

FILED

JUL 10 2003

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BY *[Signature]*

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

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IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,) No. 02-0157
)
)
GARY W. KAZRAGIS,)
Bar No. 012215) **DISCIPLINARY COMMISSION**
) **REPORT**
)
RESPONDENT.)
_____)

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on June 21, 2003, pursuant to Rule 56(a), Ariz. R. S. Ct., for consideration of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum), filed April 24, 2003, providing for a censure, one year of probation with the Law Office Management Assistance Program (LOMAP), and costs of these disciplinary proceedings.

Decision

The nine¹ members of the Commission unanimously recommend accepting and incorporating by reference the Agreement and Joint Memorandum providing for a censure, one year of probation, and costs. The terms of probation² are as follows:

¹ Commissioner Atwood did not participate in these proceedings. Jeffrey Messing, a Hearing Officer from Phoenix participated as an ad hoc member.

² At oral argument, the parties stipulated to the addition of the standard probation language to the terms of probation.

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- 1) Respondent shall contact the Director of LOMAP and submit to a LOMAP audit. Respondent shall agree to and comply with any terms recommended by the LOMAP Director.
- 2) In the event Respondent fails to comply with any of the foregoing terms, and information thereof is received by the State Bar, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance. The Hearing Officer shall conduct a hearing at the earliest possible date, but in no event later than thirty days following receipt of notice, to determine whether a condition of probation has been breached and, if so, to recommend an appropriate sanction.
- 3) In the event there is an allegation that any of these terms have been breached, the burden shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

RESPECTFULLY SUBMITTED this 10th day of July 2003.

Jessica Funkhouser

Jessica G. Funkhouser, Chair
Disciplinary Commission

Original filed with the Disciplinary Clerk
this 10th day of July 2003.

Copy of the foregoing mailed
this 10th day of July 2003 to:

Gary W. Kazragis
Respondent
2030 W. Highway 89-A, Suite A1
Sedona, AZ 86336-3996

Copy of the foregoing hand-delivered
this 10th day of July 2003 to:

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Shauna R. Miller
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State Bar of Arizona
111 West Monroe, Suite 1800
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By K Weigand

/kdl