

PUBLIC MATTER

FILED

NOV 12 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

1 STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
2 JAYNE KIM, No. 174614
CHIEF TRIAL COUNSEL
3 JOSEPH R. CARLUCCI, No. 172309
DEPUTY CHIEF TRIAL COUNSEL
4 MIA R. ELLIS, No. 228235
ACTING ASSISTANT CHIEF TRIAL COUNSEL
5 JOHN T. KELLEY, No. 193646
SUPERVISING SENIOR TRIAL COUNSEL
6 WILLIAM TODD, No. 259194
SENIOR TRIAL COUNSEL
7 845 South Figueroa Street
Los Angeles, California 90017-2515
8 Telephone: (213) 765-1491

10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 15-O-11503, 15-O-12483,
14 ROBYN LYNNETTE POOL,) 15-O-12561, 15-O-12679, 15-O-12729,
No. 218837,) 15-O-13201
15) NOTICE OF DISCIPLINARY CHARGES
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
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.
24 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
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
26 RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. ROBYN LYNNETTE POOL ("Respondent") was admitted to the practice of law in
4 the State of California on February 20, 2002, was a member at all times pertinent to these
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-11503
8 Business and Professions Code, section 6106.3(a)
[Violation of Civil Code, section 2944.6(a)]

9 2. On or about December 6, 2014, Respondent negotiated, arranged, or offered to
10 perform a mortgage loan modification or other form of mortgage loan forbearance for a fee paid
11 by borrowers and clients Elva and Armando Santacruz in advance of any service and thereafter
12 entered into a fee agreement with the clients without providing the clients, prior to entering into
13 that agreement, the following as a separate written statement, in not less than 14-point bold type,
14 as required by Civil Code, section 2944.6, in willful violation of Business and Professions Code,
15 section 6106.3:

16 It is not necessary to pay a third party to arrange for a loan modification
17 or other form of forbearance from your mortgage lender or servicer.
18 You may call your lender directly to ask for a change in your loan terms.
19 Nonprofit housing counseling agencies also offer these and other forms
20 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.

21 COUNT TWO

22 Case No. 15-O-11503
23 Business & Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

24 3. On or about December 6, 2014, Respondent agreed to attempt to negotiate a mortgage
25 loan modification or other mortgage loan forbearance for a fee for clients Elva and Armando
26 Santacruz and thereafter between December 6, 2014 and March 5, 2015 Respondent received
27 \$6,000 from the client before Respondent had fully performed each and every service
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1 Respondent had been contracted to perform or represented to the client that Respondent would
2 perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and
3 Professions Code, section 6106.3.

4 COUNT THREE

5 Case No. 15-O-12483
6 Business & Professions Code, section 6106.3
7 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

8 4. On or about June 24, 2013, Respondent agreed to attempt to negotiate a mortgage
9 loan modification or other mortgage loan forbearance for a fee for a client, Lyle Fields, and
10 thereafter between June 24, 2013 and January 8, 2014 received \$7,500 from the client before
11 Respondent had fully performed each and every service Respondent had been contracted to
12 perform or represented to the client that Respondent would perform, in violation of Civil Code,
13 section 2944.7, and in willful violation of Business and Professions Code, section 6106.3.

14 COUNT FOUR

15 Case No. 15-O-12483
16 Business and Professions Code, section 6068(i)
17 [Failure to Cooperate in State Bar Investigation]

18 5. Respondent failed to cooperate and participate in a disciplinary investigation pending
19 against Respondent by failing to provide a substantive response to the State Bar's letters of June
20 5, 2015 and July 15, 2015, which Respondent received, that requested Respondent's response to
21 the allegations of misconduct being investigated in case no. 15-O-12483 in willful violation of
22 Business and Professions Code, section 6068(i).

23 COUNT FIVE

24 Case No. 15-O-12561
25 Business & Professions Code, section 6106.3
26 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

27 6. On or about December 3, 2013, Respondent agreed to attempt to negotiate a mortgage
28 loan modification or other mortgage loan forbearance for a fee for a client, Raeann West-
Williams, and thereafter between December 12, 2013 and January 30, 2014 received \$3,668
from the client before Respondent had fully performed each and every service Respondent had

1 been contracted to perform or represented to the client that Respondent would perform, in
2 violation of Civil Code, section 2944.7, and in willful violation of Business and Professions
3 Code, section 6106.3.

4 COUNT SIX

5 Case No. 15-O-12561
6 Business and Professions Code, section 6068(i)
7 [Failure to Cooperate in State Bar Investigation]

8 7. Respondent failed to cooperate and participate in a disciplinary investigation pending
9 against Respondent by failing to provide a substantive response to the State Bar's letters of June
10 24, 2015 and July 15, 2015, which Respondent received, that requested Respondent's response to
11 the allegations of misconduct being investigated in case no. 15-O-12561 in willful violation of
12 Business and Professions Code, section 6068(i).

13 COUNT SEVEN

14 Case No. 15-O-12679
15 Business and Professions Code, section 6068(i)
16 [Failure to Cooperate in State Bar Investigation]

17 8. Respondent failed to cooperate and participate in a disciplinary investigation pending
18 against Respondent by failing to provide a substantive response to the State Bar's letters of June
19 24, 2015 and July 15, 2015, which Respondent received, that requested Respondent's response to
20 the allegations of misconduct being investigated in case no. 15-O-12679 in willful violation of
21 Business and Professions Code, section 6068(i).

22 COUNT EIGHT

23 Case No. 15-O-12729
24 Rules of Professional Conduct, rule 3-110(A)
25 [Failure to Perform with Competence]

26 9. On or about November 19, 2014, Hilda Mendez and Rene Mendez ("Mendezes")
27 employed Respondent to perform legal services, namely litigating against their mortgage lender,
28 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 do either of the
following:

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COUNT ELEVEN

Case No. 15-O-12729
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

12. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of June 24, 2015 and July 15, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-12729 in willful violation of Business and Professions Code, section 6068(i).

COUNT TWELVE

Case No. 15-O-13201
Business and Professions Code, section 6106.3(a)
[Violation of Civil Code, section 2944.6(a)]

13. On or about December 20, 2014, Respondent negotiated, arranged, or offered to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee paid by borrowers and client Maria Manjarrez in advance of any service and thereafter entered into a fee agreement with the clients without providing the clients, 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 THIRTEEN

Case No. 15-O-13201
Business & Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

14. On or about December 20, 2014, Respondent agreed to attempt to negotiate a mortgage loan modification or other mortgage loan forbearance for a fee for client Maria Manjarrez and thereafter between December 6, 2014 and March 5, 2015 Respondent received \$12,000 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 FOURTEEN

Case No. 15-O-13201
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

15. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of August 3, 2015, which Respondent received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 15-O-13201 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.

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

DECLARATION OF SERVICE

by
U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 15-O-11503, 15-O-12483, 15-O-12561, 15-O-12679, 15-O-12729, 15-O-13201

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 0719 07 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: ROBYN L. POOL, 5 Upper Newport Plz Newport Beach, CA 92660, Electronic Address, Via 1st Class Mail Zachary Wechsler Law Office of Zachary D Wechsler, APC 6100 Center Dr Ste 600 Los Angeles, CA 90045

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: November 12, 2015

SIGNED: Laura Jett LAURA JETT Declarant