OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA
FEB 20 2020
FILED
BY

Bradley F. Perry, Bar No. 025682
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BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	**PDJ** 2020-9012
CARLTON AKI STANT, Bar No. 031879,	**CONSENT TO DISBARMENT**
Respondent.	State Bar No. 19-1077

I, Carlton Aki Stant, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that a bar charge has been made against me. I have read the bar charge and the State Bar's investigative summary. I further acknowledge that I do not desire to contest or defend the charges but wish to consent to disbarment. I

have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer.

I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the attached summary of facts. The misconduct of which I am accused is described in the summary of facts bearing the number referenced above, a copy of which is attached hereto as Exhibit "A."

The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit "B", within thirty (30) days from the date of service of this Order.

A proposed form of Judgment of Disbarment is attached hereto as Exhibit "C."

DONE AT Maricopa County Phoenix, Arizona, on February 13, 2020.

Carlton Aki Stant
Respondent

SUBSCRIBED AND SWORN TO before me this 13 day of February 2020, by Carlton Aki Stant, who satisfactorily proved his identity to me.

OFFICIAL SEAL
CARMELA PADILLA
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires May 10, 2021

Notary Public

My Commission expires:

May 10, 2021

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this___ day of February, 2020.

Copy of the foregoing emailed
this ____ day of February, 2020, to:

DONE AT _____, Arizona, on _____,

2020.

_____
Carlton Aki Stant
Respondent

SUBSCRIBED AND SWORN TO before me this ___ day of ____, 2020, by

Carlton Aki Stant, who satisfactorily proved his identity to me.

_____
Notary Public

My Commission expires:

_____

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 20th day of February, 2020.

Copy of the foregoing emailed
this 20th day of February, 2020, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 20th day of February, 2020, to:

Carlton Aki Stant, Bar No. 031879,
14258 S. 43rd Place
Phoenix, Arizona 85044-6188
Telephone: 480-430-3199
Email: akistant@gmail.com
Respondent

Copy of the foregoing hand-delivered
this 20th day of February, 2020, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: Sharon Bartley
BFP/sab

EXHIBIT "A"

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF **A MEMBER OF** **THE STATE BAR OF ARIZONA,** **CARLTON AKI STANT** **Bar No. 031879** Respondent.	**SUMMARY OF FACTS** State Bar No. 19-1077

1. Respondent represented guardian/conservator Shannon Renee McRae ("McRae") in the guardianship of Laura Gay Cox ("Ward"), Maricopa County Superior Court, *PB2016-090675*. Respondent filed the application for appointment on July 22, 2016.

2. On October 17, 2016, the Court appointed McRae as the Temporary Guardian for the Ward. On December 22, 2016, the Court signed the Orders appointing McRae as Permanent Guardian and Conservator.

3. Although McRae did get her Letters of Appointment issued on January 3, 2017, there were issues so that on March 2, 2017, the Court ordered new Letters to be issued.

4. On April 10, 2017, the Court ordered McRae to file the Conservatorship Estate Budget by April 29, 2017. The Budget was originally due 90 days from the issuance of the January 3, 2017 Letters. Respondent did not timely file the budget. On May 16, 2017, the Court issued an Order to Show Cause why the budget was not filed and suspended McRae from her duties as conservator. The Court set an Order to Show Cause hearing for June 19, 2017.

5. The Order to Show Cause hearing was accelerated to June 12, 2017. The Court reinstated McRae as guardian/conservator and approved the sale of The Ward's home.

6. The Ward's home was sold in June 2017. The proceeds of the sale of the house totaled $60,170.22. Respondent deposited the proceeds into his IOLTA instead of the Conservatorship Account.

7. The First Annual Account and First Annual Report of Guardian were due December 22, 2017. Respondent did not file either the Account or the Report by the deadline.

8. Respondent filed the First Annual Report on May 8, 2018. On June 26, 2018, the Court issued a minute entry accepting the late filing and correcting the reporting periods from the March 2, 2017 minute entry. The Court noted that First Annual Accounting had not yet been filed and ordered McRae to file it no later than July 31, 2018. The Court ordered the Second Annual Report and Second Annual Accounting due on December 22, 2018.

