

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

JUN 22 2015
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12
13 In the Matter of:) Case Nos. 14-O-05337, 14-O-05952,
14 JOHN M. RIBARICH,) 14-O-06019, 14-O-06064 & 14-O-06461
No. 183883,) NOTICE OF DISCIPLINARY CHARGES
15)
16 A Member of the State Bar)

17 **NOTICE - FAILURE TO RESPOND!**

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

- 21 (1) **YOUR DEFAULT WILL BE ENTERED;**
22 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
23 **WILL NOT BE PERMITTED TO PRACTICE LAW;**
24 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
25 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**
26 **AND THE DEFAULT IS SET ASIDE, AND;**
27 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
28 **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. John M. Ribarich (“respondent”) was admitted to the practice of law in the State of
4 California on December 12, 1996, 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-05337
8 Business and Professions Code section 6106.3
9 [Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

10 2. In July 2013, respondent agreed to negotiate a home mortgage loan modification or
11 other form of mortgage loan forbearance for a fee for his client, Daisy Velasquez, and demanded
12 and charged \$8,290 from the client before respondent had fully performed each and every
13 service respondent contracted to perform or represented to the client that respondent would
14 perform, in violation of Civil Code section 2944.7, and in willful violation of Business and
15 Professions Code section 6106.3.

16 COUNT TWO

17 Case No. 14-O-05952
18 Business and Professions Code section 6106.3
19 [Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

20 3. On or about November 5, 2012, respondent agreed to negotiate a home mortgage loan
21 modification or other form of mortgage loan forbearance for a fee for his client, Edward Lowry,
22 and demanded and charged \$34,349 from the client before respondent had fully performed each
23 and every service respondent contracted to perform or represented to the client that respondent
24 would perform, in violation of Civil Code section 2944.7, and in willful violation of Business
25 and Professions Code section 6106.3.

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COUNT THREE

Case No. 14-O-06019
Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

4. On or about May 10, 2013, respondent agreed to negotiate a home mortgage loan modification or other form of mortgage loan forbearance for a fee for his client, Shahla Sharifi, and demanded and charged \$14,000 from the client 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.

COUNT FOUR

Case No. 14-O-06019
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

5. On or about February 18, 2015, Respondent stated in writing to the State Bar of California that he “had no knowledge of any funds being deposited into” his general business account at Wells Fargo, account number XXXXXX3914¹ (the “GBA”) and that a non-attorney fraudulently “opened up” the GBA, of which Respondent was not a signatory, when Respondent knew or was grossly negligent in not knowing the statement(s) were false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT FIVE

Case No. 14-O-06064
Business and Professions Code section 6106.3
[Violation of Civil Code section 2944.7(a)(1) - Illegal Advanced Fee]

6. In or about June 2013, respondent agreed to negotiate a home mortgage loan modification or other form of mortgage loan forbearance for a fee for his client, Rolando Serquina, and demanded and charged \$8,225 from the client before respondent had fully performed each and every service respondent contracted to perform or represented to the client

¹ The account number of respondent’s general business account is redacted for privacy considerations in this notice of disciplinary charges.

1 that respondent would perform, in violation of Civil Code section 2944.7, and in willful violation
2 of Business and Professions Code section 6106.3.

3 COUNT SIX

4 Case No. 14-O-06461
5 Business and Professions Code, section 6106
6 [Moral Turpitude - Misappropriation]

7 7. On or about October 29, 2014, respondent received on behalf of respondent's client,
8 Noerhayati Sudetjo ("Sudetjo"), settlement funds from State Farm Mutual Automobile Insurance
9 Company made payable to respondent and Sudetjo in the sum of \$7,995.57 (the "Settlement
10 Funds"). On or about October 29, 2014, respondent deposited the Settlement Funds into
11 respondent's client trust account at JP Morgan Chase, account number xxxxx2437² (the "CTA"),
12 on behalf of Sudetjo. On or about October 30, 2014, respondent dishonestly or grossly
13 negligently misappropriated for respondent's own purposes at least \$2,865 that Sudetjo,
14 respondent's client, was entitled to receive, and thereby committed an act involving moral
15 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section
16 6106.

17 COUNT SEVEN

18 Case No. 14-O-06461
19 Rules of Professional Conduct, rule 4-100(A)
20 [Failure to Maintain Client Funds in Trust Account]

21 8. On or about October 29, 2014, respondent received on behalf of respondent's client,
22 Noerhayati Sudetjo ("Sudetjo"), settlement funds from State Farm Mutual Automobile Insurance
23 Company made payable to respondent and Sudetjo in the sum of \$7,995.57 (the "Settlement
24 Funds"). On or about October 29, 2014, respondent deposited the Settlement Funds into
25 respondent's client trust account at JP Morgan Chase, account number xxxxx2437 (the "CTA"),
26 on behalf of Sudetjo. Of this sum, the client was entitled to at least \$2,865. Respondent failed to
27 maintain a balance of \$2,865 on behalf of Sudetjo in the CTA, in willful violation of Rules of
28 Professional Conduct, rule 4-100(A).

² The account number of respondent's client trust account is redacted for privacy considerations in this notice of disciplinary charges.

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COUNT EIGHT

Case No. 14-O-06461
Business and Professions Code, section 6106
[Moral Turpitude – Issuance of NSF Checks]

9. On or about November 17, 2014, Respondent issued the following check drawn upon Respondent’s client trust account at JP Morgan Chase, account number xxxxx2437 (the “CTA”), when Respondent knew or was grossly negligent in not knowing that there were insufficient funds in the CTA to pay them, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106:

CHECK NO.	CHECK DATE	CHECK AMT.	RETURNED
643	November 17, 2014	\$2,895.00	November 17, 2014

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(e), 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: June 22, 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-05337, 14-O-05952, 14-O-06019, 14-O-06064 & 14-O-06461

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 0871 13 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, Kenneth Charles Kocourek 5785 Brockton Avenue Riverside, CA 92506

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: June 22, 2015

SIGNED:

Handwritten signature of Jason Peralta, Jason Peralta Declarant