

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

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
DAVID P. DE COSTA)
Bar No. 020139)
)
RESPONDENT.)
_____)

No. 09-1658

**SECOND HEARING OFFICER'S
REPORT**

PROCEDURAL HISTORY

1. On September 14, 2010, the Disciplinary Commission issued its Order of Remand and remanded this matter to this Hearing Officer for further proceedings consistent with the Disciplinary Commission's Report filed the same date.
2. Specifically, the Disciplinary Commission determined that based on the admitted misconduct by David P. De Costa (hereafter "Respondent") in his prior Tender of Admissions and Agreement for Discipline by Consent, the recommended sanction was insufficient and did not fulfill the stated purposes of discipline. Such recommended sanction was six months suspension and additional conditions of probation. The misconduct had involved repeated knowing and/or intentional misrepresentations to the Court.
3. On September 28, 2010, a telephonic conference was held at which the parties advised that they were in the process of reaching a new consent to discipline and that a new Notice of Settlement would be filed. Whether or not a new agreement would be reached, this Hearing Officer set a new prehearing status conference for October 22, 2010 and a new hearing for October 29, 2010. Later, on September 28, 2010, the parties filed their Second Notice of Settlement.

4. On October 12, 2010, the parties filed their Second Tender of Admissions and Agreement for Discipline by Consent and also their Second Joint Memorandum in Support of Admissions and Agreement for Discipline by Consent.
5. The Second Tender Of Admissions and Agreement For Discipline by Consent differs from the prior First Tender and Agreement in that the parties have agreed to suspension for six months and one day instead of six months.
6. On October 22, 2010, the parties waived their right to a hearing and agreed to submit their second consent to discipline on the basis of their filings. In response to the Hearing Officer's request, the State Bar on October 29, 2010, filed the Supplement to the Second Tender and Agreement. The Supplement provided updated information about the former client's reduced criminal conviction and confirmed immigration status.
7. Prior to the Order of Remand, the parties had filed their initial Tender of Admissions and Agreement for Discipline by Consent and their Joint Memorandum in Support on May 17, 2010. The Complaint had been filed on January 29, 2010 and the first hearing was held on June 16, 2010.

FINDINGS OF FACTS¹

1. At all times relevant, David P. De Costa (hereafter "Respondent") was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on May 24, 2001.

¹ The facts are found in the Second Tender of Admissions and Agreement for Discipline by Consent and the transcript of the hearing. The facts as found are the same as the First Tender of Admissions except for the updated information at the end of the Findings of Facts regarding Mr. Chavez's reduced conviction and confirmed immigration status at Paragraphs 38 and 39.

2. On or about April 28, 2008, Aaron Chavez ("Mr. Chavez") was charged with Aggravated DUI, a Class 4 Felony, in Graham County CR-2008255.
3. Mr. Chavez retained Respondent to defend him from the criminal charges.
4. Respondent investigated and reviewed the facts of the case, and determined that "it was clear ... Mr. Chavez would be found guilty of Aggravated DUI." Also Transcript of Hearing ("T/H") 33: 15-17.
5. Respondent developed and informed Mr. Chavez of a trial strategy in which Respondent would argue that Mr. Chavez was *not* the Aaron Chavez arrested, but that somebody else had been using Mr. Chavez's identity in committing the crime.
6. This strategy included performing Mr. Chavez's trial *in absentia*.
7. Respondent informed Mr. Chavez that having him fail to appear pursuant to their strategy could result in the State charging Mr. Chavez with Failure to Appear, a Class 6 Felony, but that if that happened, Respondent would represent him free of charge on that case.
8. Mr. Chavez agreed to the plan set forth by Respondent. While Mr. Chavez agreed to the plan, Respondent acknowledged that he advised Mr. Chavez to fail to appear for trial. T/H 67:4-21.
9. The Graham County Superior Court scheduled Mr. Chavez' criminal matter to proceed to trial on December 18, 2008.
10. On or about December 16, 2008, Respondent spoke with Mr. Chavez over the telephone.
11. During their telephone conversation, it was agreed that Mr. Chavez would not appear for his trial on December 18, 2008.

12. On or about December 18, 2008, Mr. Chavez did not appear for Court, and Mr. Chavez's matter proceeded to trial in his absence.
13. Before trial began, Respondent participated in a pretrial discussion, on the record, with Judge Douglas Holt ("Judge Holt") and Deputy County Attorney Stuart Ross ("DCA Ross").
14. In response to a question from Judge Holt as to whether Mr. Chavez was present, Respondent responded, "He's not here *yet*, no." (Emphasis added.)
15. In response to a question from Judge Holt as to whether Respondent believed Mr. Chavez would be coming to court, Respondent responded, "I don't know. I cannot avow to the Court that he will appear."
16. Respondent's statements to the Court were false and/or misleading, as Respondent was already aware that Mr. Chavez would not be appearing for the trial.
17. In response to a question from Judge Holt as to when the last time Respondent talked to Mr. Chavez, Respondent responded, "Actually I talked to him yesterday. My basis in fact is I was going to be his ride to court this morning. He was not at my office when I departed my office this morning. He does not have a valid driver's license, did not have transportation to court. Therein lies my concern. He won't be present today."
18. Respondent's statement to the Court was false and/or misleading, as Respondent never had any intention of transporting Mr. Chavez to Court that morning.
19. Respondent's statement to the Court was also false because Respondent was aware that Mr. Chavez had previously received rides to court from his wife and that he could get a ride to court from his wife if he needed to appear.

