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WSBA REGULATORY SERVICES DEPT.

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JOYCE M. RATCLIFFE,
Limited Practice Officer (LPO No. 382).

Proceeding No. LG05-00005

AFFIDAVIT OF JOYCE M. RATCLIFFE
VOLUNTARY CANCELLATION IN LIEU
OF REVOCATION (ELPOC 9.2)

Joyce M. Ratcliffe, being duly sworn, hereby attests to the following:

1. I am over the age of eighteen years and am competent. I make the statements in this affidavit from personal knowledge.

2. I was admitted to engage in the limited practice of law as a limited practice officer (LPO) in the State of Washington on August 13, 1984. On March 15, 2005, my license was suspended for failure to comply with the financial responsibility requirements. On February 6, 2006, my license was reinstated and placed on inactive status. I have remained on inactive status since February 6, 2006.

3. I am voluntarily submitting a cancellation of my certification as a LPO from the Washington State Bar Association (the Association) in lieu of revocation under Rule for

1 Enforcement of Limited Practice Officer Conduct (ELPOC) 9.2.

2 4. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged
3 misconduct for purposes of ELPOC 9.2(b). While not admitting the misconduct in the attached
4 Statement of Alleged Misconduct, attached hereto as Exhibit A, I admit that the Association
5 could prove, by a clear preponderance of the evidence, the violations set forth in ¶¶ 14-21 of
6 Exhibit A, and that the proof of such violations would suffice to result in the revocation of my
7 license.

8 5. I understand that my voluntary cancellation is permanent and that any future
9 application by me for reinstatement as an LPO is currently barred. If the Supreme Court
10 changes this rule or an application is otherwise permitted in the future, it will be treated as an
11 application by one whose certification has been revoked for ethical misconduct, and that, if I file
12 an application, I will not be entitled to a reconsideration or reexamination of the facts,
13 complaints, allegations, or instances of alleged misconduct on which this voluntary cancellation
14 was based.

15 6. I agree to (a) notify all other professional licensing agencies in any jurisdiction
16 from which I have a professional license of the voluntary cancellation in lieu of revocation; (b)
17 seek to resign permanently from any such license; and (c) provide disciplinary counsel or the
18 clerk with copies of any of these notifications and any responses. ELPOC 9.2(b)(3).

19 7. I agree that when applying for any employment or license, I will disclose the
20 voluntary cancellation in lieu of revocation in response to any question regarding disciplinary
21 action or the status of my limited license to practice law. ELPOC 9.2(b)(4).

22 8. I agree to pay any restitution or additional costs and expenses ordered by the
23 discipline committee. ELPOC 9.2(b)(5). Accordingly, I am submitting with this affidavit a
24

1 check in the amount of \$1,000 made out to the Washington State Bar Association as payment
2 for expenses and costs, under ELPOC 9.2(f).

3 9. I understand that when my voluntary cancellation becomes effective on
4 disciplinary counsel's filing of this document with the clerk, and that under ELPOC 9.2(c)
5 disciplinary counsel must do so promptly on receipt.

6 10. When my voluntary cancellation becomes effective, I will be subject to all
7 restrictions that apply to an LPO whose certification has been revoked.

8 11. Upon filing of my voluntary cancellation, I agree to comply with the same duties
9 under Title 14 of the ELPOC as an LPO whose license has been revoked and comply with all
10 restrictions that apply to an LPO whose license has been revoked.

11 12. I understand that after my voluntary cancellation becomes effective, it is
12 permanent. I will never be eligible to apply and will not be considered for admission to the
13 practice of law nor will I be eligible for admission or reinstatement for any limited practice of
14 law.

15 13. I certify under penalty of perjury under the laws of the State of Washington that
16 the foregoing is true and correct.

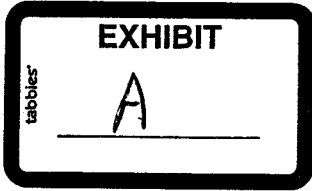
17 9/12/2011 Seattle
18 Date and Place

Joyce M. Ratcliffe
19 Joyce M. Ratcliffe, LPO No. 382

20 SUBSCRIBED AND SWORN to before me this 12th day of September, 2011.

21 Antonia A. [Signature]
22 NOTARY PUBLIC for the state of
23 Washington, residing at Woodinville,
Washington
24 My commission expires: 6/8/12

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BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

JOYCE M. RATCLIFFE,

Limited Practice Officer (LPO No. 382).

Proceeding No. LG05-00005

STATEMENT OF ALLEGED
MISCONDUCT UNDER ELPOC 9.2(b)(1)

The following constitutes a Statement of Alleged Misconduct under Rule 9.2(b)(1) of the Rules for Enforcement of Limited Practice Officer Conduct (ELPOC).

I. ADMISSION TO PRACTICE

1. Respondent Joyce M. Ratcliffe was admitted to engage in the limited practice of law in the State of Washington on August 13, 1984. On March 15, 2005, Respondent's license was suspended for failure to comply with the financial responsibility requirements. On February 6, 2006, Respondent's license was reinstated and placed on inactive status. Respondent is currently on inactive status.

