

1 COUNT THREE

2 Case No. 14-O-00440
3 Rules of Professional Conduct, Rule 1-300(B)
4 [Unauthorized Practice of Law in Other Jurisdiction]

5 4. From in or about July 2013 through in or about January 2014, Respondent held
6 himself out as entitled to practice law and practiced law by soliciting employment through
7 advertisement, by advising Michigan resident Dmitri S. Pallas, M.D. of his legal rights and
8 options regarding a mortgage loan modification, by accepting employment with Dr. Pallas and
9 by performing legal services in connection with negotiating and obtaining a mortgage loan
10 modification for Dr. Pallas when to do so was in violation of the laws and regulations of the
11 profession in Michigan, namely Michigan Comp. Laws Ann. § Section 600.916 (West) and
12 Michigan Rules of Professional Conduct, rule 5.5(b), in willful violation of the Rules of
Professional Conduct, rule 1-300(B).

13 COUNT FOUR

14 Case No. 14-O-00440
15 Rules of Professional Conduct, rule 4-200(A)
16 [Illegal Fee]

17 5. On or about July 16, 2013, Respondent entered into an agreement for, charged
18 and/or collected from Michigan resident Dmitri S. Pallas, M.D. a fee of \$7,300 to perform legal
19 services that was illegal because Respondent was not entitled to practice law in Michigan, in
willful violation of the Rules of Professional Conduct, rule 4-200(A).

20 COUNT FIVE

21 Case No. 14-O-01012
22 Rules of Professional Conduct, Rule 1-300(B)
23 [Unauthorized Practice of Law in Other Jurisdiction]

24 6. From in or about September 2013 through in or about January 2014, Respondent
25 held himself out as entitled to practice law and practiced law by soliciting employment through
26 advertisement, by advising Texas resident Leonard Williams of his legal rights and options
27 regarding a mortgage loan modification, by accepting employment with Mr. Williams and by
28 performing legal services in connection with negotiating and obtaining a mortgage loan
modification for Mr. Williams when to do so was in violation of the laws and regulations of the

1 profession in Texas, namely Texas Government Code § 81.101 and Texas Disciplinary Rules of
2 Professional Conduct, rule 5.05, in willful violation of the Rules of Professional Conduct, rule
3 1-300(B).

4 COUNT SIX

5 Case No. 14-O-01012
6 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

7 7. On or about September 24, 2013, Respondent entered into an agreement for, charged
8 and/or collected from Texas resident Leonard Williams a fee of \$2,495 to perform legal services
9 that was illegal because Respondent was not entitled to practice law in Texas, in willful
10 violation of the Rules of Professional Conduct, rule 4-200(A).

11 COUNT SEVEN

12 Case No. 14-O-01466
13 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

14 8. From in or about June 2013 through in or about December 2013, Respondent held
15 himself out as entitled to practice law and practiced law by soliciting employment through
16 advertisement, by advising New York resident Laurie Ann Villafranco of her legal rights and
17 options regarding a mortgage loan modification, by accepting employment with Ms. Villafranco
18 and by performing legal services in connection with negotiating and obtaining a mortgage loan
19 modification for Ms. Villafranco when to do so was in violation of the laws and regulations of
20 the profession in New York, namely New York Judiciary Law § 478 (McKinney) and New
21 York Rules of Professional Conduct, rule 5.5(b) (N.Y. Comp. Codes R. & Regs. tit. 22, §
22 1200.0), in willful violation of the Rules of Professional Conduct, rule 1-300(B).

23 COUNT EIGHT

24 Case No. 14-O-01466
25 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

26 9. On or about August 30, 2013, Respondent entered into an agreement for, charged
27 and/or collected from New York resident Laurie Ann Villafranco a fee of \$3,999 to perform
28 legal services that was illegal because Respondent was not entitled to practice law in New York,

1 in willful violation of the Rules of Professional Conduct, rule 4-200(A).

