

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED

SEP 07 2016

STATE BAR COURT
 CLERK'S OFFICE
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case Nos. 16-O-10260; 16-O-10597;
 13 STEPHEN RAWLIEGH GOLDEN,) 16-O-10896; 16-O-11152; 16-O-11971
 14 No. 163366,) NOTICE OF DISCIPLINARY CHARGES
 15 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:

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (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;**
- 22 (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 client without providing the client, prior to entering into that agreement, the following as a
2 separate written statement, in not less than 14-point bold type, as required by Civil Code, section
3 2944.6, in willful violation of Business and Professions Code, section 6106.3:

4
5 It is not necessary to pay a third party to arrange for a loan modification
6 or other form of forbearance from your mortgage lender or servicer.
7 You may call your lender directly to ask for a change in your loan terms.
8 Nonprofit housing counseling agencies also offer these and other forms
9 of borrower assistance free of charge. A list of nonprofit housing counseling
10 agencies approved by the United States Department of Housing and Urban
11 Development (HUD) is available from your local HUD office or by visiting
12 www.hud.gov.

9 COUNT THREE

10 Case No. 16-O-10260
11 Rules of Professional Conduct, rule 4-100(B)(3)
12 [Failure to Render Accounts of Client Funds]

13 4. Between on or about November 17, 2010 and April 15, 2015, Respondent
14 received from Respondent's client, Josh McDonough, fees in the sum of \$35,595. Respondent
15 thereafter failed to render an appropriate accounting to the client regarding those funds following
16 the termination of Respondent's employment on July 9, 2015, in willful violation of the Rules of
17 Professional Conduct, rule 4-100(B)(3).

17 COUNT FOUR

18 Case No. 16-O-10597
19 Business & Professions Code, section 6106.3
20 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

21 5. On or about August 28, 2012, Respondent agreed to attempt to negotiate a
22 mortgage loan modification or other mortgage loan forbearance for a fee for client Tim
23 Mazziotti, and, between on or about August 28, 2012 and June 11, 2015, received \$51,000 from
24 the client before Respondent had fully performed each and every service Respondent had been
25 contracted to perform or represented to the client that Respondent would perform, in violation of
26 Civil Code, section 2944.7, and in willful violation of Business and Professions Code, section
27 6106.3.

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COUNT FIVE

Case No. 16-O-10597
Business and Professions Code, section 6106.3(a)
[Violation of Civil Code, section 2944.6(a)]

6. On or about August 28, 2012, Respondent offered to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee paid by a borrower and client, Tim Mazziotti, 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.

COUNT SIX

Case No. 16-O-10597
Rules of Professional Conduct, rule 4-100(B)(3)
[Failure to Render Accounts of Client Funds]

7. Between on or about August 28, 2012 and June 11, 2015, Respondent received from Respondent's client, Tim Mazziotti, fees in the sum of \$51,000. Respondent thereafter failed to render an appropriate accounting to the client regarding those funds following the termination of Respondent's employment on July 22, 2015, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

COUNT SEVEN

Case No. 16-O-10896
Business & Professions Code, section 6106.3
[Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

8. On or about December 4, 2014, Respondent agreed to attempt to negotiate a mortgage loan modification or other mortgage loan forbearance for a fee for a client, Doris Johnson-Bennett, and, between on or about December 4, 2014 and November 5, 2015, received

1 \$18,150 from the client before Respondent had fully performed each and every service
2 Respondent had been contracted to perform or represented to the client that Respondent would
3 perform, in violation of Civil Code, section 2944.7, and in willful violation of Business and
4 Professions Code, section 6106.3.

5 COUNT EIGHT

6 Case No. 16-O-10896
7 Rules of Professional Conduct, rule 4-100(B)(3)
8 [Failure to Render Accounts of Client Funds]

9 9. Between on or about December 4, 2014 and November 5, 2015, Respondent
10 received from Respondent's client, Doris Johnson-Bennett, fees in the sum of \$18,150.
11 Respondent thereafter failed to render an appropriate accounting to the client regarding those
12 funds following the termination of Respondent's employment on January 6, 2016, in willful
13 violation of the Rules of Professional Conduct, rule 4-100(B)(3).

14 COUNT NINE

15 Case No. 16-O-11152
16 Business & Professions Code, section 6106.3
17 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

18 10. On or about September 6, 2013, Respondent agreed to attempt to negotiate a
19 mortgage loan modification or other mortgage loan forbearance for a fee for a client, Jonathan
20 Bartlett, and, between on or about September 6, 2013 and August 26, 2014, received \$16,724
21 from the client before Respondent had fully performed each and every service Respondent had
22 been contracted to perform or represented to the client that Respondent would perform, in
23 violation of Civil Code, section 2944.7, and in willful violation of Business and Professions
24 Code, section 6106.3.

25 COUNT TEN

26 Case No. 16-O-11152
27 Rules of Professional Conduct, rule 4-100(B)(3)
28 [Failure to Render Accounts of Client Funds]

11. Between on or about September 6, 2013 and August 26, 2014, Respondent
received from Respondent's client, Jonathan Bartlett, fees in the sum of \$16,724. Respondent
thereafter failed to render an appropriate accounting to the client regarding those funds following

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

3 COUNT ELEVEN

4 Case No. 16-O-11971
5 Business & Professions Code, section 6106.3
6 [Violation of Civil Code, section 2944.7(a)(1)-Illegal Advanced Fee]

7 12. On or about February 1, 2014, Respondent agreed to attempt to negotiate a
8 mortgage loan modification or other mortgage loan forbearance for a fee for a client, Raymond
9 Schneiders, and, between on or about February 1, 2014 and November 1, 2015, received \$39,343
10 from the client before Respondent had fully performed each and every service Respondent had
11 been contracted to perform or represented to the client that Respondent would perform, in
12 violation of Civil Code, section 2944.7, and in willful violation of Business and Professions
13 Code, section 6106.3.

14 COUNT TWELVE

15 Case No. 16-O-11971
16 Rules of Professional Conduct, rule 4-100(B)(3)
17 [Failure to Render Accounts of Client Funds]

18 13. Between on or about February 1, 2014 and November 1, 2015, Respondent
19 received from Respondent's client, Raymond Schneiders, fees in the sum of \$39,343.
20 Respondent thereafter failed to render an appropriate accounting to the client regarding those
21 funds following the termination of Respondent's employment on December 2, 2015, in willful
22 violation of the Rules of Professional Conduct, rule 4-100(B)(3).

23 **NOTICE - INACTIVE ENROLLMENT!**

24 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
25 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
26 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
27 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
28 **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: September 7, 2016

By: 
TIMOTHY G. BYER
Deputy Trial Counsel

DECLARATION OF SERVICE

CASE NUMBER(s): 16-O-10260; 16-O-10597; 16-O-10896; 16-O-11152; 16-O-11971

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 0774 11 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
DAVID ALAN CLARE	DAVID A. CLARE ATTORNEY AT LAW 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'). 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: September 7, 2016

SIGNED: _____

Sandra Jones
SANDRA JONES
Declarant