



Decision

1 Having found no facts clearly erroneous; the eight members<sup>1</sup> of the Disciplinary  
2 Commission unanimously recommend accepting and incorporating the Hearing Officer's  
3 findings of fact, conclusions of law, and recommendation for censure and costs.

4 RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of October, 2008.

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6  
7 Jeffrey Messing/es  
8 Jeffrey Messing, Vice-Chair  
9 Disciplinary Commission

10 Original filed with the Disciplinary Clerk  
11 this 20<sup>th</sup> day of October, 2008.

12 Copy of the foregoing mailed  
13 this 20<sup>th</sup> day of October, 2008, to:

14 Dwight M. Whitley, Jr.  
15 Hearing Officer I  
16 *Dwight M. Whitley, P.L.L.C.*  
17 1670 East River Road, Suite 250  
18 Tucson, AZ 85718-5834

19 Mark Rubin  
20 Respondent's Counsel  
21 *Law Offices of Mark Rubin, P.L. C.*  
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23 Tucson, AZ 85718

24 Shauna R. Miller  
25 Senior Bar Counsel  
26 State Bar of Arizona  
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Phoenix, AZ 85016-6288

by: *Clare J. ...*

/mps

<sup>1</sup> One lawyer member seat remains vacant. Commissioner Flores did not participate in these proceedings. Daniel P. Becks, Esq., a hearing officer from Phoenix participated as an ad hoc member.