9. Respondent did not file the First Accounting by July 31, 2018.

10. On August 9, 2018, the Court suspended McRae's authority as conservator and ordered McRae to "without delay...file the First Annual Account and request a hearing...before this Court to explain the non-compliance."

11. Respondent did not file the First Accounting or request a hearing between the August 9, 2018 order and November 20, 2018, when counsel for The Ward filed a motion to determine the status of the Accounting.

12. McRae had sent Respondent all the information needed to file the First Accounting months prior to November 20, 2018 and believed Respondent had filed the Accounting. Respondent did not provide McRae with copies of the minute entries pertaining to the Accounting, including the August minute entry suspending McRae as conservator. Respondent had no contact with McRae since early August.

13. On November 26, 2018, the Court set a hearing on the Accounting for December 18, 2018. Respondent was ordered to appear personally or file a motion to appear telephonically.

14. On December 18, 2018, attorney Marsha Goodman filed a Verified Motion for Substitution of Counsel on behalf of McRae.

15. McRae had to hire new counsel because Respondent had not contacted her regarding the proceeds of the sale of Ward's home. Respondent did not respond to any of McRae's emails or test messages regarding the status of the proceeds of that sale, and he did not assist her, or communicate with her in any way, regarding the Inventory and Accountings required by the Court. As a result of the failure to meet these obligations, the Court withdrew McRae's authority as Guardian and Conservator in August 2018. McRae was not even aware she had been suspended as conservator until she was informed by Counsel for the Ward.

16. The Court held a hearing on December 18, 2018, and ordered Goodman substituted as counsel for McRae. Respondent failed to appear at the hearing, despite being ordered to attend. The Court further ordered Respondent to immediately provide McRae's file to Goodman and transfer all conservatorship funds to Goodman. Finally, the Court ordered Respondent to personally appear at an Order to Show Cause hearing on March 6, 2019.

17. Respondent failed to appear at the March 6, 2019 Order to Show Cause hearing. The Court reset the hearing for April 9, 2019, ordered the Sheriff's Office to serve Respondent, and again ordered Respondent to appear in person. Respondent was served by MCSO on March 14, 2019.

18. Respondent failed to appear at the April 9, 2019 Order to Show Cause hearing. The Court issued a warrant for Respondent's arrest the same day.

19. On April 10, 2019, Respondent filed a motion for "additional time for compliance," alleging he "failed to properly calendar his required appearance." On April 11, 2019, the Court denied Respondent's motion and declined to quash the warrant. The Court would "reconsider quashing the warrant once the Court received proof or confirmation from Marsha Goodman that [Respondent] has immediately transferred his file and the missing conservatorship funds from the proceeds of the sale of the ward's home to Marsha Goodman."

20. Respondent was arrested on or about April 19, 2019. He posted bond in the amount of $5,000.00. On April 22, 2019, the Court exonerated the bond and

ordered Respondent to file his Rule 33 Affidavit of Attorney Fees no later than May 3, 2019, "and further file any documentation he has regarding the disbursements of the funds from the sale of the home, and provide copies of any filed documents to all attorneys..." The Court set a status conference for May 9, 2019.

21. On May 3, 2019, Respondent filed a document entitled "Affidavit – Distribution of Proceeds" detailing approximately $45,000.00 in distributions, including a payment of $11,077.70 to Respondent's firm. One the same day, Respondent filed his "Notice of Basis for Compensation" containing an accounting of Respondent's fees.

22. After the May 9, 2019 hearing, the Court ordered Respondent to file "a proper Petition for Approval of Attorney's fees" within 10 business days. The Court also ordered Respondent to "file the statements required by the Court regarding his IOLTA Account covering the time period between June 1, 2017 and [May 9, 2019]" within 10 business days.

23. Respondent filed his application for attorney's fees on May 28, 2019.

24. On June 14, 2019, Respondent provided various bank statements to the Court for consideration.

25. On August 2, 2019, Goodman and counsel for the Ward filed a joint objection to Respondent's application for attorney's fees. Respondent had violated ARS 14-5109(A) and 14-5110(A) and charged fees that were unreasonable under 14-5109(C). Respondent had also accepted a vehicle from the Ward as partial payment of his fees, sold the vehicle for approximately $3,000.00, but failed to provide documentation showing how the proceeds were applied.