II. ALLEGED FACTS

2. Respondent was the controlling shareholder and president of Signed, Sealed and

1 Delivered, Inc. (SSD).

2 3. On May 15, 2004, SSD purchased the assets of Lakeside Escrow, Inc. and the use of
3 the trade name "Lakeside Escrow."

4 4. From 2001 until April 13, 2004, Respondent was a licensed escrow officer with the
5 Washington Department of Financial Institutions (DFI).

6 5. On April 13, 2004, Respondent's escrow agent license was cancelled by DFI for
7 failure to renew the license.

8 6. On May 10, 2004, Lakeside Escrow, Inc. surrendered its escrow agent license.

9 7. SSD has never been licensed as an escrow agent.

10 8. During all material times, no other employee of SSD was licensed as an escrow agent.

11 9. On June 18, 2004, Respondent filed with DFI a materially incomplete escrow agent
12 application for SSD. Respondent also filed an application to serve as SSD's designated escrow
13 officer. DFI informed Respondent that additional information was necessary for licensure and
14 advised Respondent not to begin performing escrow transactions until properly licensed.
15 Respondent did not submit the additional required information.

16 10. From May 10, 2004 through June 8, 2005, Respondent and SSD knowingly held
17 themselves out to the public as a person and an entity that could handle escrow transactions and
18 accepted escrow business. During that time, Respondent and employees at SSD held and
19 disbursed money from a trust account in transactions relating to the closing of the sale,
20 purchase, exchange, transfer, encumbrance, and/or lease of property without an escrow license.

21 11. Respondent's conduct in engaging in business and performing functions of an escrow
22 agent without a valid license issued by DFI violated RCW 18.44.021.

23 12. During the period from September 2004 through March 2005, Respondent and SSD
24

1 failed to keep and maintain adequate and timely reconciliations. Respondent and SSD did not
2 reconcile the trust account balances to the monthly bank statements for this period of time until
3 May 2005. Respondent's conduct violated RCW 18.44.400(1).

4 13. Checks issued from SSD's trust account required the signatures of both Respondent
5 and employee Erin Parr.

6 14. During the period from September 2004 through March 3, 2005, Respondent
7 intentionally misappropriated \$201,500 in client funds when she made the following transfers
8 from SSD's trust account to SSD's general account:

<u>Check #</u>	<u>Date Paid</u>	<u>Amount</u>
33640	9/27/04	\$10,000
33641	10/08/04	\$15,000
33773	11/18/04	\$35,000
33996	12/16/04	\$15,000
33997	12/21/04	\$40,000
33995	12/23/04	\$35,000
35870	3/16/05	\$40,000
	2/25/05	\$10,000
	3/3/05	<u>\$ 1,500</u>
	TOTAL	\$201,500

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15 15. When Respondent issued the checks from SSD's trust account referenced above in
16 paragraph 14, she intentionally forged the signature of Erin Parr. Respondent's forgery violates
17 RCW 9A.60.020(1).

18 16. Respondent used the \$201,500 for personal purposes.

19 17. Respondent's misappropriation of funds violated RCW 18.44.301(5) and RCW
20 9A.56.020(1) (theft).

21 18. During all material times, Respondent's then-husband directed her to misappropriate
22 client funds to use for personal purposes. Many of the funds that Respondent misappropriated
23 were used to pay bills owed by Respondent's then-husband. Although the actions by
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1 Respondent's then-husband contributed to Respondent's misconduct, these actions do not
2 significantly impact the ultimate sanction because Respondent knew at the time that it was
3 improper to misappropriate client funds.

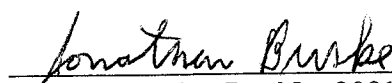
4 19. During DFI's investigation of Respondent's conduct, Respondent issued a check in
5 the amount of \$190,000 that was deposited into SSD's trust account to reimburse funds that
6 Respondent misappropriated.

7 20. Respondent ultimately paid back all funds that were misappropriated. Respondent
8 ceased performing escrow services and ceased operating SSD.

9 **III. ALLEGED MISCONDUCT.**

10 21. By engaging in conduct that violated RCW 18.44.301(f), RCW 9A.56.020(1) (theft)
11 and RCW 9A.60.020(1) (forgery), Respondent violated Rule 1.1(A) ("the commission of any
12 act involving moral turpitude, dishonesty, corruption, or other act which reflects disregard for
13 the rule of law") and 1.1(H) ("conduct demonstrating unfitness to work as a LPO") of the
14 former Disciplinary Rules for Limited Practice Officers (DR LPO)¹.

15
16 DATED this 12th day of July, 2011.

17 
18 Jonathan Burke, Bar No. 20910
19 Senior Disciplinary Counsel

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21
22 ¹ Effective January 1, 2009, the Supreme Court adopted the Limited Practice Officer Rules of
23 Professional Conduct (LPO RPC). Respondent's misconduct is governed by former DR LPO because it
24 occurred prior to the adoption of the LPO RPC.