

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF THE CHIEF TRIAL COUNSEL  
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**FILED**

**APR 16 2015**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

14 In the Matter of: ) Case No. 14-O-04509  
15 BRIAN JOSEPH KUCSAN, ) NOTICE OF DISCIPLINARY CHARGES  
16 No. 230951, )  
17 A Member of the State Bar )

**NOTICE - FAILURE TO RESPOND!**

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

- 22 (1) **YOUR DEFAULT WILL BE ENTERED;**  
23 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
24 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
25 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
26 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
27 **AND THE DEFAULT IS SET ASIDE, AND;**  
28 (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. Brian Joseph Kucsan (“respondent”) was admitted to the practice of law in the State  
4 of California on June 3, 2004, 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-04509  
8 Business & Professions Code section 6106.3  
9 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

10 2. On or about November 5, 2009, respondent agreed to attempt to arrange mortgage  
11 loan modifications or other mortgage loan forbearances on six properties for fees for clients,  
12 Benigno and Zenaida Yuzon, and thereafter, on or about November 5, 2009, received \$11,250  
13 from the clients, and on or about February 8, 2010, received \$3,250 from the clients, before  
14 respondent had fully performed each and every service he had been contracted to perform or  
15 represented to the clients that he would perform, in violation of Civil Code section 2944.7, and in  
16 willful violation of Business and Professions Code section 6106.3.

17 NOTICE - INACTIVE ENROLLMENT!

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

26 NOTICE - COST ASSESSMENT!

27 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
28 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**

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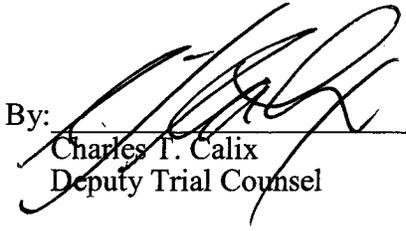
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**INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: April 16, 2015

By:   
Charles T. Calix  
Deputy 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-04509**

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.: 9414 7266 9904 2010 0880 59 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 via U.S. Certified Mail & U.S. First Class Mail	Business-Residential Address	Courtesy copy via email to:	Courtesy Copy to:
BRIAN JOSEPH KUCSAN	27201 Puerta Real Ste 300 Mission Viejo CA 92691	Maria Cristina Armenta	27201 Puerta Real Ste 300 Mission Viejo CA 92691
		Electronic Address	
		cris@crisarmenta.com	

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: April 16, 2015

SIGNED:   
Genelle De Luca-Suarez  
Declarant