20. Respondent asked Judge Holt, "Had he called the Court? Did the Court receive any message from him?" (sic)
21. Judge Holt indicated he had no information, and Respondent offered, "My girls don't show up until nine, so I'll call my office at nine."
22. Court recessed and reconvened at 9:15 a.m., at which time Respondent told the Court, "My client is in Phoenix. He left a message for probation approximately 7:49 a.m. this morning saying that he was waiting for me to pick him up. At approximately 7:49 this morning, I would have been on the east side of Globe, I would guess somewhere in San Carlos Reservation area."
23. Respondent's statements to the Court were false and/or misleading, as Respondent was previously aware that Mr. Chavez would not be appearing and that the phone message was manufactured to support his failure to appear.
24. Respondent stated to the Court, "I'd also like to object to proceeding in absentia because I don't believe my client has voluntarily absented himself from trial."
25. The Court asked where and when Mr. Chavez was supposed to meet Respondent, and Respondent responded, "At my office, 6 a.m."
26. The Court asked whether Respondent told Mr. Chavez to be there at his office, and Respondent responded, "Yes, sir."
27. Respondent added, "I waited until about 6:18 because it's a long drive."
28. Respondent's statements were false and/or misleading, as Respondent was aware Mr. Chavez had voluntarily absented himself from trial and that Mr. Chavez was not supposed to meet Respondent at his office.

29. Respondent did not, at any time, inform Judge Holt or DCA Ross about his strategy to have Mr. Chavez tried *in absentia*, or that he and his client had agreed Mr. Chavez would not appear.
30. Mr. Chavez's trial proceeded *in absentia*.
31. Mr. Chavez was convicted on all counts.
32. At sentencing, Mr. Chavez was sentenced to five months of prison and five years of probation.
33. Mr. Chavez was charged with Failure to Appear, a Class 6 Felony.
34. Respondent represented Mr. Chavez on the Failure to Appear case, and DCA Ross eventually voluntarily dismissed the Failure to Appear charges without prejudice.
35. On or about August 3, 2009, Mr. Chavez, through subsequent counsel, filed a Petition for Rule 32 Post Conviction Relief (PCR).
36. On or about November 18, 2009, Judge Holt granted the Rule 32 Petition for Relief and ordered the felony DUI conviction vacated.
37. In ruling on the PCR petition, Judge Holt made factual findings that Respondent had lied to the Court.
38. After Mr. Chavez's felony DUI conviction was successfully vacated by the PCR, he pled to a reduced class 1 misdemeanor for extreme DUI. He was sentenced to five months in the Department of Corrections with credit for the five months he had previously served on the vacated felony conviction.
39. Since Mr. Chavez was not convicted of a felony, he was not deported. The benefit of retaining his legal resident immigration status was confirmed by counsel

subsequently retained by Mr. Chavez. See Supplement to Second Tender of Admissions and Agreement for Discipline by Consent filed October 29, 2010.

40. On September 18, 2009, Respondent was arrested in a Maricopa County courtroom on charges relating to transfer or promotion of contraband. The girlfriend of Respondent's new client had asked Respondent to hand two legal pads to the client who was in custody in the courtroom. Respondent handed the legal pads to the deputy sheriff who cut open the glued binding at the top of the legal pads and found drug contraband. Respondent was jailed for three weeks until his release conditions were changed to release with no bond being required. On February 1, 2010, the charges against Respondent were dismissed without prejudice. T/H 39:2 - 45:25. The dismissal of the criminal charges supports Respondent's testimony that he was unaware that the girlfriend of a former client used Respondent to try to smuggle contraband to the jailed client.
41. After September, 2009 when he was criminally charged, Respondent's criminal law practice shut down except for a few minor cases because Respondent was unable to visit clients at the jail or go to the Superior Court because it was deemed a crime scene. T/H 91:12 - 92:18. Respondent used his remaining available money to pay for his criminal defense attorney leaving Respondent largely living day to day to support himself. T/H 94:14 - 95:20.

CONDITIONAL ADMISSIONS

42. Respondent conditionally admits that the State Bar's evidence would show that his conduct, as set forth above, violated the following Rules of Professional Conduct: Rule 41(e) (failure to employ such means only as are consistent with truth and to not

mislead a judge by any artifice or false statement of fact); ER 3.3(a)(1) (knowingly make a false statement of fact to a tribunal or failure to correct false statement of material fact previously made to the tribunal); 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and 8.4(d) (conduct that is prejudicial to the administration of justice). Based on the second conditional admissions, the parties agree that Respondent will receive suspension of six months and one day, plus one year of probation upon any future reinstatement.