2 COUNT NINE

3 Case No. 14-O-01584
4 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

5 10. From in or about July 2013 through in or about February 2014, Respondent held
6 himself out as entitled to practice law and practiced law by soliciting employment through
7 advertisement, by advising Georgia resident William J. Cahill, Sr. of his legal rights and options
8 regarding a mortgage loan modification, by accepting employment with Mr. Cahill and by
9 performing legal services in connection with negotiating and obtaining a mortgage loan
10 modification for Mr. Cahill when to do so was in violation of the laws and regulations of the
11 profession in Georgia, namely Georgia Statutes § 15-19-51 and Georgia Rules of Professional
12 Conduct, rule 5.5(e), in willful violation of the Rules of Professional Conduct, rule 1-300(B).

13 COUNT TEN

14 Case No. 14-O-01584
15 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

16 11. On or about July 23, 2013, Respondent entered into an agreement for, charged
17 and/or collected from Georgia resident William J. Cahill, Sr. a fee of \$6,490 to perform legal
18 services that was illegal because Respondent was not entitled to practice law in Georgia, in
19 willful violation of the Rules of Professional Conduct, rule 4-200(A).

20 COUNT ELEVEN

21 Case No. 14-O-02153
22 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

23 12. From in or about October 2013 through in or about February 2014, Respondent held
24 himself out as entitled to practice law and practiced law by soliciting employment through
25 advertisement, by advising Florida resident Donna A. Thurston of her legal rights and options
26 regarding a mortgage loan modification, by accepting employment with Ms. Thurston and by
27 performing legal services in connection with negotiating and obtaining a mortgage loan
28 modification for Ms. Thurston when to do so was in violation of the laws and regulations of the

1 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
2 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
3 Conduct, rule 1-300(B).

4 COUNT TWELVE

5 Case No. 14-O-02153
6 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

7 13. On or about November 1, 2013, Respondent entered into an agreement for, charged
8 and/or collected from Florida resident Donna A. Thurston a fee of \$3,990 to perform legal
9 services that was illegal because Respondent was not entitled to practice law in Florida, in
10 willful violation of the Rules of Professional Conduct, rule 4-200(A).

11 COUNT THIRTEEN

12 Case No. 14-O-02243
13 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

14 14. From in or about August 2013 through in or about February 2014, Respondent held
15 himself out as entitled to practice law and practiced law by soliciting employment through
16 advertisement, by advising Florida resident Blake E. Boswell of his legal rights and options
17 regarding a mortgage loan modification, by accepting employment with Mr. Boswell and by
18 performing legal services in connection with negotiating and obtaining a mortgage loan
19 modification for Mr. Boswell when to do so was in violation of the laws and regulations of the
20 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
21 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
22 Conduct, rule 1-300(B).

23 COUNT FOURTEEN

24 Case No. 14-O-02243
25 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

26 15. On or about August 20, 2013, Respondent entered into an agreement for, charged
27 and/or collected from Florida resident Blake E. Boswell a fee of \$7,499 to perform legal
28 services that was illegal because Respondent was not entitled to practice law in Florida, in

1 willful violation of the Rules of Professional Conduct, rule 4-200(A).

2 COUNT FIFTEEN

3 Case No. 14-O-02317

Rules of Professional Conduct, Rule 1-300(B)

4 [Unauthorized Practice of Law in Other Jurisdiction]

5 16. From in or about September 2013 through in or about February 2014, Respondent
6 held himself out as entitled to practice law and practiced law by soliciting employment through
7 advertisement, by advising Florida resident Desmond H. Page of his legal rights and options
8 regarding a mortgage loan modification, by accepting employment with Mr. Page and by
9 performing legal services in connection with negotiating and obtaining a mortgage loan
10 modification for Mr. Page when to do so was in violation of the laws and regulations of the
11 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
12 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
13 Conduct, rule 1-300(B).

