

FILED

MAY 27 2003

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY *K. Weigand*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,) No. 01-1267

DENNIS P. BAYLESS,)
Bar No. 012052) **DISCIPLINARY COMMISSION**

RESPONDENT.) **REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on May 10, 2003, pursuant to Rule 53(d), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed March 2, 2003, recommending a censure and costs.

Decision

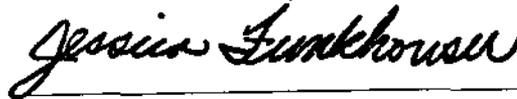
The Commission's standard of review is set forth in Rule 53(d)2, which states that the Commission reviews questions of law *de novo*. In reviewing findings of fact made by a hearing officer, the Commission applies a clearly erroneous standard.

Therefore, having found no findings of fact clearly erroneous, the nine members of the Commission unanimously recommend adopting and incorporating by reference the Hearing Officer's findings of fact and conclusions of law,¹ and recommendation for a censure. However, the assessment of costs is *not* recommended. The State Bar's Statement

¹ The Commission determines that ABA *Standard* 7.3 is applicable and supports the sanction of censure. The Commission also finds that aggravating factor 9.22(i), substantial experience in the practice of law, applies because the Respondent was admitted to the State Bar on October 21, 1988.

of Costs and Expenses was untimely. It did not comply with Rule 52(a)8, which provides
1 that the statement of costs *shall* be filed within seven days.²

2 RESPECTFULLY SUBMITTED this 27th day of May 2003.

3 

4
5 Jessica G. Funkhouser, Chair
Disciplinary Commission

6 Original filed with the Disciplinary Clerk
7 this 27th day of May 2003.

8 A copy of the foregoing mailed
9 this 27th day of May 2003.

10 J. Conrad Baran
11 Hearing Officer 8M
12 County Governmental Complex-NC#36
P.O. Box 668
Holbrook, AZ 86025-0668

13 Gary W. Kazragis
14 Respondent's Counsel
15 2030 W. Highway 89-A
Sedona, AZ 86336-3996

16 A copy of the foregoing hand-delivered
17 this 27th day of May 2003.

18 Shauna R. Miller
19 Senior Bar Counsel
20 State Bar of Arizona
111 West Monroe, Suite 1800
Phoenix, AZ 85003-1742

21 By K Weigand

22 /kdl
23
24
25

26 ² The Hearing Officer's report was filed March 3, 2003, and the State Bar's Statement of Costs and Expenses was filed April 18, 2003.