



# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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**FILED**

**DEC 17 2014**

**STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case Nos. 14-O-01245, 14-O-02020,  
 14 FLOYD GEORGE BELSITO, ) 14-O-02696, 14-O-02763, 14-O-03400,  
 No. 103635, ) 14-O-03419, 14-O-03775  
 15 ) NOTICE OF DISCIPLINARY CHARGES  
 16 A Member of the State Bar. )

**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:**

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

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Floyd George Belsito ("respondent") was admitted to the practice of law in the State  
4 of California on July 8, 1982, 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. 14-O-01245  
9 Rules of Professional Conduct, Rule 1-300(B)  
[Unauthorized Practice of Law in Other Jurisdiction]

10 2. From on or about May 8, 2013 through on or about July 22, 2013, Respondent  
11 practiced law in Nevada by accepting employment with Joseph Kannan and held himself out as  
12 entitled to practice law in Nevada in order to perform legal services in connection with  
13 negotiating and obtaining a mortgage loan modification when he was not licensed in that  
14 jurisdiction and to do so was in violation of the regulations of the profession in Nevada, namely  
15 Nevada Rules of Professional Conduct, rule 5.5, in willful violation of the Rules of Professional  
16 Conduct, rule 1-300(B).

17 COUNT TWO

18 Case No. 14-O-01245  
19 Rules of Professional Conduct, Rule 4-200(A)  
[Collecting Illegal Fees]

20 3. On or about May 9, 2013, Respondent charged and collected from Joseph Kannan a  
21 fee of \$3,500 for legal services that was illegal because Respondent was not entitled to practice  
22 law in Nevada, in willful violation of the Rules of Professional Conduct, rule 4-200(A).

23  
24 COUNT THREE

25 Case No. 14-O-02020  
26 Business and Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1) - Illegal Advanced Fee]

27 4. On or about October 18, 2012, Respondent agreed to negotiate, arrange, or perform a  
28 mortgage loan modification or other form of mortgage loan forbearance for a fee for clients,

1 Jesus Ramirez and Maria Ramirez, and thereafter, on or about October 23, 2012, charged,  
2 demanded, and collected \$2,995 from the clients before Respondent had fully performed each  
3 and every service Respondent had been contracted to perform or represented to the clients that  
4 Respondent would perform, in violation of Civil Code, section 2944.7, and in willful violation of  
5 Business and Professions Code, section 6106.3.

6  
7 COUNT FOUR

8 Case No. 14-O-02020  
9 Rules of Professional Conduct, Rule 1-400(D)(4)  
[Undesignated Advertisement]

10 5. In or about September 2012, Respondent made a written communication, or allowed  
11 one to be made on Respondent's behalf by "Legal Aid Services," to Jesus Ramirez and Maria  
12 Ramirez, prospective clients, concerning Respondent's availability for professional employment  
13 which failed to indicate clearly, expressly, or by context, that it was a communication or  
14 solicitation namely, by delivering a mailer that failed to bear the word "Advertisement,"  
15 "Newsletter," or words of similar import in 12 point print on the first page and failed to reference  
16 "Legal Aid Services" or Respondent, in willful violation of Rules of Professional Conduct, rule  
17 1-400(D)(4).

18 COUNT FIVE

19 Case No. 14-O-02020  
20 Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

21 6. Respondent failed to release promptly, after termination of Respondent's employment  
22 in or about July 2013, to Respondent's clients, Jesus Ramirez and Maria Ramirez, all of the  
23 client's papers and property following the client's request for the client's file in or about July  
24 2013, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

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COUNT SIX

Case No. 14-O-02696  
Business and Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1) - Illegal Advanced Fee]

7. In or about December 2012, Respondent agreed to negotiate, arrange, or perform a mortgage loan modification or other form of mortgage loan forbearance for a fee for a client, Monica Cuadras, and thereafter, on or about December 13, 2012, charged, demanded, and collected \$3,500 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 would perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

COUNT SEVEN

Case No. 14-O-02696  
Rules of Professional Conduct, Rule 1-400(D)(4)  
[Undesignated Advertisement]

8. In or about December 2012, Respondent made a written communication, or allowed one to be made on Respondent's behalf by "Legal Aid Services," to Monica Cuadras, a prospective client, concerning Respondent's availability for professional employment which failed to indicate clearly, expressly, or by context, that it was a communication or solicitation namely, by delivering a mailer that failed to bear the word "Advertisement," "Newsletter," or words of similar import in 12 point print on the first page and failed to reference "Legal Aid Services" or Respondent, in willful violation of Rules of Professional Conduct, rule 1-400(D)(4).

