



**PUBLIC MATTER
FILED**

FEB 28 2019

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No. 18-O-14047-YDR
)	
STEPHEN CHRISTOPHER RONCA,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
State Bar No. 183255.)	ENROLLMENT
_____)	

In this matter, respondent Stephen Christopher Ronca (Respondent) was charged with a single count of misconduct alleging his failure to comply with conditions of disciplinary probation. Respondent failed to participate either in person or through counsel, and his default was entered. The Office of Chief Trial Counsel of the State Bar of California (OCTC) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC), and the attorney fails to have the default set aside or vacated within 90 days, OCTC will file a petition requesting the court to recommend the attorney's disbarment.²

¹ Unless otherwise indicated, all references to rules are to this source.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on July 1, 1996, and has been a licensed attorney of the State Bar since then.

Procedural Requirements Have Been Satisfied

On July 25, 2018, OCTC properly filed and served an NDC on Respondent by certified mail, return receipt requested, at his official State Bar attorney records address. The NDC notified Respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The NDC was not returned to OCTC by the U.S. Postal Service as undeliverable. Moreover, OCTC received a certified mail return receipt, signed by Respondent, indicating that he received the NDC on August 10, 2018.³

In addition, reasonable diligence was used to notify Respondent of this proceeding. OCTC emailed a copy of the NDC to Respondent at his official email address. OCTC also called Respondent's official telephone number and left him a voicemail. Respondent did not respond to OCTC's email or telephone call.

Respondent did not appear at the initial status conference and failed to file a response to the NDC. On August 28, 2018, OCTC filed and properly served a motion for entry of Respondent's default. The motion included a supporting declaration of reasonable diligence by an OCTC deputy trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that if he did not timely move to set aside his default, the court would recommend his disbarment.

³ OCTC compared the signature on the certified mail return receipt and found it matched the signature Respondent provided in a prior discipline matter.

Respondent did not file a response to the motion, and his default was entered on September 14, 2018. The order entering default was served on Respondent at his official State Bar attorney records address by certified mail, return receipt requested. The court also ordered Respondent's involuntary inactive enrollment as a licensed attorney of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time.

Respondent did not subsequently seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On December 20, 2018, OCTC filed the petition for disbarment. OCTC reported in the petition that: (1) it has had no contact with Respondent since the default was entered; (2) Respondent has other disciplinary charges pending; (3) Respondent has a prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on January 31, 2019.

Respondent has one prior record of discipline. Pursuant to a Supreme Court order filed on February 10, 2017, in case No. S238798 (State Bar Court case No. 14-O-06423), Respondent was suspended for one year, the execution of which was stayed, and he was placed on probation for one year, including a thirty-day period of actual suspension. In this matter, Respondent stipulated to a single count of moral turpitude involving gross negligence. Respondent's moral turpitude involved writing checks and making withdrawals from his client trust account (CTA) while there was insufficient funds in the CTA to cover those transactions.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of Respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set

forth below in greater detail, the factual allegations in the NDC support the conclusion that Respondent is culpable as charged and, therefore, violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 18-O-14047

Count One – Respondent willfully violated Business and Professions Code section 6068, subdivision (k) (failure to comply with conditions of probation), by failing to: (1) timely submit proof of attendance at a session of Ethics School; (2) timely submit proof of attendance at a session of Client Trust Accounting School; and (3) timely submit his final quarterly report.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of his default;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC deemed admitted by the entry of the default support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

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RECOMMENDATIONS

Disbarment

The court recommends that respondent Stephen Christopher Ronca, State Bar Number 183255, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

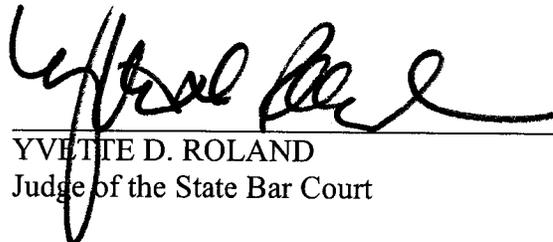
Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the State Bar Rules of Procedure, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: February 28, 2019


YVETTE D. ROLAND
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on February 28, 2019, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEPHEN CHRISTOPHER RONCA
LAW OFC STEPHEN C RONCA
PO BOX 4806
SAN LUIS OBISPO, CA 93403 - 4806

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

CINDY CHAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 28, 2019.



Mazie Yip
Court Specialist
State Bar Court