

**BEFORE A HEARING OFFICER
OF THE SUPREME COURT OF ARIZONA**

RECEIVED
MRS. ...
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IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

) File No. 03-0339
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FRANCISCO X. GUTIERREZ,
Bar No. 009469

) **HEARING OFFICER'S REPORT**
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RESPONDENT.
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This matter was reassigned to me as Hearing Office on February 7, 2009.

I have reviewed the "Joint Memorandum in Support of Agreement for Discipline by Consent" and proportionality review therein and the Tender of Admissions and Agreement for Discipline by Consent" and find the same to in order and compliant with Rule 56, and the proposed sanctions, censure, a voluntary agreement for continuing review of Respondent's trust account, and payment of costs, to be reasonable and within the ambit of the cases cited and analyzed for proportionality.

I do not deem a hearing necessary and I accept the agreement, with recommendation for a minor non-substantive modification as follows:

Page 6 of the Joint Memorandum, lines 20 and 21, contain this sentence, which appears to be an unintended oversight: "The cases below demonstrate that an eighteen-month retroactive suspension and probation is the appropriate discipline in this case." The cases cited support censure, not suspension. The sentence in question should be stricken or appropriately revised.

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: 