

**FILED**

SEP 15 2006

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

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA  
BY: *M. Omata*

IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )  
)  
**ELLIOT J. PESKIND,** )  
**Bar No. 003096** )  
)  
RESPONDENT. )  
\_\_\_\_\_ )

No. 03-1564

**DISCIPLINARY COMMISSION  
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on August 12, 2006, pursuant to Rule 58, Ariz. R. Sup. Ct., for consideration of the Hearing Officer's Report filed May 10, 2006, recommending censure, one year of probation effective upon signing of the probation contract with the State Bar's Trust Account Ethics Enhancement Program (TAEHP), restitution and costs.

**Decision**

The eight members<sup>1</sup> of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, one year of probation (TAEHP) effective upon the signing of the probation contract, restitution, and costs of these disciplinary proceedings.<sup>2</sup> Restitution and the terms of probation are as follows:

**Restitution**

David Rabi     \$3,160.00

<sup>1</sup> One public member seat remains vacant.

<sup>2</sup> A copy of the Hearing Officer's Report is attached as Exhibit A.



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by: *M. Smith*

/mps