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**State Bar Court of California
Hearing Department**

ACTUAL SUSPENSION

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<p>In Pro Per Respondent</p> <p>Jack H. Boyajian 70 W. Allendale Ave. Allendale, NY 07401 (201) 874-7500</p> <p>Bar # 202304</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: JACK HAGOP BOYAJIAN</p> <p>Bar # 202304</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.



A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted July 21, 1999.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 16 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

(Effective January 1, 2014)

Actual Suspension

Handwritten initials and signature:
 NRE [Signature]

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court Order.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See page 11 for further discussion regarding pattern.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pre Trial Stipulation. See page 12 for discussion.
Community Service. See page 12 for discussion.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **5 years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:
- (b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of **5 years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) **Actual Suspension:**

- (a) Respondent must be actually suspended from the practice of law in the State of California for a period of **3 years**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without**

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further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) **Other Conditions: Respondent shall be credited for the time that he has spent on involuntary inactive status toward the stipulated period of actual suspension. (In the Matter of Heiner (review Dept. 1993) 2 Cal. State Bar Ct. Rpt. 559.)**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JACK HAGOP BOYAJIAN

CASE NUMBERS: 05-O-02165, 05-O-02268, 05-O-04826, 05-O-05305,
06-O-12320, 06-O-12868, 06-O-12913, 06-O-13753,
07-O-10916

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rule of Professional Conduct.

General Background Facts

1. In 1999, Respondent received his license to practice law in California, which is the only state where he has ever been licensed to practice.
2. Prior to 1999, Respondent was involved in the debt collection business in New Jersey through JBC & Associates, Inc., a family-owned business of which he was president.
3. In 2001, Respondent formed his first law firm, JBC & Associates, P.C., a California professional corporation, which had an office located in Bloomfield, New Jersey.
4. From 2003 to 2007, Respondent established two law firms. The firms' clients included Fortune 500 companies and national retailers such as Toys R Us, CVS, and Verizon. The firms sought to collect debts owed by consumers to these companies for goods and services that went unpaid.
5. In 2003, Respondent changed the name of his law firm from JBC & Associates, P.C. to JBC Legal Group, P.C., Attorneys at Law, A California Corporation ("JBC Legal Group"), in order to remove any doubt that the entity was a law firm. JBC Legal Group maintained offices in New Jersey and California. Respondent routinely went to the New Jersey office but still maintained his practice in California, visiting the California office once or twice a month for approximately four or five business days at a time. He also worked on California matters while traveling, at his home, and at the office in New Jersey.
6. In 2004 and 2005, at the height of its growth, JBC Legal Group employed up to 60 people. Between 2004 and 2007, JBC Legal Group mailed on average thousands of form debt collection letters per month to consumers in various states.
7. In 2004, Respondent formed a second law firm, Boyajian Law Offices, P.C. ("BLO"), a California professional corporation. BLO maintained offices in New Jersey and California.
8. Hereafter, JBC & Associates, P.C., JBC Legal Group, P.C., and BLO will be referred to collectively as "the JBC entities," unless it is important to reference a specific business entity.

9. From in or about 2001 to in or about 2007, Respondent served as the President or chairman, majority shareholder, or principal California attorney of each of the JBC entities. During this period, the JBC entities engaged in the business of collecting debts owed by tens of thousands of consumers who lived in states throughout the country.

10. Consistent with the Federal Debt Collection Practices Act, the JBC entities debt collection efforts began by sending a collection letter on law office letterhead associated with one of the JBC entities to consumers who lived throughout the country, including those states identified in paragraph 26. Respondent selected which classes of consumers would receive collection letters by performing a series of technological and statistical analyses that he developed on the data to identify anomalies within a data set. Based upon the results of these analyses, Respondent determined which accounts contained sufficient information to issue a collection letter, and which ones contained incomplete information upon which no collection would be made.

