

# PUBLIC MATTER

**FILED**

**AUG 01 2016**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

1 STATE BAR OF CALIFORNIA  
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9  
10 STATE BAR COURT

11 HEARING DEPARTMENT - LOS ANGELES

12  
13 In the Matter of: ) Case No. 15-O-11780  
14 GUY FRANK CANDELARIA, )  
No. 175401, ) 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**  
**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**  
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
26 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
27 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
28 **RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**



1 State Bar of California alleges:

2 JURISDICTION

3 1. GUY FRANK CANDELARIA ("respondent") was admitted to the practice of law  
4 in the State of California on December 8, 1994, 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-11780  
8 Business and Professions Code, section 6106.3  
9 [Violation of Civil Code, section 2944.6(a)]

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

17 It is not necessary to pay a third party to arrange for a loan modification  
18 or other form of forbearance from your mortgage lender or servicer.  
19 You may call your lender directly to ask for a change in your loan terms.  
20 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.

21 COUNT TWO

22 Case No. 15-O-11780  
23 Business & Professions Code, section 6106.3  
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

24 3. On or about February 13, 2014, respondent agreed to negotiate and perform a  
25 mortgage loan modification or other mortgage loan forbearance for a fee for a client, Mario  
26 Santizo, and between on or about February 13, 2014 and on or about March 2, 2015 received  
27 \$19,700 from the client before respondent had fully performed each and every service  
28 respondent had been contracted to perform or represented to the client that respondent would

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

3 COUNT THREE

4 Case No. 15-O-11780  
5 Rules of Professional Conduct, rule 4-100(B)(3)  
6 [Failure to Render Accounts of Client Funds]

7 4. Between on or about February 13, 2014, and March 2, 2015, respondent received  
8 from respondent's client, Mario Santizo, the sum of \$19,700 as advanced fees for legal services  
9 to be performed. Respondent thereafter failed to render an appropriate accounting to the client  
10 regarding those funds following Santizo's termination of respondent's employment on or about  
11 March 31, 2015, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

12 NOTICE - INACTIVE ENROLLMENT!

13 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
14 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
15 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
16 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
17 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
18 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
19 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
20 RECOMMENDED BY THE COURT.**

21 NOTICE - COST ASSESSMENT!

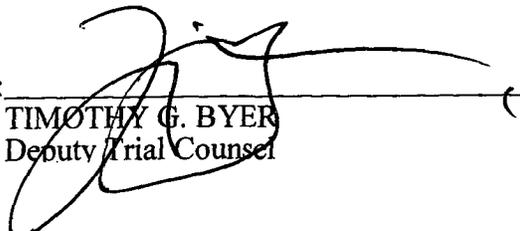
22 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
23 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS  
24 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
25 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
26 PROFESSIONS CODE SECTION 6086.10.**

27 Respectfully submitted,

28 THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: August 1, 2016

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

  
TIMOTHY G. BYER  
Deputy Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): 15-O-11780

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)) - 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 Los Angeles.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a)) - 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 Los Angeles.

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d)) - I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service (UPS).

By Fax Transmission: (CCP §§ 1013(e) and 1013(f)) Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(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 0743 28 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:.

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: August 1, 2016

SIGNED: SANDRA JONES Declarant