

PUBLIC MATTER

FILED

DEC 21 2018

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
MELANIE J. LAWRENCE, No. 230102
INTERIM CHIEF TRIAL COUNSEL
MIA R. ELLIS, No. 228235
ASSISTANT CHIEF TRIAL COUNSEL
ANAND KUMAR, No. 261592
SUPERVISING ATTORNEY
ROY KIM, No. 293815
DEPUTY TRIAL COUNSEL
845 South Figueroa Street
Los Angeles, California 90017-2515
Telephone: (213) 765-1616

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:) Case No. 17-O-03494
YELENA A. GUREVICH,)
No. 269487,) NOTICE OF DISCIPLINARY CHARGES
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:

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (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.**

///

///

///

kwiktag® 241 071 639



1 The State Bar of California alleges:

2 JURISDICTION

3 1. Yelena A. Gurevich ("respondent") was admitted to the practice of law in the State of
4 California on May 18, 2010, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 17-O-03494
8 Business and Professions Code section 6106.3(a)
9 [Violation of Civil Code section 2944.6(a)]

10 2. On or about August 18, 2012, respondent negotiated, arranged or offered to perform a
11 mortgage loan modification or other form of mortgage loan forbearance for a fee paid by a
12 borrower and client, namely Arturo Lara, in advance of any service and thereafter entered into a
13 fee agreement with the client without providing the client, prior to entering into that agreement,
14 the following as a separate written statement, in not less than 14-point bold type, as required by
15 California Civil Code section 2944.6, in willful violation of Business and Professions Code
16 former section 6106.3(a):

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

24 COUNT TWO

25 Case No. 17-O-03494
26 Former Rules of Professional Conduct, Rule 4-200(A)
27 [Violation of Civil Code section 2944.7(a)(1) – Illegal Advanced Fee]

28 3. On or about August 18, 2012, respondent agreed to negotiate, arrange or offered to
perform a mortgage loan modification or other form of mortgage loan forbearance for a fee for a
client, Arturo Lara, and thereafter, between on or about September 15, 2012 and on or about July
15, 2014, charged and collected an advanced legal fee totaling approximately \$28,750, from the
client before respondent had fully performed each and every service respondent had been

1 contracted to perform or represented to the client that respondent would perform, in violation of
2 California Civil Code section 2944.7, and therefore respondent willfully collected an illegal fee
3 in willful violation of former rule 4-200(A), Rules of Professional Conduct.

4 COUNT THREE

5 Case No. 17-O-03494
6 Former Business & Professions Code section 6106.3
7 [Violation of Civil Code section 2944.7(a)(1) – Illegal Advanced Fee]

8 4. On or about August 18, 2012, respondent agreed to negotiate, arrange or offered to
9 perform a mortgage loan modification or other mortgage loan forbearance for a fee for a client,
10 Arturo Lara, and thereafter, between on or about September 15, 2012 and on or about July 15,
11 2014, charged and collected advanced legal fees totaling approximately \$28,750, from the client
12 before respondent had fully performed each and every service respondent had been contracted to
13 perform or represented to the client that respondent would perform, in violation of Civil Code
14 section 2944.7, and in willful violation of former Business and Professions Code section 6106.3.

15 COUNT FOUR

16 Case No. 17-O-03494
17 Business and Professions Code section 6068(a)
18 [Violation of Civil Code section 2944.7(a)(1) – Failure to Comply With Laws]

19 5. Respondent willfully violated Business and Professions Code section 6068(a), by
20 failing to support the Constitution and laws of the United States and of this state, as follows:

- 21 • On or about August 18, 2012, respondent agreed to negotiate, arrange or offered
22 to perform a mortgage loan modification or other mortgage loan forbearance for a
23 fee for a client, Arturo Lara, and thereafter, between on or about September 15,
24 2012 and on or about July 15, 2014, charged and collected advanced legal fees
25 totaling approximately \$28,750 from the client before respondent had fully
26 performed each and every service respondent had been contracted to perform or
27 represented to the client that respondent would perform, in violation of Civil Code
28 section 2944.7(a)(1). By violating Civil Code section 2944.7, respondent failed to
support the Constitution and laws of the United States and of this state.

COUNT FIVE

Case No. 17-O-03494
Business and Professions Code section 6106
[Moral Turpitude – Overreaching]

6. On or about May 27, 2014, respondent overreached her client, Arturo Lara, by attempting to collect and collecting illegal advanced fees from her client to perform loan modification services or other forms of loan forbearance when respondent knew or was grossly negligent in not knowing it was illegal for her for her to do so, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code section 6106.

7. A violation of section 6106 may result from intentional conduct or grossly negligent conduct. Respondent is charged with committing intentional misrepresentation. However, should the evidence at trial demonstrate that respondent committed misrepresentation as a result of gross negligence, respondent must still be found culpable of violating section 6106 because misrepresentation through gross negligence is a lesser included offense of intentional misrepresentation.

///

///

///

///

///

///

///

///

///

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE - INACTIVE ENROLLMENT!

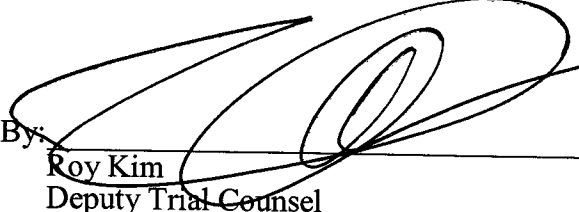
YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. 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 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


By: _____
Roy Kim
Deputy Trial Counsel

DATED: December 21, 2018

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 17-O-03494

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 90017-2515, 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))**
 - 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.: **1. 9414-7266-9904-2111-0160-81** at Los Angeles, addressed to: (see below)
2. 9414-7266-9904-2111-0160-98
- (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	
1. Frances O'Meara	Thompson Coe & O'Meara, LLP 12100 Wilshire Blvd., Ste. 1200 Los Angeles, CA 9002		
		Electronic Address	
2. Michael N. Hirota	Thompson Coe & O'Meara, LLP 12100 Wilshire Blvd., Ste. 1200 Los Angeles, CA 90025		

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: December 21, 2018

SIGNED: _____

Kathi Palacios
 Kathi Palacios
 Declarant