

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

FILED

SEP 15 2015

DISCIPLINARY
BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

MATTHEW PHILLIP VANZEIPEL,

Lawyer (Bar No. 45768).

Proceeding No. 15#00071

STIPULATION TO REPRIMAND

Under Rule 9.1 of the Rules for Enforcement of Lawyer Conduct (ELC), the following Stipulation to reprimand, is entered into by the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association (Association) through disciplinary counsel Erica Temple, Respondent's Counsel Joel Wright and Rosemary Moore, and Respondent lawyer Matthew Phillip VanZeipel.

Respondent understands that he is entitled under the ELC to a hearing, to present exhibits and witnesses on his behalf, and to have a hearing officer determine the facts, misconduct and sanction in this case. Respondent further understands that he is entitled under the ELC to appeal the outcome of a hearing to the Disciplinary Board, and, in certain cases, the Supreme Court. Respondent further understands that a hearing and appeal could result in an outcome more favorable or less favorable to him. Respondent chooses to resolve this Stipulation to Discipline

Page 1

OFFICE OF DISCIPLINARY COUNSEL OF THE
WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
(206) 727-8207

003

1 proceeding now by entering into the following stipulation to facts, misconduct and sanction to
2 avoid the risk, time, and expense attendant to further proceedings.

3 **I. ADMISSION TO PRACTICE**

4 1. Respondent was admitted to practice law in the State of Washington on January 28,
5 2013.

6 **II. STIPULATED FACTS**

7 2. In the fall of 2013, Respondent began working as a sole practitioner using the name
8 Othello Law Group (OLG).

9 3. In 2013, Respondent contracted with a California business, Secure Settlement, for
10 them to provide services to OLG involving solicitation, logistics and administration of home
11 mortgage modifications.

12 4. Respondent made it clear to Secure Settlement at the outset that they should not
13 solicit clients outside Washington.

14 5. Respondent and Secure Settlement sent flyers to neighborhoods where people's
15 homes were being foreclosed, and Respondent believed the letters were sent only within
16 Washington State.

17 6. O.S. lives near Portland, Oregon. In early 2014, he found himself struggling to pay
18 his mortgage. He received a mailer from a company offering mortgage assistance services.

19 7. O.S. contacted Secure Settlement and ultimately hired OLG to perform work related
20 to his mortgage modification.

21 8. Respondent is not licensed to practice law in Oregon.

22 9. O.S. made three \$1,000 payments into the OLG bank account by direct deposit in
23 February, March and April 2014.

1 (1991 ed. & Feb. 1992 Supp.) apply to this case:

2 4.53 Reprimand is generally appropriate when a lawyer:

3 ...
4 (b) is negligent in determining whether he or she is competent to handle a
5 legal matter and causes injury or potential injury to a client.

6 7.3 Reprimand is generally appropriate when a lawyer negligently engages in
7 conduct that is a violation of a duty owed as a professional and causes injury or
8 potential injury to a client, the public, or the legal system.

9 19. Respondent acted negligently in determining whether he was competent to represent
10 O.S. in his home foreclosure, and negligently in ensuring that Secure Settlement's actions were
11 compatible with his own professional obligations.

12 20. O.S. suffered injury because Respondent did not attend his mediation as expected.

13 21. The presumptive sanction is reprimand.

14 22. There are no aggravating factors that apply under ABA Standard 9.22.

15 23. The following mitigating factors apply under ABA Standard 9.32:

- 16 (a) absence of a prior disciplinary record;
17 (e) full and free disclosure to disciplinary board or cooperative attitude toward
18 proceedings;
19 (f) inexperience in the practice of law [Respondent was admitted to practice in
20 2013]; and,
21 (l) remorse.

22 24. It is an additional mitigating factor that Respondent has agreed to resolve this matter
23 at an early stage of the proceedings.

24 25. On balance the aggravating and mitigating factors do not require a departure from
the presumptive sanction.

25 VI. STIPULATED DISCIPLINE

26 26. The parties stipulate that Respondent shall receive a reprimand for his conduct.

27 27. Respondent will be subject to probation for a period of one year beginning when

1 this stipulation receives final approval and shall comply with the specific probation terms set
2 forth below:

- 3 a) Respondent must not commit any new violations of the RPC.
- 4 b) Respondent must attend ethics school (currently set for October 16, 2015).

