

PUBLIC MATTER

FILED

MAY 11 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 14-O-4976, 14-O-5047 &
) 14-O-6356
 14 JOHN M. RIBARICH,)
 No. 183883,) NOTICE OF DISCIPLINARY CHARGES
 15)
 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:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;
- 22 (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;
- 23 (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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The State Bar of California alleges:

JURISDICTION

1. John M. Ribarich (“respondent”) was admitted to the practice of law in the State of California on December 12, 1996, 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. 14-O-04976
Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

2. On or about January 27, 2010, respondent agreed to negotiate a home mortgage loan modification or other form of mortgage loan forbearance for a fee for his client, Kyle Toliver, and demanded and charged \$5,500 from the client before respondent had fully performed each and every service respondent 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 TWO

Case No. 14-O-5047
Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

3. On or about February 4, 2011, respondent agreed to negotiate a home mortgage loan modification or other form of mortgage loan forbearance for a fee for his client, Yvonne Wilkes, and demanded and charged \$8,500 from the client before respondent had fully performed each and every service respondent 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.

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COUNT THREE

Case No. 14-O-6356
Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

4. On or about September 28, 2010, respondent agreed to negotiate a home mortgage loan modification or other form of mortgage loan forbearance for a fee for his clients, Frank and Vienna Aquilar, and demanded and charged \$8,250 from the clients before respondent had fully performed each and every service respondent 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.

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 11, 2015

By: 

Ross Viselman
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-4976, 14-O-5047 & 14-O-6356

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))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(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 0872 36 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: John M. Ribarich, 10573 W. Pico Blvd., Suite 233 Los Angeles, CA 90064, 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).

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 11, 2015

SIGNED:

Handwritten signature of Jason Peralta, Jason Peralta Declarant