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PUBLIC MATTER

FILED

DEC 22 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

13 In the Matter of:) Case No. 15-O-11045
 14 ANTHONY R. SALES,)
 15 No. 218193,) NOTICE OF DISCIPLINARY CHARGES
 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:**

- 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
25 ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
26 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. ANTHONY R. SALES ("respondent") was admitted to the practice of law in the State of California on December 13, 2001, 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. 15-O-11045
Rules of Professional Conduct, Rule 1-400(C)
[Solicitation of a Prospective Client]

2. In or about September 2014, respondent made a solicitation, or allowed one to be made on respondent's behalf by Uriel Rolondo to Ezequiel Garcia, a prospective client, by communication delivered by telephone and in person, with whom respondent had no family or prior professional relationship, in willful violation of the Rules of Professional Conduct, rule 1-400(C).

COUNT TWO

Case No. 15-O-11045
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

3. On or about October 23, 2014, Ezequiel Garcia employed respondent to perform legal services, namely to negotiate a mortgage loan modification, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to take any steps to obtain a mortgage loan modification.

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COUNT THREE

Case No. 15-O-11045
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

4. On or about November 3, 2014, respondent received advanced fees of \$1500 from a client, Ezequiel Garcia, to obtain a mortgage loan modification. Respondent failed to obtain a mortgage loan modification, or perform any legal services for the client, and therefore earned none of the advanced fees paid. Respondent failed to refund promptly, upon respondent's termination of employment in or about January 2015, any part of the \$1500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

COUNT FOUR

Case No. 15-O-11045
Business and Professions Code, section 6106.3(a)
[Violation of Civil Code, section 2944.6(a)]

5. On or about October 23, 2014 respondent negotiated, arranged, or offered to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee paid by a borrower and client, namely Ezequiel Garcia, in advance of any service and thereafter entered into a fee agreement with the client without providing the client, prior to entering into that agreement, the following as a separate written statement, in not less than 14-point bold type, as required by Civil Code, section 2944.6, in willful violation of Business and Professions Code, section 6106.3:

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

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COUNT FIVE

Case No. 15-O-11045
Business & Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

6. On or about October 23, 2014, respondent agreed to negotiate a mortgage loan modification or other mortgage loan forbearance for a fee for a client, Ezequiel Garcia, and thereafter on November 3, 2014 received \$1500 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.

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COUNT SIX

Case No. 15-O-11045
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

7. Respondent failed to cooperate and participate in a disciplinary investigation pending against respondent by failing to provide a substantive response to the State Bar letter of August 25, 2015, which respondent received, that requested respondent's response to the allegations of misconduct being investigated in case no. 15-O-11045 in willful violation of Business and Professions Code, section 6068(i).

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!

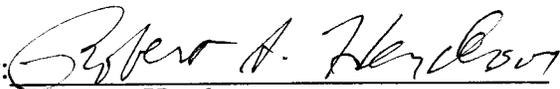
IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: December 22, 2015

By:



Robert A. Henderson
Supervising Senior Trial Counsel

DECLARATION OF SERVICE BY REGULAR MAIL AND CERTIFIED MAIL

CASE NUMBER: 15-O-11045

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that 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; that 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; that I am aware that on motion of 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; and that 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 San Francisco, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as regular mail and as certified mail, return receipt requested, Article No.: 9414 7266 9904 2011 9767 68, at San Francisco, on the date shown below, addressed to:

**Anthony R Sales
2333 W March Ln., Ste. C2
Stockton, CA 95207**

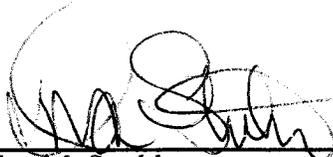
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: December 22, 2015

Signed: _____


Ina M. Strehle
Declarant