

PUBLIC MATTER

STATE BAR OF CALIFORNIA
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FILED

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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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-03638; 14-O-03984;
) 14-O-04390; 14-O-05408; 14-O-05409;
) 15-O-10065; 15-O-10086;

) **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. 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-03638
8 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

9 2. From in or about July 2013 through in or about June 2014, Respondent held himself
10 out as entitled to practice law and practiced law by soliciting employment through
11 advertisement, by advising New York resident Judith St. Clair of her legal rights and options
12 regarding a mortgage loan modification for property located in New York, by accepting
13 employment with Ms. St. Clair and by performing legal services in connection with negotiating
14 and obtaining a mortgage loan modification for Ms. St. Clair when to do so was in violation of
15 the laws and regulations of the profession in New York, namely New York Judiciary Law § 478
16 (McKinney) and New York Rules of Professional Conduct, rule 5.5(b) (N.Y. Comp. Codes R.
17 & Regs. tit. 22, § 1200.0), in willful violation of the Rules of Professional Conduct, rule 1-
18 300(B).

19 COUNT TWO

20 Case No. 14-O-03638
21 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

22 3. On or about July 12, 2013, Respondent entered into an agreement for, charged
23 and/or collected from New York resident Judith St. Clair a fee of \$5900 to perform legal
24 services that was illegal because Respondent was not entitled to practice law in New York, in
25 willful violation of the Rules of Professional Conduct, rule 4-200(A).

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1 COUNT THREE

2 Case No. 14-O-03984
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 July 2014, Respondent held himself
6 out as entitled to practice law and practiced law by soliciting employment through
7 advertisement, by advising Illinois resident Kimberly Mantzoros of her legal rights and options
8 regarding a mortgage loan modification for property located in Illinois, by accepting
9 employment with Ms. Mantzoros and by performing legal services in connection with
10 negotiating and obtaining a mortgage loan modification for Ms. Mantzoros when to do so was
11 in violation of the laws and regulations of the profession in Illinois, namely 705 Illinois
12 Compiled Statutes 205/1 (from Ch. 13, par. 1) and Illinois Rules of Professional Conduct, rule
13 5.5(b), in willful violation of the Rules of Professional Conduct, rule 1-300(B).

14 COUNT FOUR

15 Case No. 14-O-03984
16 Rules of Professional Conduct, rule 4-200(A)
17 [Illegal Fee]

18 5. On or about August 30, 2013, Respondent entered into an agreement for, charged
19 and/or collected from Illinois resident Ms. Mantzoros a fee of \$6,490 to perform legal services
20 that was illegal because Respondent was not entitled to practice law in Illinois in willful
21 violation of the Rules of Professional Conduct, rule 4-200(A).

22 COUNT FIVE

23 Case No. 14-O-04390
24 Rules of Professional Conduct, Rule 1-300(B)
25 [Unauthorized Practice of Law in Other Jurisdiction]

26 6. From in or about July 2013 through in or about July 2014, Respondent held himself
27 out as entitled to practice law and practiced law by soliciting employment through
28 advertisement, by advising Massachusetts resident Robert Simoneau of his legal rights and
options regarding a mortgage loan modification for property located in Massachusetts, by
accepting employment with Mr. Simoneau and by performing legal services in connection with
negotiating and obtaining a mortgage loan modification for Mr. Simoneau when to do so was in

1 violation of the laws and regulations of the profession in Massachusetts, namely Massachusetts
2 General Laws, Chap. 221, § 46A-46C and Massachusetts Rules of Professional Conduct, rule
3 5.5(b), in willful violation of the Rules of Professional Conduct, rule 1-300(B).

4 COUNT SIX

5 Case No. 14-O-04390
6 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

7 7. On or about August 30, 2013, Respondent entered into an agreement for, charged
8 and/or collected from Massachusetts resident Robert Simoneau a fee of \$3,495 to perform legal
9 services that was illegal because Respondent was not entitled to practice law in Massachusetts,
10 in willful violation of the Rules of Professional Conduct, rule 4-200(A).

11 COUNT SEVEN

12 Case No. 14-O-05408
13 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

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

23 COUNT EIGHT

24 Case No. 14-O-05408
25 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

26 9. On or about September 3, 2013, Respondent entered into an agreement for, charged
27 and/or collected from Florida residents Michael and Tammy Ziesak a fee of \$5,990 to perform
28 legal 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 NINE

3 Case No. 14-O-05409
4 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

5 10. From in or about September 2013 through in or about January 2014, Respondent
6 held himself out as entitled to practice law and practiced law by soliciting employment through
7 advertisement, by advising New York resident Grace Nucciarone of her legal rights and options
8 regarding a mortgage loan modification for property located in New York, by accepting
9 employment with Ms. Nucciarone and by performing legal services in connection with
10 negotiating and obtaining a mortgage loan modification for Ms. Nucciarone when to do so was
11 in violation of the laws and regulations of the profession in New York, namely New York
12 Judiciary Law § 478 (McKinney) and New York Rules of Professional Conduct, rule 5.5(b)
13 (N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.0), in willful violation of the Rules of
14 Professional Conduct, rule 1-300(B).