11. The JBC entities eventually engaged up to 30 attorneys, mostly under an "of counsel" arrangement. The JBC entities entered into "of counsel" agreements with attorneys who were licensed to practice law in each of the states where the JBC entities mailed collection letters. The collection letters indicated the city where the "of counsel's" attorney's office was located. But, the letters did not identify the name of the "of counsel" attorney or the address of the attorney's office. Pursuant to the "of counsel" arrangement, if the decision was made to prosecute a lawsuit against a consumer, the "of counsel" attorney in the given state would file the complaint and litigate the collection matter. Respondent maintained a good faith, but mistaken and unreasonable, belief that he was permitted to send the collection letters described in this stipulation, because of the "of counsel" agreements he maintained with counsel in the respective states.

12. In February 2007, JBC Legal Group ceased operations, and in July 2007, BLO ceased operations. Respondent has not been involved in the debt collection business since 2007.

13. On March 8, 2007, the State Bar filed its initial Verified Application for Involuntary Inactive Enrollment pursuant to Bus. & Prof. Code § 6007(c)(1) alleging that Respondent, through the JBC entities, caused substantial harm to the public from widespread misconduct in his nationwide, high volume debt collection practices. On August 9, 2007, the State Bar filed a second Verified Application for Involuntary Inactive Enrollment. On April 15, 2008, the State Bar Court filed an Order granting the State Bar's Applications, and ordered that Respondent be involuntarily enrolled as an inactive member of the State Bar pursuant to Bus. & Prof. Code § 6007(c)(1). Respondent has remained on involuntarily inactive status at all times since May 10, 2008, the effective date of the Order.

14. Between 2001 and 2007, consumers across the country filed over 125 lawsuits against the JBC entities alleging violations of the Fair Debt Collection Practices Act ("FDCPA"). Most of the cases were settled, but some were adjudicated. All of the lawsuits filed against the JBC entities, except for the three cases identified in paragraph 15 have been either settled and all payments made thereto, defended, satisfied or dismissed.

15. Respondent owes \$46,496.32 in attorney fees and costs to the plaintiffs in the matter titled *Defenbaugh, et al. v. JBC & Associates, P.C., et al.*, United States District Court Civil Case No. 03-0651 (U.S.D.C. N. D. Cal). Respondent owes approximately \$55,000 in attorney fees and costs to the plaintiff in the matter titled *Larsen v. JBC Legal Group, P.C., et al.*, U.S. District Court (E.D.N.Y.) Case No. 04-04409. And, Respondent owes approximately \$100,000 in attorney fees and costs to the plaintiffs in the matter titled *Alexander, et al. v. JBC Legal Group, P.C., et al.*, United States District

16. In addition to the consumer lawsuits, several enforcement actions were brought by attorneys general and other state agencies against Respondent and/or the JBC entities.

17. Between 2004 and 2006, the Connecticut Banking Commissioner brought two enforcement actions against Respondent and the JBC entities. Respondent and the Connecticut Banking Commissioner resolved both enforcement actions by way of settlement agreements. Pursuant to the agreements, without admitting to any liability, the JBC entities paid civil penalties totaling \$23,000.

18. On July 30, 2004, the Attorney General's office of the State of West Virginia obtained a preliminary injunction against Respondent and JBC Legal Group and New Jersey attorney Marv Brandon due to their debt collection activities in West Virginia. Respondent and his law firms honored the injunction from the date of the injunction and did not engage in any collection efforts in West Virginia.

19. On July 22, 2005, the Minnesota State Attorney General brought an enforcement action against the Respondent and the JBC entities alleging that Respondent and the JBC entities violated both Minnesota's Debt Collection statutes and the FDCPA. In March 2010, the enforcement action was resolved by way of Stipulation and Respondent agreed to a five-year ban on all debt collection activity. Respondent made no admissions and no financial penalty was imposed against Respondent or the JBC entities.

20. On June 21, 2006, the New York Attorney General's Office filed an action alleging that Respondent and the JBC entities violated the FDCPA. On August 31, 2009, the Supreme Court of New York, granted judgment against Respondent and the JBC entities in the sum of \$457,094, representing the total amount of money above which the JBC entities were entitled to collect from New York consumers. To date, Respondent has not satisfied any portion of the \$457,094 judgment.