26. On September 17, 2019, the Court found:

"There is no dispute that the net proceeds from the sale of the ward's house in 2017 was the sum of $60,170.22 and this appeared to be the only estate asset at the time other than a vehicle. This sum of money is the exact amount that was transferred into Mr. Stant's IOLTA Account on 6/30/17. That IOLTA Account had no funds remaining in it as of April of 2019. It also appears that Mr. Stant

was given title to a 2005 Honda as partial payment for his fees; however there is no documentation provided by Mr. Stant regarding this, although he stated he would file such documentation. This vehicle purportedly had a value of $3,000. Disbursements made by Mr. Stant on behalf of the Conservator from the IOLTA Account appear to include $33,946 in legitimate disbursements on conservatorship expenses including money paid toward various debts including medical bills of the Ward, Dr. Philip Barry, Attorneys Fees for Kile and Kupiszewski and C. Powell, payment to Daniel Cox and reimbursements to the Conservator. That leaves remaining the $11,077 Mr. Stant withdrew for his attorney's fees plus the $3,000 vehicle plus $16,396 in entirely unexplained withdrawals from the IOLTA Account in the following amounts: $400.00 $200.00 $250.00 $229.41 $1,500.00 $5,000.00 $2,000.00 $2,000.00 $4,000.00 $200.00 $500.00 $116.84.[1]

The Court agrees entirely with the arguments set forth in the Stipulated Objection to Request for Fees and Costs filed August 2, 2019. Although this Court would typically allow some part of the Attorney's Fees to be paid, Mr. Stant's conduct in this case has caused harm to the Ward in measure greater than the sum of money he claims to have earned. The Court will not reiterate the history here other than to state that Mr. Stant abandoned his client and his responsibilities; improperly and unlawfully paid himself and otherwise converted significant conservatorship funds without court approval; responded to this Court's orders only after an arrest warrant issued; continued to file incomplete and irregular documentation after being given multiple opportunities to clear up errors and omissions; and ultimately caused a great deal of time, money and resources to be wasted, in addition to the anxiety caused to the conservator and nonpayment of the Ward's ongoing bills. In sum, this matter has remained improperly addressed by Mr. Stant for well over a year at great cost.

27. The Court ordered Respondent to reimburse the conservatorship the sum of $14,077 ($11,077 in fees plus $3000 for vehicle) and file proof of the reimbursement no later than 5:00 p.m. on October 31, 2019. The Court further ordered Respondent "shall provide additional documentation to support and explain every unaccounted for IOLTA Account withdrawal (amounts identified above) as a legitimate conservatorship expenditure no later than 5:00 p.m. on

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[1] $16,396.25

October 31, 2019. Failure to timely file such documentation will result in an additional order to reimburse the conservatorship the additional sum of $16,396 or whatever amount continues to be unsupported by appropriate proof. This will be the last opportunity to file appropriate documentation."

28. On November 5, 2019, the court re-issued the same orders and extended the deadline to December 20, 2019 because Respondent was not given proper notice.

29. Respondent did not provide documentation to support the $16,396.25 in unaccounted IOLTA withdrawals. On December 20, 2019, Respondent filed a "Notice of Partial Compliance" stating he provided Goodman with $15,000.00 in August 2019 but did not have the remainder of the money to reimburse.

30. On January 8, 2020, Bar Counsel sent Respondent the following request:

"On 11/5/2019, the Court ordered you to reimburse the conservatorship $14,077 and provide documentation explaining a series of withdrawals by December 20, 2019. On December 20, 2019, you filed notice that you provided $15,000.00 to the conservatorship and needed more time to pay the remaining money. However, your notice does not address whether you provided the Court with documentation explaining the withdrawals. Relevant documents are attached to this email for your reference. If you did submit the ordered documentation, please provide me with a copy of the submitted items and explanation. If you did not, please provide me with the documentation you were ordered to give the court and explain what happened to the money.

Also address the following questions:

1. Did you comply with ARS 14-5109(A) in this matter? If not, why?
2. Did you comply with ARS 14-5110(A) in this matter? If not, why?
3. Did you receive approval of your fees prior to withdrawing them from the estate funds?
4. Was it proper for you to bill your client for correcting mistakes made in documents you drafted?
5. Were the fees you charged your client in this matter reasonable based on the factors in ER 1.5? Address each of the factors in your response.

