

FILED

FEB - 4 2008

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY *M. Smith*

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

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
MARK HYATT TYNAN,)
Bar No. 006212)
)
RESPONDENT.)

Nos. 05-1452, 05-1601, 06-1190
07-0052

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona January 12, 2008, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed December 10, 2007, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for censure, two years of probation with the State Bar's Law Office Management Assistance Program (LOMAP), Member Assistance Program (MAP), restitution, and costs.

Decision

Having found no facts clearly erroneous, the eight members¹ of the Disciplinary Commission unanimously recommend accepting and incorporating the Hearing Officer's findings of fact, conclusions of law, and recommendation for censure, two years of probation (LOMAP and MAP), restitution, and costs of the disciplinary proceedings.²

¹ Commissioner Baran did not participate in these proceedings.
² A copy of the Hearing Officer's Report is attached as Exhibit A.

The amount of restitution and terms of probation are as follows:

Restitution

Danielle Tucker \$500.00

Terms of Probation

1. Respondent shall be placed on two years of probation effective the date of the final Judgment and Order and will conclude two years from the date that all parties have signed the probation contract.

2. Respondent shall pay restitution in the amount of \$500.00 to Danielle Tucker no later than 30-days after the final Judgment and Order is entered.

3. Within 30-days from the date of the final Judgment and Order, Respondent shall contact the MAP director and submit to a MAP assessment by the MAP director or medical director. Respondent thereafter shall comply with any recommended course of treatment and/or counseling.

4. Within 30-days from the date of the final Judgment and Order, Respondent shall contact the LOMAP director and submit to a LOMAP operational and procedural audit. Respondent thereafter shall comply with all recommendations made as a result of the LOMAP audit. If recommended by LOMAP, Respondent shall enter into a memorandum of understanding and comply with all terms and conditions during his participation in LOMAP.

5. Respondent shall pay all costs associated with these disciplinary proceedings within 30-days of the date of the final Judgment and Order.

6. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the imposing

entity a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The
1 Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to
2 determine whether the terms of probation have been violated and if an additional sanction
3 should be imposed. In the event there is an allegation that any of these terms have been
4 violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by
5 clear and convincing evidence.

6
7 RESPECTFULLY SUBMITTED this 4th day of February 2008.

8
9 *Daisy Flores*

10 _____
11 Daisy Flores, Vice-Chair
Disciplinary Commission

12 Original filed with the Disciplinary Clerk
13 this 4th day of February 2008.

14 Copy of the foregoing mailed
15 this 4th day of February, 2008, to:

16 Honorable Judge H. Jeffrey Coker
17 Hearing Officer 6R
P.O. Box 23578
Flagstaff, AZ 86002-0001

18 Nancy A. Greenlee
19 Respondent's Counsel
20 821 East Fern Drive North
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21 Stephen P. Little
22 Bar Counsel
23 State Bar of Arizona
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24 Phoenix, AZ 85016-6288

25 by: *h. Smith*

26 /mps