21. On May 18, 2006, the New Jersey Office of Attorney Ethics ("OAE") brought disciplinary charges against Respondent and the JBC entities. After the charges were filed, the OAE found that neither Respondent nor the JBC entities engaged in the unauthorized practice of law. But, on March 12, 2009, based on a stipulation between Respondent and the OAE, the Disciplinary Board of the Supreme Court of New Jersey issued a public reprimand against Respondent on the grounds that Respondent failed to supervise properly JBC Legal Group's attorneys, who were members of the New Jersey State Bar, and non-attorney employees.

22. On July 8, 2008, the Colorado Attorney General and the Administrator of the Colorado Collection Agency Board filed a lawsuit against Respondent and the JBC entities seeking preliminary and permanent injunctive relief from alleged violations of the Colorado Fair Debt Practices Act and the Colorado Consumer Protection Act. On March 4, 2010, the lawsuit was resolved by way of consent decree. Respondent owes the plaintiffs \$20,000 or \$200,000, depending upon the outcome of a pending appeal of the judgment with the Colorado Appellate Court.

23. To date, Respondent owes between \$678,590 and \$858,590 in outstanding judgments awarded to debtor plaintiffs, their attorneys, or to government entities related to the debt collection activities of the JBC entities. Respondent expects that these judgments will be resolved by full payment, partial settlements, payment plans, or otherwise.

24. Governmental or consumer protection agencies in Maine, Missouri, Tennessee, Illinois, Washington, Kansas, Kentucky, Arizona, Maryland, Idaho, Maryland, and North Dakota opened inquiries, and/or investigations, and/or issued temporary cease and desist orders against Respondent and his law firms. But, none of the governmental or consumer protection agencies in these jurisdictions filed lawsuits, or sought injunctions, fines, or penalties against Respondent or the JBC entities.

Case No. 05-O-02165 (State Bar Investigation: Pennsylvania, Minnesota, and Ohio)
Case No. 05-O-02268 (Complainant: Charles Harter/Missouri and State Bar Investigation: Tennessee)
Case No. 05-O-04826 (Complainant: Sarah Bohnenstiehl/Illinois)
Case No. 05-O-5305 (Complainant: Michael Hanson/Washington)
Case No. 06-O-12320 (Complainant: Linda Wise/Kansas)
Case No. 06-O-12868 (Complainant: Joanne Faulkner/Connecticut)
Case No. 06-O-12913 (Complainant: Marsha White/Kentucky)
Case No. 06-O-13753 (State Bar Investigation: Maryland)
Case No. 07-O-10916 (Complainant Elizabeth Rice/Arizona)

FACTS:

25. The general background facts are incorporated by reference.

26. From 2001 and 2007, Respondent, through the JBC entities, was involved in collecting debts from consumers who lived in Pennsylvania, Minnesota, Ohio, Missouri, Tennessee, Illinois, Washington, Kansas, Connecticut, Kentucky, Maryland, and Arizona. At all times relevant to the facts herein, Respondent maintained an "of counsel" arrangement with an attorney in each of the states identified in this paragraph.

27. At all times relevant to the facts herein, the respective laws in the states identified in paragraph 26 prohibited the practice of law in the states by people not admitted to practice law in the states, subject to certain exceptions not relevant to these matters.

28. At all times relevant to the facts herein, all of the states identified in paragraph 26, with the exception of Illinois, Kansas and Kentucky, prohibited a person not admitted to practice law in the states to hold himself or herself out as entitled to do so.

29. At all times relevant to the facts herein, the practice of law in the states identified in paragraph 26 involved, among other things, the rendition of any sort of service which requires the use of any degree of legal knowledge or skill, and/or the giving or expressing of legal advice, whether of representation, counsel, or advocacy in or out of court, rendered with respect to the rights, duties, obligations, liabilities, or business relations of a person or entity, and/or negotiating legal rights or responsibilities for a person or entity.

30. At all times relevant to the facts herein, Respondent was a member of the State Bar of California and permitted to practice law in this state. Respondent was not a member of any other state bars, and was not permitted to practice law in any of the states identified in paragraph 26.