COUNT EIGHT

Case No. 14-O-02763  
Business and Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1) - Illegal Advanced Fee]

9. In or about March 2013, Respondent agreed to negotiate, arrange, or perform a mortgage loan modification or other form of mortgage loan forbearance for a fee for a client, Tatiana Hernandez, and thereafter, on or about March 21, 2013, charged, demanded, and

1 collected \$3,500 from the client before Respondent had fully performed each and every service  
2 Respondent had been contracted to perform or represented to the client that Respondent would  
3 perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and  
4 Professions Code, section 6106.3.

5  
6 COUNT NINE

7 Case No. 14-O-02763  
8 Rules of Professional Conduct, rule 3-700(D)(1)  
9 [Failure to Release File]

10 10. Respondent failed to release promptly, after termination of Respondent's employment  
11 on or about March 21, 2014, to Respondent's client, Tatiana Hernandez, all of the client's papers  
12 and property following the client's request for the client's file on or about March 21, 2014, in  
13 willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

14 COUNT TEN

15 Case No. 14-O-03400  
16 Rules of Professional Conduct, Rule 1-300(B)  
17 [Unauthorized Practice of Law in Other Jurisdiction]

18 11. From in or about September 2013 through on or about February 24, 2014,  
19 Respondent practiced law in Florida by accepting employment with Anne Mirisola and held  
20 himself out as entitled to practice law in Florida in order to perform legal services in connection  
21 with negotiating and obtaining a mortgage loan modification when he was not licensed in that  
22 jurisdiction and to do so was in violation of the regulations of the profession in Florida, namely  
23 Florida Rules of Professional Conduct, rule 4-5.5 and Florida Statutes Title XXII, Chapter  
24 454.23, in willful violation of the Rules of Professional Conduct, rule 1-300(B).  
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COUNT ELEVEN

Case No. 14-O-03400  
Rules of Professional Conduct, Rule 4-200(A)  
[Collecting Illegal Fees]

12. On or about October 1, 2013, Respondent charged and collected from Anne Mirisola a fee of \$3,700 that was illegal because Respondent was not entitled to practice law in Florida, in willful violation of the Rules of Professional Conduct, rule 4-200(A).

COUNT TWELVE

Case No. 14-O-03419  
Business and Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1) - Illegal Advanced Fee]

13. On or about June 6, 2013, Respondent agreed to negotiate, arrange, or perform a mortgage loan modification or other form of mortgage loan forbearance for a fee for a client, Amador Penaloza, and thereafter, on or about June 6, 2013, charged, demanded, and collected \$3,500 for legal services 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 would perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

COUNT THIRTEEN

Case No. 14-O-03775  
Rules of Professional Conduct, Rule 1-300(B)  
[Unauthorized Practice of Law in Other Jurisdiction]

14. From on or about June 9, 2014 through on or about June 11, 2014, Respondent practiced law in Texas by accepting employment with Tom Pullman and Cindy Pullman and held himself out as entitled to practice law in Texas in order to perform legal services in connection with negotiating and obtaining a mortgage loan modification when he was not licensed in that jurisdiction and to do so was in violation of the regulations of the profession in Texas, namely Texas Disciplinary Rules of Professional Conduct, rule 5.05 and Texas Government Code section 81.102, in willful violation of the Rules of Professional Conduct, rule 1-300(B).

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COUNT FOURTEEN

Case No. 14-O-03775  
Rules of Professional Conduct, Rule 1-400(D)(4)  
[Undesignated Advertisement]

15. In or about May 2014, Respondent made a written communication, or allowed one to be made on Respondent's behalf by "Legal Aid Services," to Tom Pullman and Cindy Pullman, prospective clients, concerning Respondent's availability for professional employment which failed to indicate clearly, expressly, or by context, that it was a communication or solicitation namely, by delivering a mailer that failed to bear the word "Advertisement," "Newsletter," or words of similar import in 12 point print on the first page and failed to reference "Legal Aid Services" or Respondent, in willful violation of Rules of Professional Conduct, rule 1-400(D)(4).

COUNT FIFTEEN

Case No. 14-O-03775  
Rules of Professional Conduct, Rule 4-200(A)  
[Collecting Illegal Fees]

16. On or about June 9, 2014, Respondent charged Tom Pullman and Cindy Pullman a fee of \$3,700 for legal services and collected from Tom Pullman and Cindy Pullman a fee of \$1,325 that was illegal because Respondent was not entitled to practice law in Texas, in willful violation of the Rules of Professional Conduct, rule 4-200(A).

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: December 17, 2014

By:   
Lara Bairamian  
Deputy Trial Counsel

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DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-01245, 14-O-02020, 14-O-02696, 14-O-02763, 14-O-03400, 14-O-03419, 14-O-03775

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))

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 1008 1448 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: Aldo Arturo Flores, FLORES LAW, APLC 8141 E 2nd St Ste 625 Downey, CA 90241, 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: December 17, 2014

SIGNED:

Handwritten signature of Charles C. Bagai and printed name Charles C. Bagai Declarant.