15 COUNT TEN

16 Case No. 14-O-05409
17 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

18 11. On or about September 18, 2013, Respondent entered into an agreement for, charged
19 and/or collected from New York resident Grace Nucciarone a fee of \$3,495 to perform legal
20 services that was illegal because Respondent was not entitled to practice law in New York, in
21 willful violation of the Rules of Professional Conduct, rule 4-200(A).

22 COUNT ELEVEN

23 Case No. 15-O-10065
24 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

25 12. From in or about October 2013 through in or about December 2014, Respondent
26 held himself out as entitled to practice law and practiced law by soliciting employment through
27 advertisement, by advising New York residents Patrick and Paula Morrison of their legal rights
28 and options regarding a mortgage loan modification for property located in New York, by

1 accepting employment with Patrick and Paula Morrison and by performing legal services in
2 connection with negotiating and obtaining a mortgage loan modification for Patrick and Paula
3 Morrison when to do so was in violation of the laws and regulations of the profession in New
4 York, namely New York Judiciary Law § 478 (McKinney) and New York Rules of Professional
5 Conduct, rule 5.5(b) (N.Y. Comp. Codes R. & Regs. tit. 22, § 1200.0), in willful violation of the
6 Rules of Professional Conduct, rule 1-300(B).

7 COUNT TWELVE

8 Case No. 15-O-10065
9 Rules of Professional Conduct, rule 4-200(A)
[Illegal Fee]

10 13. On or about October 17, 2013, Respondent entered into an agreement for, charged
11 and/or collected from New York residents Patrick and Paula Morrison a fee of \$3,995 to
12 perform legal services that was illegal because Respondent was not entitled to practice law in
13 New York, in willful violation of the Rules of Professional Conduct, rule 4-200(A).

14 COUNT THIRTEEN

15 Case No. 15-O-10086
16 Rules of Professional Conduct, Rule 1-300(B)
[Unauthorized Practice of Law in Other Jurisdiction]

17 14. From in or about October 2013 through in or about December 2014, Respondent
18 held himself out as entitled to practice law and practiced law by soliciting employment through
19 advertisement, by advising Florida residents James A. Bond and Marilyn D. Bond of their legal
20 rights and options regarding a mortgage loan modification for property located in Florida, by
21 accepting employment with James A. Bond and Marilyn D. Bond and by performing legal
22 services in connection with negotiating and obtaining a mortgage loan modification for James
23 A. Bond and Marilyn D. Bond when to do so was in violation of the laws and regulations of the
24 profession in Florida, namely Florida Stat. Ann. § 454.23 (West) and Florida Rules of
25 Professional Conduct, Rule 4-5.5(b)(2), in willful violation of the Rules of Professional
26 Conduct, rule 1-300(B).

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1 COUNT FOURTEEN

2 Case No. 15-O-10086
3 Rules of Professional Conduct, rule 4-200(A)
4 [Illegal Fee]

5 15. On or about October 31, 2013, Respondent entered into an agreement for, charged
6 and/or collected from Florida residents James A. Bond and Marilyn D. Bond a fee of \$3,495 to
7 perform legal services that was illegal because Respondent was not entitled to practice law
8 in Florida, in willful violation of the Rules of Professional Conduct, rule 4-200(A).

9 NOTICE - INACTIVE ENROLLMENT!

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


18 NOTICE - COST ASSESSMENT!

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

24 Respectfully submitted,

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

27 DATED: March 20, 2015

28 By: 
ASHOD MOORADIAN
Senior Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **14-O-03638; 14-O-03984; 14-O-04390; 14-O-05408; 14-O-05409; 15-O-10065; 15-O-10086**

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.: 9414 7266 9904 2010 0840 68 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)*

| Person Served | Business-Residential Address | Fax Number | Courtesy Copy to: |
|--------------------|---|--------------------|-------------------|
| SCOTT BRADLEY WELL | Law Offices of Scott B. Well 2122 N. Broadway Santa Ana, CA 92706 | 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: March 20, 2015

SIGNED:


KIM WIMBISH
Declarant