31. With respect to the matters herein, between 2003 and 2006, Respondent caused tens of thousands of computer-generated letters on letterhead associated with "JBC & Associates, P.C., Attorneys at Law," or "JBC Legal Group, P.C., Attorneys at Law, A California Corporation," or

"Boyajian Law Offices, A California Corporation, Attorneys at Law," to be mailed to consumers who lived in the states identified in paragraph 26. In the letters, Respondent sought to collect on debts owed by the consumers to the clients of the JBC entities. In some of the collection letters, Respondent cited to the applicable state laws, and advocated for the rights of the clients of the JBC entities pursuant to the respective laws of the states identified in paragraph 26, as well as advised the consumers of what he purported their obligations to be under those laws. Respondent advised the consumers that the JBC entities reserved the right, on behalf of its clients, to seek all remedies available against the consumers, including litigation in the consumers' state courts, in the event that the consumers did not settle their alleged debts. Most of the letters indicated that the JBC entities maintained a New Jersey office address. Most of the letters also represented that the JBC entities maintained an office located in a city within the respective states identified in paragraph 26, but did not provide a specific address. The city listed in the respective letters was the city in which the "of counsel" attorney maintained a law office. All the letters closed with a computer-generated signature block, which stated, "Very truly yours, JBC & Associates, P.C.," or "Very truly yours, JBC Legal Group, P.C., Attorneys at Law, A California Corporation," or "Very truly yours, Boyajian Law Offices, A California Corporation, Attorneys at Law," but failed to identify any specific attorney by name.

32. Respondent provided legal advice to the clients of the JBC entities regarding the collection of debts owed by consumers who lived in the states identified in paragraph 26. Respondent also entered into contingency fee agreements with his clients to collect debts from consumers in the states identified in paragraph 26.

CONCLUSIONS OF LAW:

33. By causing the relevant collection letters to be mailed to consumers who lived in Pennsylvania, Minnesota, Ohio, Missouri, Tennessee, Washington, Connecticut, Maryland, and Arizona, on law office letterhead, which cited to the applicable state statute, advocated for the rights of the clients of the JBC entities under those laws, advised the consumers of what he purported their obligations to be under those laws, and forewarned the potential for litigation against the consumers in state courts in the event that they did not satisfy their debts, Respondent held himself out as entitled to practice law in these jurisdictions in violation of the respective regulations of the profession in those states in wilful violation of Rules of Professional Conduct, rule 1-300(B).

34. By reviewing files and selecting which classes of consumers would receive collection letters, drafting and causing to be mailed collection letters which contained descriptions of the applicable state law of the states identified in paragraph 26, and advocated for the legal rights of the clients of the JBC entities under those laws, advised the consumers of what he purported their obligations to be under those laws, and forewarned consumers of the potential for litigation against them in their respective state courts in the event that they did not settle their debts, and by providing legal advice to his clients regarding the collection of debts owed by consumers who lived in the states identified in paragraph 26, Respondent practiced law in the states identified herein, in violation of the respective regulations of the profession in wilful violation of Rules of Professional Conduct, rule 1-300(B).

AGGRAVATING CIRCUMSTANCES.

Pattern of Misconduct (Std. 1.5(c)): Respondent's unauthorized practice of law in connection with his debt collection practices involved tens of thousands of consumers, and lasted for several years. Respondent's misconduct constituted a pattern. (See *In the Matter of Kaplan* (Review Dept.

1996) 3 Cal. State Bar Ct. Rptr. 547, 565 [the attorney engaged in a pattern of misconduct by recklessly failing to perform competently in eight client matters over a seven year period].)

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: Respondent displayed candor and cooperation to the State Bar during these disciplinary proceedings. And, Respondent has acknowledged his misconduct and stipulated to facts, conclusions of law, and disposition in order to resolve his disciplinary proceedings as efficiently as possible, thereby avoiding the necessity of a trial and saving the State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

