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SEP 0 2008

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

| | | | |
|--------------------------------|---|--------------------------------|---------|
| IN THE MATTER OF A MEMBER |) | No | 03-0339 |
| OF THE STATE BAR OF ARIZONA, |) | | |
| |) | | |
| FRANCISCO X. GUTIERREZ, |) | | |
| Bar No. 009469 |) | DISCIPLINARY COMMISSION | |
| |) | REPORT | |
| |) | | |
| RESPONDENT |) | | |

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on August 9, 2008, pursuant to Rule 58, Ariz R Sup Ct , for consideration of the Hearing Officer's Report filed March 28, 2008, and Order filed June 14, 2008, recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent and Joint Memorandum in Support of Agreement for Discipline by Consent providing for censure and costs

Decision

Having found no facts clearly erroneous, the seven members¹ of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure and costs including

¹ One lawyer member seat remains vacant Commissioners Belleau and Katzenberg did not participate in these proceedings Mark Sifferman, Esq , a hearing officer from Phoenix participated as an ad hoc member

DATED this 28th day of March, 2008.

Frederick K. Steiner, Jr.
Frederick K. Steiner, Jr.
Hearing Officer 8T

Original filed with the Disciplinary Clerk
this 28th day of March, 2008.

Copy of the foregoing mailed
this 31st day of March, 2008, to:

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by. 