14 COUNT SIXTEEN

15 Case No. 14-O-02317

Rules of Professional Conduct, rule 4-200(A)

16 [Illegal Fee]

17 17. On or about October 2, 2013, Respondent entered into an agreement for, charged
18 and/or collected from Florida resident Desmond H. Page a fee of \$3,995 to perform legal
19 services that was illegal because Respondent was not entitled to practice law in Florida, in
20 willful violation of the Rules of Professional Conduct, rule 4-200(A).

21 COUNT SEVENTEEN

22 Case No. 14-O-03027

Rules of Professional Conduct, Rule 1-300(B)

23 [Unauthorized Practice of Law in Other Jurisdiction]

24 18. From in or about August 2013 through in or about March 2014, Respondent held
25 himself out as entitled to practice law and practiced law by soliciting employment through
26 advertisement, by advising Florida resident James B. Golden, Jr. of his legal rights and options
27 regarding a mortgage loan modification, by accepting employment with Mr. Golden and by
28 performing legal services in connection with negotiating and obtaining a mortgage loan

1 modification for Mr. Golden when to do so was in violation of the laws and regulations of the
2 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
3 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
4 Conduct, rule 1-300(B).

5 COUNT EIGHTEEN

6 Case No. 14-O-03027
7 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

8 19. On or about August 21, 2013, Respondent entered into an agreement for, charged
9 and/or collected from Florida resident James B. Golden, Jr. a fee of \$3,500 to perform legal
10 services that was illegal because Respondent was not entitled to practice law in Florida, in
11 willful violation of the Rules of Professional Conduct, rule 4-200(A).

12 COUNT NINETEEN

13 Case No. 14-O-03028
14 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

15 20. From in or about September 2013 through in or about March 2014, Respondent held
16 himself out as entitled to practice law and practiced law by soliciting employment through
17 advertisement, by advising Florida resident Antonio D. Lindsey of his legal rights and options
18 regarding a mortgage loan modification, by accepting employment with Mr. Lindsey and by
19 performing legal services in connection with negotiating and obtaining a mortgage loan
20 modification for Mr. Lindsey when to do so was in violation of the laws and regulations of the
21 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
22 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
23 Conduct, rule 1-300(B).

24 COUNT TWENTY

25 Case No. 14-O-03028
26 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

27 21. On or about September 24, 2013, Respondent entered into an agreement for, charged
28 and/or collected from Florida resident Antonio D. Lindsey a fee of \$4,500 to perform legal

1 services that was illegal because Respondent was not entitled to practice law in Florida, in
2 willful violation of the Rules of Professional Conduct, rule 4-200(A).

3 COUNT TWENTY-ONE

4 Case No. 14-O-03095
5 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

6 22. From in or about August 2013 through in or about May 2014, Respondent held
7 himself out as entitled to practice law and practiced law by soliciting employment through
8 advertisement, by advising Florida resident Jessie James Dupree of his legal rights and options
9 regarding a mortgage loan modification, by accepting employment with Mr. Dupree and by
10 performing legal services in connection with negotiating and obtaining a mortgage loan
11 modification for Mr. Dupree when to do so was in violation of the laws and regulations of the
12 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
13 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
14 Conduct, rule 1-300(B).

15 COUNT TWENTY-TWO

16 Case No. 14-O-03095
17 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

18 23. On or about August 16, 2013, Respondent entered into an agreement for, charged
19 and/or collected from Florida resident Jessie James Dupree a fee of \$4,660 to perform legal
20 services that was illegal because Respondent was not entitled to practice law in Florida, in
21 willful violation of the Rules of Professional Conduct, rule 4-200(A).