Community Service: In 1966, Respondent, his mother, father, and his siblings moved to New Jersey. In 1988, Respondent returned to New Jersey after graduating from college, and he has lived in the state at all times since returning from college. Between 2006 and 2012, Respondent volunteered at the Palisades Emergency Residence Corporation, a homeless shelter in Union City, New Jersey. Between 2008 and 2011, Respondent served as a Trustee at the Armenian Presbyterian Church in Paramus, New Jersey, and during that time he served, when requested, as a worship leader during services. Currently, Respondent serves as the Vice President of the New Jersey Chapter of the Society for Orphaned Armenian Relief (“SOAR”), a non-profit organization dedicated to providing humanitarian relief to orphaned Armenian children. SOAR distributes clothing, educational supplies, medicine, and other essential resources to orphaned Armenians throughout the world. In addition, since 2012, Respondent has been donating money to, and working with, several indigenous tribes in the Philippines who are suffering from malnutrition and poverty. Specifically, Respondent is working with these tribes and in some instances, with government officials, to design and develop agricultural and aquaculture projects that will provide sustainable and permanent support for the various tribes. Respondent’s community service activities are a mitigating factor. (See *Schneider v. State Bar* (1987) 43 Cal. 3d 784, 799 [attorney’s service to the community was an mitigating factor]; *In the Matter of Respondent K* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 335, 359 [civil service consisting of fundraising, organizational, educational, and lobbying work on behalf of a cause deserves recognition as a mitigating circumstances].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertan* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.)

“Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, Respondent admits to committing professional misconduct involving the unauthorized practice of law in violation of Rules of Professional Conduct, rule 1-300(B) with respect to his debt collection practices.

There is no standard specifically applicable to a violation of rule 1-300. Accordingly, the applicable standard is Standard 2.15, which provides that suspension not to exceed three years or reproof is appropriate for a violation of the Rules of Professional Conduct which is not specified by the Standards.

Here, Respondent utilized his California law license and his law firms as leverage to obtain payment of debts owed to his clients by consumers who lived throughout the country. Respondent caused the JBC entities to mail letters on letterhead associated with the JBC entities to consumers in the states identified herein citing to the applicable state statutes, advocating for the rights of the clients of the JBC entities pursuant to those laws, and forewarning the consumers of potential litigation in their respective state courts if they did not resolve their respective debts. In so doing, Respondent held himself out to practice law and practiced law in jurisdictions where he was not entitled to practice. Respondent acknowledges that the collection letters caused duress to some consumers. (See also *Crossley v. Lieberman* (3d Cir. 1989) 868 F.2d 566, 570 [“Abuses by attorney debt collectors are more egregious than those of lay collectors because a consumer reacts with far more duress to an attorney’s improper threat of legal action than to a debt collection agency committing the same practice. A debt collection letter on attorney’s letterhead conveys authority and credibility.”].)

Respondent’s unauthorized practice of law is very serious because it constitutes a pattern of misconduct spanning several years which caused duress to some consumers in the states identified in this stipulation. Respondent’s good faith, but mistaken and unreasonable, belief that he was permitted to cause the collection letters to be mailed to the consumers is a defense to a charge of knowingly engaging in the unauthorized practice of law, an act of moral turpitude. (See *In the Matter of Tindall* (1991) 1 Cal. State Bar Ct. Rptr. 652, 662 [an attorney’s honest belief, even if mistaken and unreasonable, that he has a right to entrusted funds may be asserted as a defense to a charge of misappropriation involving moral turpitude or dishonesty].) But, it does not excuse the fact that Respondent violated basic rules regarding his license to practice, and as a consequence, the Supreme Courts of the respective jurisdictions were deprived of the ability to ensure that he would adhere to that state’s standards of professional responsibility.

Respondent’s misconduct is mitigated by the fact that he has agreed to enter into this stipulation as to facts, conclusions of law, and discipline, thereby acknowledging his misconduct, and saving the State Bar Court time and resources. The fact that Respondent has acknowledged his misconduct in connection with his former debt collection practices suggests that he has the ability and willingness to conform his conduct to his ethical responsibilities in the future. Although not mitigating factors, it is relevant to the determination of the appropriate level of discipline that Respondent has not been in the

debt collection business since 2007, and has stated to the State Bar that he does not plan on returning to it.

Respondent is also entitled to mitigation for his community service activities which demonstrate a commitment to the community. Respondent's commitment to the community is indicative of good moral character.

The mitigating factors demonstrate that Respondent's misconduct does not warrant disbarment in order to serve the purposes of attorney discipline. However, the mitigating factors are not sufficiently compelling to warrant a deviation from the top range of Standard 2.15.

