

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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FILED

OCT 27 2015

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of: ) Case Nos. 14-O-06366, 15-O-10090,  
 ) 15-O-10686, 15-O-11035, 15-O-11090,  
 14 STEPHEN RAWLIEGH GOLDEN, ) 15-O-11237  
 No. 163366, )  
 15 ) NOTICE OF DISCIPLINARY CHARGES  
 )  
 16 A Member of the State Bar )

## 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**  
**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.**  
**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. STEPHEN R. GOLDEN ("Respondent") was admitted to the practice of law in  
4 the State of California on January 4, 1993, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-06366  
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 August 22, 2012, Respondent agreed to attempt to negotiate a  
11 mortgage loan modification or other mortgage loan forbearance for a fee for a client, Oscar  
12 Arrellano, and, between on or about September 4, 2012 and February 7, 2014, received \$24,250  
13 from the client before Respondent had fully performed each and every service Respondent had  
14 been contracted to perform or represented to the client that Respondent would perform, in  
15 violation of Civil Code, section 2944.7, and in willful violation of Business and Professions  
16 Code, section 6106.3.

17 COUNT TWO

18 Case No. 14-O-06366  
19 Rules of Professional Conduct, rule 4-100(B)(3)  
20 [Failure to Render Accounts of Client Funds]

21 3. Between on or about September 4, 2012 and February 7, 2014, Respondent  
22 received from Respondent's client, Oscar Arrellano, fees in the sum of \$24,250. Respondent  
23 thereafter failed to render an appropriate accounting to the client regarding those funds following  
24 the termination of Respondent's employment on July 12, 2013, in willful violation of the Rules  
25 of Professional Conduct, rule 4-100(B)(3).

26 COUNT THREE

27 Case No. 15-O-10090  
28 Business & Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

4. On or about January 14, 2014, Respondent agreed to attempt to negotiate a  
mortgage loan modification or other mortgage loan forbearance for a fee for clients Bo and

1 Grace McCarthy, and, between on or about January 14, 2014 and October 17, 2014, received  
2 \$13,500 from the clients before Respondent had fully performed each and every service  
3 Respondent had been contracted to perform or represented to the clients that Respondent would  
4 perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and  
5 Professions Code, section 6106.3.

6 COUNT FOUR

7 Case No. 15-O-10090  
8 Rules of Professional Conduct, rule 4-100(B)(3)  
9 [Failure to Render Accounts of Client Funds]

10 5. Between on or about January 14, 2014 and October 17, 2014, Respondent  
11 received from Respondent's clients, Bo and Grace McCarthy, fees in the sum of \$13,500.  
12 Respondent thereafter failed to render an appropriate accounting to the client regarding those  
13 funds following the termination of Respondent's employment on December 23, 2014, in willful  
14 violation of the Rules of Professional Conduct, rule 4-100(B)(3).

15 COUNT FIVE

16 Case No. 15-O-10686  
17 Business & Professions Code, section 6106.3  
18 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

19 6. On or about July 30, 2014, Respondent agreed to attempt to negotiate a mortgage  
20 loan modification or other mortgage loan forbearance for a fee for a client, Robert Garcia, and,  
21 between on or about July 30, 2014 and September 29, 2014, received \$4,950 from the client  
22 before Respondent had fully performed each and every service Respondent had been contracted  
23 to perform or represented to the client that Respondent would perform, in violation of Civil  
24 Code, section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

25 COUNT SIX

26 Case No. 15-O-10686  
27 Rules of Professional Conduct, rule 4-100(B)(3)  
28 [Failure to Render Accounts of Client Funds]

7. Between on or about July 30, 2014 and September 29, 2014, Respondent received  
from Respondent's client, Robert Garcia, fees in the sum of \$4,950. Respondent thereafter  
failed to render an appropriate accounting to the client regarding those funds following the

1 termination of Respondent's employment on January 12, 2015, in willful violation of the Rules  
2 of Professional Conduct, rule 4-100(B)(3).

3 COUNT SEVEN

4 Case No. 15-O-11035  
5 Business & Professions Code, section 6106.3  
6 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

7 8. On or about August 2, 2012, Respondent agreed to attempt to negotiate a  
8 mortgage loan modification or other mortgage loan forbearance for a fee for a client, Adrienne  
9 Kessler, and, between on or about August 2, 2012 and October 7, 2014, received \$29,786 from  
10 the client before Respondent had fully performed each and every service Respondent had been  
11 contracted to perform or represented to the client that Respondent would perform, in violation of  
12 Civil Code, section 2944.7, and in willful violation of Business and Professions Code, section  
13 6106.3.