5 **VII. RESTITUTION**

6 28. Respondent has paid restitution in the amount of \$3,000 to O.S. as a condition of
7 this stipulation.

8 **VIII. COSTS AND EXPENSES**

9 29. In light of Respondent's willingness to resolve this matter by stipulation at an early
10 stage of the proceedings, Respondent shall pay attorney fees and administrative costs of \$565 in
11 accordance with ELC 13.9(i). The Association will seek a money judgment under ELC 13.9(l)
12 if these costs are not paid within 30 days of approval of this stipulation.

13 **IX. VOLUNTARY AGREEMENT**

14 30. Respondent states that prior to entering into this Stipulation he has consulted
15 independent legal counsel regarding this Stipulation, that Respondent is entering into this
16 Stipulation voluntarily, and that no promises or threats have been made by ODC, the
17 Association, nor by any representative thereof, to induce the Respondent to enter into this
18 Stipulation except as provided herein.

19 31. Once fully executed, this stipulation is a contract governed by the legal principles
20 applicable to contracts, and may not be unilaterally revoked or modified by either party.

21 **X. LIMITATIONS**

22 32. This Stipulation is a compromise agreement intended to resolve this matter in
23 accordance with the purposes of lawyer discipline while avoiding further proceedings and the

1 expenditure of additional resources by the Respondent and ODC. Both the Respondent lawyer
2 and ODC acknowledge that the result after further proceedings in this matter might differ from
3 the result agreed to herein.

4 33. This Stipulation is not binding upon ODC or the respondent as a statement of all
5 existing facts relating to the professional conduct of the respondent lawyer, and any additional
6 existing facts may be proven in any subsequent disciplinary proceedings.

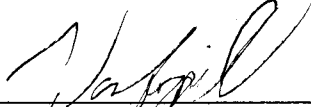
7 34. This Stipulation results from the consideration of various factors by both parties,
8 including the benefits to both by promptly resolving this matter without the time and expense of
9 hearings, Disciplinary Board appeals, and Supreme Court appeals or petitions for review. As
10 such, approval of this Stipulation will not constitute precedent in determining the appropriate
11 sanction to be imposed in other cases; but, if approved, this Stipulation will be admissible in
12 subsequent proceedings against Respondent to the same extent as any other approved
13 Stipulation.

14 35. Under ELC 3.1(b), all documents that form the record before the Hearing Officer
15 for his or her review become public information on approval of the Stipulation by the Hearing
16 Officer, unless disclosure is restricted by order or rule of law.

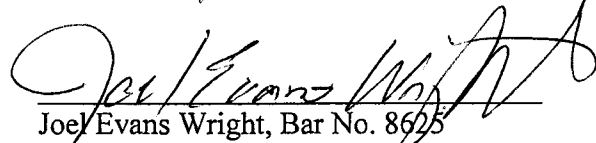
17 36. If this Stipulation is approved by the Hearing Officer, it will be followed by the
18 disciplinary action agreed to in this Stipulation. All notices required in the Rules for
19 Enforcement of Lawyer Conduct will be made.

20 37. If this Stipulation is not approved by the Hearing Officer, this Stipulation will have
21 no force or effect, and neither it nor the fact of its execution will be admissible as evidence in
22 the pending disciplinary proceeding, in any subsequent disciplinary proceeding, or in any civil
23 or criminal action.

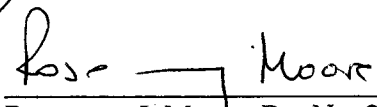
1 WHEREFORE the undersigned being fully advised, adopt and agree to this Stipulation
2 to Discipline as set forth above.

3 
4 _____
Matthew Phillip VanZeipel, Bar No. 45768
Respondent


Dated: 8/17/15

5 
6 _____
Joel Evans Wright, Bar No. 8625
7 Counsel for Respondent

Dated: 8/21/15

8 
9 _____
Rosemary J. Moore, Bar No. 28650
10 Counsel for Respondent

Dated: 8/21/15

11 
12 _____
Erica Temple, Bar No. 28458
13 Disciplinary Counsel

Dated: 8/28/15