

BEFORE THE DISCIPLINARY COMMISSION  
OF THE SUPREME COURT OF ARIZONA

FILED  
DEC 10 2002  
DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY *[Signature]*

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

IN THE MATTER OF A SUSPENDED MEMBER )  
OF THE STATE BAR OF ARIZONA, )  
  
MAXIMILIANO S. GARCIA, )  
Bar No. 014435 )  
  
RESPONDENT. )

Nos. 99-0906, 99-1826, 99-2115  
02-0400, 02-0547, 02-0555  
02-0593, 02-0722

DISCIPLINARY COMMISSION  
REPORT

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on November 16, 2002, pursuant to Rule 53(d), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report, filed September 20, 2002, recommending disbarment, restitution, and costs. The Respondent did not participate in these proceedings.

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, conclusions of law<sup>1</sup> and recommendation for disbarment, restitution, and costs of these disciplinary proceedings. Restitution is recommended in the following amounts to the following individuals:<sup>2</sup>

<sup>1</sup> The Commission determined that Respondent's failure to appear in an Order to Show Cause hearing does not constitute a criminal act; therefore, the Commission does not find the violation on ER 8.4(b) in Count Nine.

<sup>2</sup> Barbara Altig is also entitled to receive a refund for any amount paid to Respondent; however, bar counsel's attempts to contact Ms. Altig have been unsuccessful thus far.

Luis A. Vega	\$ 3,000.00
Einar Sundstrom	\$10,000.00
Manual Juarez	\$ 7,500.00
Marianne Fischer	\$ 5,000.00
Marcilina Landeros	\$20,000.00
Maria Murillo	\$ 1,000.00
<u>Victor Wood</u>	<u>\$ 3,000.00</u>
TOTAL:	\$49,500.00

RESPECTFULLY SUBMITTED this 10 day of December 2002.



---

Peter J. Cahill, Chair  
Disciplinary Commission

Original filed with the Disciplinary Clerk  
this 10 day of December 2002.

A copy of the foregoing mailed  
this 10 day of December 2002.

Frederick C. Berry, Jr.  
Hearing Officer 9S  
350 East Virginia, Suite 200  
Phoenix, AZ 85004-1208

Maximiliano S. Garcia  
Respondent  
4410 West Union Hills, #7-216  
Glendale, AZ 85308-1702

A copy of the foregoing hand-delivered  
this 10 day of December 2002.

John A. Furlong  
Bar Counsel  
State Bar of Arizona  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

By Karen Weigand

/kdl