6. Did you act diligently in this matter as required by ER 1.3? Please explain your answer.
7. Did you act competently in this matter as required by ER 1.1? Please explain your answer."

31. Respondent provided Bar Counsel with documents already provided the court but did not provide the requested IOLTA records or explain what happened to the unaccounted for $16,396.25. Respondent answered the numbered questions posed by Bar Counsel, but wholly omitted discussion of the unaccounted-for funds.

32. Respondent omitted discussion of the unaccounted-for funds because he misappropriated the funds.

33. Respondent's conduct in this matter violated Rule 42, Ariz. R. Sup. Ct., ERs 1.1, 1.3, 1.4, 1.5, 1.15, 3.4(c), 8.1(b), 8.4(b), and 8.4(d).

EXHIBIT "B"

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona
Carlton Aki Stant, Bar No. 031879, Respondent

File No. 19-1077

Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

General Administrative Expenses for above-numbered proceedings	**$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

Staff Investigator/Miscellaneous Charges

04/25/19	Copy of Initial Response	$ 25.75
Total for staff investigator charges		$ 25.75

TOTAL COSTS AND EXPENSES INCURRED	$ 1,225.75

EXHIBIT "C"

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA, **CARLTON AKI STANT, Bar No. 031879,** Respondent.	**PDJ** _____ **JUDGMENT OF DISBARMENT** State Bar No. 19-1077

Pursuant to Rule 57, Ariz. R. Sup. Ct., the parties filed with the disciplinary clerk a Consent to Disbarment (Consent). The Consent being in compliance with Rule 57(a)(5) and the Presiding Disciplinary Judge having considered it,

Now therefore,

IT IS ORDERED accepting the Consent and disbarring Respondent, Carlton Aki Stant, Bar No. 031879, from the State Bar of Arizona effective immediately. His name is stricken from the roll of lawyers and he is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

IT IS FURTHER ORDERED Respondent shall immediately comply with the requirements of Rule 72, Ariz. R. Sup. Ct. which include, but are not limited to, notification of clients and others and filing all notices and affidavits required.

IT IS FURTHER ORDERED under Rule 57(a)(5)(C), no further disciplinary action shall be taken regarding the matters that are the subject of the charges upon which the Consent and this Judgment of Disbarment are based.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of $ _____.

DATED this _____ day of _____, 2020.

_____
William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this _____ day of February, 2020.

Carlton Aki Stant, Bar No. 031879,
14258 S. 43rd Place
Phoenix, Arizona 85044-6188
Telephone: 480-430-3199
Email: akistant@gmail.com
Respondent

Bradley F. Perry
Staff Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by:_____

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF THE STATE BAR OF ARIZONA,	**PDJ 2020-9012**
CARLTON AKI STANT, Bar No. 031879 Respondent.	**JUDGMENT OF DISBARMENT** State Bar No. 19-1077 **FILED FEBRUARY 25, 2020**

Pursuant to Rule 57, Ariz. R. Sup. Ct., the parties filed with the disciplinary clerk a Consent to Disbarment (Consent). The acceptance of a consent to disbarment constitutes a final disposition of all pending proceedings. The Consent complies with Rule 57(a)(5). It is accepted. Under Rule 57(a)(5) any future application for reinstatement "will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the bar charges referenced in the consent.

Now Therefore,

IT IS ORDERED disbarring Respondent, **CARLTON AKI STANT, Bar No. 031879**, from the State Bar of Arizona effective immediately. His name is stricken from the roll of lawyers and he is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

IT IS FURTHER ORDERED Respondent shall comply with the requirements of Rule 72, Ariz. R. Sup. Ct. which include, but are not limited to, notification of clients and others and filing all notices and affidavits required.

IT IS FURTHER ORDERED under Rule 57(a)(5)(C), no further disciplinary action shall be taken regarding the matters that are the subject of any bar charges upon which the Consent and this Judgment of Disbarment are based.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of $1,225.75. There were no costs or expenses incurred by the Office of the Presiding Disciplinary Judge.

DATED this 25th day of February 2020.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 25th day of February 2020.

Carlton Aki Stant
14258 S. 43rd Place
Phoenix, Arizona 85044-6188
Email: akistant@gmail.com
Respondent

Bradley F. Perry
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by: MSmith