In light of Respondent's serious misconduct, the applicable Standard, and the aggravating and mitigating factors a discipline consisting of a five year suspension, stayed, and five years' probation with conditions including a three year actual suspension and until Respondent provides satisfactory proof to the State Bar Court of his rehabilitation, fitness to practice, and present learning and ability in the general law pursuant to Standard 1.2(c)(1) is warranted.

Pursuant to the Review Department of the State Bar Court's April 15, 2008 Order in Case Nos. 06-TE-15159 and 07-TE-13054, Respondent has been involuntarily enrolled as an inactive member of the State Bar pursuant to Business and Professions Code, section 6007(c)(1) since May 10, 2008. Respondent shall be credited for the time that he has spent on involuntary inactive status toward the stipulated period of actual suspension. (*In the Matter of Heiner* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 559.)

The recommended discipline is also supported by case law. In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, the attorney, while residing in South Carolina, represented two clients with their respective employment discrimination cases even though the attorney was not admitted as an attorney in that state. In one of the matters, in addition to finding that the attorney engaged in the unauthorized practice of law in South Carolina in violation of rule 1-300(B) of the Rules of Professional Conduct, the Review Department also found that the attorney charged an illegal fee, failed to refund the fee, and failed to maintain client funds in trust. In a second matter, the Review Department found that the attorney engaged in the unauthorized practice of law in South Carolina, collected an unconscionable fee, failed to return the fee, made a misrepresentation to the State Bar, and another misrepresentation to the Solicitor's office. The Review Department recommended that the attorney be suspended for two years, stayed, and that she be placed on probation for two years on the condition that she be actually suspended for six months and until she paid restitution.

Here, Respondent's misconduct involved the unauthorized practice of law in multiple states over a period of time spanning several years and caused duress to some consumers who lived in the states identified in this stipulation. The scope and duration of Respondent's misconduct warrants a greater level of discipline than that imposed on the attorney in *Wells* in order to serve the purpose of attorney discipline.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of September 9, 2014, the prosecution costs in this matter are approximately \$5,391. Respondent further acknowledges that should this stipulation be rejected, or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT


Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)


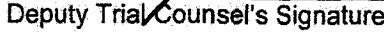
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In the Matter of: JACK HAGOP BOYAGIAN	Case number(s): 05-O-02165-RAH, 05-O-02268, 05-O-04826, 05-O-05305 06-O-12320, 06-O-12868, 06-O-12913, 06-O-13753 07-O-10916
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

9-12-2014  JACK H. BOYAGIAN
Date Respondent's Signature Print Name

9-15-2014  Eli D. Morgenstern
Date Respondent's Counsel Signature Print Name
9-15-2014  Eli D. Morgenstern
Date Deputy Trial Counsel's Signature Print Name

(Do not write above this line.)

In the Matter of: JACK H. BOYAJIAN	Case Number(s): 05-O-02165-RAH, 05-O-02268, 05-O-04826, 05-O-05305, 06-O-12320, 06-O-12868, 06-O-12913, 06-O-13753, 07-O-10916
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

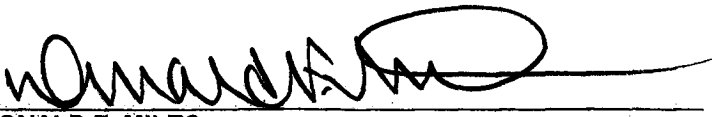
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The court takes judicial notice of the fact that on August 5, 2014, an order was issued by the assigned trial judge in this matter, dismissing "for lack of proof, and by stipulation of the parties" cases Nos. 04-O-14977; 05-O-01799; 05-O-02799; 05-O-04033; 05-O-04704; 05-O-04918; 06-O-11995; 06-O-12320; 06-O-12915; 06-O-13833; 06-O-15158; and 07-O-10915.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)

Date

10/8/14


DONALD F. MILES
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 Case Administrator 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 San Francisco, on October 9, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING

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

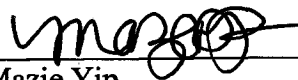
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

JACK H. BOYAJIAN
70 W ALLENDALE AVE
ALLENDALE, NJ 07401

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

ELI D. MORGENSTERN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 9, 2014.



Mazie Yip
Case Administrator
State Bar Court