14 COUNT EIGHT

15 Case No. 15-O-11035  
16 Rules of Professional Conduct, rule 4-100(B)(3)  
17 [Failure to Render Accounts of Client Funds]

18 9. Between on or about August 2, 2012 and October 7, 2014, Respondent received  
19 from Respondent's client, Adrienne Kessler, fees in the sum of \$29,786. Respondent thereafter  
20 failed to render an appropriate accounting to the client regarding those funds following the  
21 termination of Respondent's employment on January 26, 2015, in willful violation of the Rules  
22 of Professional Conduct, rule 4-100(B)(3).

23 COUNT NINE

24 Case No. 15-O-11090  
25 Business & Professions Code, section 6106.3  
26 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

27 10. On or about September 21, 2012, Respondent agreed to attempt to negotiate a  
28 mortgage loan modification or other mortgage loan forbearance for a fee for a client, Felice  
Soule, and, between on or about September 21, 2012 and December 4, 2014, received \$33,500  
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

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

3 COUNT TEN

4 Case No. 15-O-11090  
5 Rules of Professional Conduct, rule 4-100(B)(3)  
6 [Failure to Render Accounts of Client Funds]

7 11. Between on or about September 21, 2012 and December 4, 2014, Respondent  
8 received from Respondent's client, Felice Soule, fees in the sum of \$33,500. Respondent  
9 thereafter failed to render an appropriate accounting to the client regarding those funds following  
10 the termination of Respondent's employment on February 5, 2015, in willful violation of the  
11 Rules of Professional Conduct, rule 4-100(B)(3).

12 COUNT ELEVEN

13 Case No. 15-O-11090  
14 Business and Professions Code, section 6106.3(a)  
15 [Violation of Civil Code, section 2944.6(a)]

16 12. On or about September 21, 2012, Respondent offered to perform a mortgage loan  
17 modification or other form of mortgage loan forbearance for a fee paid by a borrower and client,  
18 namely Felice Soule, in advance of any service and thereafter entered into a fee agreement with  
19 the client without providing the client, prior to entering into that agreement, the following as a  
20 separate written statement, in not less than 14-point bold type, as required by Civil Code, section  
21 2944.6, in willful violation of Business and Professions Code, section 6106.3:

22 It is not necessary to pay a third party to arrange for a loan modification  
23 or other form of forbearance from your mortgage lender or servicer.  
24 You may call your lender directly to ask for a change in your loan terms.  
25 Nonprofit housing counseling agencies also offer these and other forms  
26 of borrower assistance free of charge. A list of nonprofit housing counseling  
27 agencies approved by the United States Department of Housing and Urban  
28 Development (HUD) is available from your local HUD office or by visiting  
www.hud.gov.

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COUNT TWELVE

Case No. 15-O-11237  
Business & Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

13. On or about March 4, 2014, Respondent agreed to attempt to negotiate a mortgage loan modification or other mortgage loan forbearance for a fee for a client, Cherie Adams, and, between on or about March 4, 2014 and July 7, 2014, received \$6,250 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. 15-O-11237  
Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

14. Between on or about March 4, 2014 and July 7, 2014, Respondent received from Respondent's client, Cherie Adams, fees in the sum of \$6,250. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the termination of Respondent's employment on September 19, 2014, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(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.**

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**NOTICE - COST ASSESSMENT!**

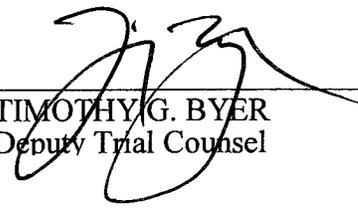
**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: October 27, 2015

By: \_\_\_\_\_

  
TIMOTHY G. BYER  
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-06366, 15-O-10090, 15-O-10686, 15-O-11035, 15-O-11090, 15-O-11237

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 0689 76 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: David Alan Clare, 444 W Ocean Blvd Ste 800 Long Beach, CA 90802, 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: October 27, 2015

SIGNED:

Handwritten signature of Jason Peratta, Declarant