

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

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August 20, 2007

Stephanie Silva

Everett, WA

RE: Unauthorized Practice of Law Complaint - File No. 07-10

Dear Ms. Silva:

The Practice of Law Board was created by order of the Washington State Supreme Court, General Rule (GR) 25. The Board is charged with the investigation of allegations of unauthorized practice of law in Washington. Revised Code of Washington (RCW) 2.48.180 states that a nonlawyer practicing law or holding himself out as entitled to practice law constitutes the unauthorized practice of law. Court rule GR 24 defines the practice of law. The unauthorized practice of law is a crime in Washington.

As you are aware, A [REDACTED] O [REDACTED] filed a complaint against you and your employer, [REDACTED], Inc., a licensed collection agency, alleging that you engaged in the unauthorized practice of law by misrepresenting yourself as an attorney.

In December 2006, A [REDACTED] O [REDACTED], A [REDACTED]'s mother, received a telephone call from you during which you identified yourself as an attorney for S [REDACTED] apartments. You asked to speak with A [REDACTED] about a rental debt. S [REDACTED] property, located in Bothell, was attempting to collect one month's rent because Mr. O [REDACTED] allegedly did not give timely notice that he was vacating his apartment in June 2006.<sup>1</sup> Mr. O [REDACTED]'s parents had co-signed the apartment lease. According to Mrs. O [REDACTED], she received several phone calls from you during which you told her "more than once" that you were an attorney.

Mrs. O [REDACTED] contacted her son, A [REDACTED] O [REDACTED], and gave him your number at [REDACTED]. When Mr. O [REDACTED] contacted you, you told him that you were an attorney with S [REDACTED], that he owed one month's back rent plus cleaning fees and charges, and that you would go to Snohomish County court and file a lawsuit against him if he did not pay the debt within a certain amount of time. According to Mr. O [REDACTED], he received a second phone call from you a few

<sup>1</sup> It appears that S [REDACTED] Apartments may not have provided Mr. O [REDACTED] with the notice required in RCW 58.18.280. The available information does not clearly establish a valid debt owed by Mr. O [REDACTED].

days after Christmas, during which you again stated that you were an attorney and threatened to file a lawsuit. Mr. O [REDACTED] requested that you send to him documentation of the debt. You faxed him two or three pages of the lease, which he reviewed with his father. When Mr. O [REDACTED] requested your Washington State Bar number, you told him you were unable to give him that and insisted that he pay the debt. Mr. O [REDACTED]'s girlfriend, R [REDACTED] J [REDACTED], also spoke with you over the phone and states that you misrepresented yourself to her as an attorney and threatened to file suit. Mr. O [REDACTED]'s father, A [REDACTED] O [REDACTED] Sr., also corroborated these events.

We did not receive either from you or from [REDACTED] a written response to the complaint. After our investigator repeatedly requested to interview you, the Board received a declaration signed on May 17, 2007, in which you declare under oath that you have never told anyone that you are an attorney. Your employer allowed our investigator to speak with you briefly by telephone. During that call, you claimed that A [REDACTED] O [REDACTED] told you he was an attorney, but hung up when you asked for his license. Your supervisor terminated the call shortly after this statement and no further interviews with you were possible. Mr. O [REDACTED] Sr. indicated that he did not speak with you at all. Mr. O [REDACTED] Jr. denied telling anyone he was a lawyer.

You are not a lawyer. RCW 2.48.180(2)(a) states that a non-lawyer practicing law or holding himself out as entitled to do so constitutes the unauthorized practice of law. After considering the information provided by all witnesses in this matter, the Board found that Ms. Silva did falsely claim to be an attorney. By misrepresenting to A [REDACTED] and A [REDACTED] O [REDACTED], and R [REDACTED] J [REDACTED] that you are an attorney in order to collect a debt, you are engaging in the unauthorized practice of law. In addition, it is a violation of the Federal Fair Debt Collection Practices Act for a debt collector to misrepresent or imply that he or she is an attorney.<sup>2</sup>

At this time, pursuant to GR 25(f)(4)(B), we request that you enter into a written agreement with this Board, to refrain from the following conduct:

- ◆ Holding yourself out as entitled to practice law.
- ◆ Any activity which is defined as the practice of law in GR 24.

We further ask you to stipulate that in the event you violate this agreement, you agree that this stipulation, evidence of your further violation, the investigative report to the Board of your past violations, the original complaint, your response, and all other evidence of such violations shall be turned over to the appropriate County Prosecutor's Office with a request from the Board that that office institute a criminal proceeding against you.

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<sup>2</sup> Federal Fair Debt Collection Practices Act § 807. False or misleading representations [15 USC 1692e] A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:


...(3) The false representation or implication that any individual is an attorney or that any communication is from an attorney.

In the event you do not return this stipulation assigned and agreed to within 15 days of the mailing of this letter, the Board will issue its report and consider turning over its investigation along with a request for prosecution to the County Prosecutor's Office.

We are hopeful that we will be able to resolve these matters by stipulation. If you are willing to so stipulate, please sign and date your signature and have your signature witnessed by a person over the age of eighteen, who will also sign as the witness. The signed letter should be returned to the Board within 15 days.

Thank you in advance for your anticipated cooperation.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Steve Crossland', written in a cursive style.

Steve Crossland, Chair  
Practice of Law Board

JS:as

cc: [REDACTED]