22 COUNT TWENTY-THREE

23 Case No. 14-O-03399
24 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

25 24. From in or about October 2013 through in or about May 2014, Respondent held
26 himself out as entitled to practice law and practiced law by soliciting employment through
27 advertisement, by advising Florida resident Paul Joseph Cirillo of his legal rights and options
28 regarding a mortgage loan modification, by accepting employment with Mr. Cirillo and by

1 performing legal services in connection with negotiating and obtaining a mortgage loan
2 modification for Mr. Cirillo when to do so was in violation of the laws and regulations of the
3 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
4 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
5 Conduct, rule 1-300(B).

6 COUNT TWENTY-FOUR

7 Case No. 14-O-03399
8 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

9 25. On or about October 7, 2013, Respondent entered into an agreement for, charged
10 and/or collected from Florida resident Paul Joseph Cirillo a fee of \$3,495 to perform legal
11 services that was illegal because Respondent was not entitled to practice law in Florida, in
12 willful violation of the Rules of Professional Conduct, rule 4-200(A).

13 COUNT TWENTY-FIVE

14 Case No. 14-O-03503
15 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

16 26. From in or about September 2013 through in or about January 2014, Respondent
17 held himself out as entitled to practice law and practiced law by soliciting employment through
18 advertisement, by advising Texas residents Robert and Lenni Martinez of their legal rights and
19 options regarding a mortgage loan modification, by accepting employment with Mr. and Mrs.
20 Martinez and by performing legal services in connection with negotiating and obtaining a
21 mortgage loan modification for Mr. and Mrs. Martinez's Florida property loan when to do so
22 was in violation of the laws and regulations of the profession in Florida, namely Florida Stat.
23 Ann. § 454.23 (West) and Florida Rules of Professional Conduct, Rule 4-5.5(b)(2) and/or was
24 in violation of the laws and regulations of the profession in Texas, namely Texas Government
25 Code § 81.101 and Texas Disciplinary Rules of Professional Conduct, rule 5.05, in willful
26 violation of the Rules of Professional Conduct, rule 1-300(B).

27 ///

28 ///

1 COUNT TWENTY-SIX

2 Case No. 14-O-03503
3 Rules of Professional Conduct, rule 4-200(A)
4 [Illegal Fee]

5 27. On or about October 7, 2013, Respondent entered into an agreement for, charged
6 and/or collected from Texas residents Robert and Lenni Martinez a fee of \$3,495 to perform
7 legal services regarding a Florida property loan that was illegal because Respondent was not
8 entitled to practice law in Texas or Florida, in willful violation of the Rules of Professional
9 Conduct, rule 4-200(A).

10 NOTICE - INACTIVE ENROLLMENT!

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

19 NOTICE - COST ASSESSMENT!

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

25 Respectfully submitted.

26 THE STATE BAR OF CALIFORNIA
27 OFFICE OF THE CHIEF TRIAL COUNSEL

28 DATED: October 31, 2014

By: 

ASHOD MOORADIAN
Senior Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 **CASE NUMBER: 14-O-00303, et al.**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 845 S. Figueroa Street, Los Angeles, California
5 90017, declare that I am not a party to the within action; that I am readily familiar with the State
6 Bar of California's practice for collection and processing of correspondence for mailing with the
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,
8 correspondence collected and processed by the State Bar of California would be deposited with
9 the United States Postal Service that same day; that I am aware that on motion of party served,
10 service is presumed invalid if postal cancellation date or postage meter date on the envelope or
11 package is more than one day after date of deposit for mailing contained in the affidavit; and that
12 in accordance with the practice of the State Bar of California for collection and processing of
13 mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on
14 the date shown below, a true copy of the within

9 **NOTICE OF DISCIPLINARY CHARGES**

10 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
11 **Article No.: 9414 7266 9904 2010 0907 62**, at Los Angeles, on the date shown below, addressed
12 to:

13 **Scott B. Well**
14 **Law Offices of Scott B. Well**
15 **2122 N. Broadway**
16 **Santa Ana, CA 92706**

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

19 DATED: October 31, 2014

Signed: _____

Laura Jett
Declarant