CONCLUSIONS OF LAW

This Hearing Officer finds that there is clear and convincing evidence that Respondent violated Rule 41(e), Ariz. R. Sup.Ct., (failure to employ such means only as are consistent with truth, and to not mislead a judge by any artifice or false statement of fact), ER 3.3(a)(1), (knowingly make a false statement of fact to a tribunal or failure to correct a false statement of material fact previously made to the tribunal), ER 8.4(c), (conduct involving dishonesty, fraud, deceit, or misrepresentation), and ER 8.4(d) (conduct that is prejudicial to the administration of justice).

43. The State Bar conditionally dismisses the following ERs as part of the Second Tender of Admissions: ERs 1.2(d), 3.1, 3.3(b), 3.4(c) and 4.1(b). These conditional dismissals are in exchange for the other admissions and are also based on the significant problems in proving by clear and convincing evidence the knowledge between the client and Respondent regarding the later false or fraudulent statements or alleged criminal conduct.
44. In addition to the dismissed ERs listed above, as part of the Second Tender of Admissions, the State Bar also conditionally agrees to dismiss cases 09-2014, 09-

2257, 09-2266, 09-2326, 10-0038, 10-0176 and 10-0388. These cases involve the appropriateness of fees charged. As part of the dismissal agreement, Respondent will participate in the State Bar Fee Arbitration Program if sought by a former client in the dismissed cases.

Restitution is not an issue in this case involving Mr. Chavez.

ABA STANDARDS

45. ABA Standard 3.0 provides that four criteria should be considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating and mitigating factors.

The Duties Violated

46. This Hearing Officer finds that Respondent violated duties he owed to the legal system under ER s 3.3(a) (1), 8.4(d), and Rule 41(e), Ariz. R. Sup. Ct. and to the public under ER 8.4(c).

6.0 Violations of Duties Owed to the Legal System

47. Standard 6.12 provides that "Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding or causes an adverse or potentially adverse effect on the legal proceeding.

5.0 Violations of Duties Owed to the Public

48. Standard 5.13 provides that "Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or

misrepresentation and debt adversely reflects on the lawyer's fitness to practice law.”

49. The most serious misconduct in this case is Respondent's misleading statements to the court in violation of ER 3.3 and Rule 41(e), Ariz. R. Sup. Ct. Therefore, this misconduct implicates Standard 6.12 and suspension is the presumptive sanction.

The Lawyer's Mental State

50. Upon remand this Hearing Officer recognizes as did the Disciplinary Commission that Respondent's mental state for his misconduct could be viewed as “intentionally” over “knowingly.” However, review of the type of supportive cases cited for intentional false statements in the *ABA Standards for Imposing Lawyer Sanctions* under Standard 6.11 generally involve the presentation of substantive, false evidence to the facts of issue in a case. While not an excuse for his misconduct, Respondent's false statements did not include presenting substantive false evidence or testimony regarding the DUI offense. Rather, during the pretrial discussion conference, Respondent falsely stated that he did not know why his client failed to appear for trial. This Hearing Officer having considered Respondent's testimony and the context of his statements to the court, accepts “knowingly” instead of “intentionally” as the more applicable mental state because Respondent acted knowingly when he acted with the conscious awareness of the nature or attendant circumstances of his misconduct.

Actual or Potential Injury

51. Mr. Chavez suffered injury in different forms. He was charged with Failure to Appear even though the charge was later dismissed. He was also taken into ICE

custody. Fortunately, his PCR petition was granted and his felony DUI conviction was vacated. Upon remand in this disciplinary matter, it was confirmed that Mr. Charez later accepted a plea bargain to a class one misdemeanor aggravated DUI with time served. The substitution of the misdemeanor for the felony on his record resulted in Mr. Chavez retaining his legal immigration status rather than being deported.

52. Respondent's false statements to the court regarding his client's failure to appear violated his duty as an officer of the court and caused harm to the legal system. Respondent's false statement also caused harm to the public and its reliance upon the personal integrity of a lawyer. The introduction to ABA Standard 5.0 reads: "The most fundamental duty which a lawyer owes the public is the duty to maintain the standards of personal integrity upon which the community relies."

Aggravating and Mitigating Factors

Aggravating Factors

53. Standard 2.22 (a) Prior disciplinary offense. In 2006, in an informal sanction internally with the State Bar, Respondent received one year of probation for a violation of ER 1.3 (diligence) for not checking whether a legal assistant had filed Respondent's notice of appearance. T/H 26:11-27:21.
54. Standard 9.22(b) Dishonest or selfish motive. Respondent's conduct was dishonest.
55. Standard 9.22 (i) Substantial experience in the practice of law. Respondent was admitted on May 24, 2001 and had practiced for seven years when he committed this misconduct.

Mitigating Factors

56. Standard 9.32(c) Personal or emotional problems. Respondent experienced personal turmoil from his criminal charges and consequences even though the charges were later dismissed. This Hearing Officer does not minimize their impact on Respondent but notes that these problems occurred after his dishonest statements to the court.
57. Standard 9.32(e) Cooperative attitude toward disciplinary proceeding. Respondent responded to the State Bar's investigation and fully cooperated throughout the formal litigation.

PROPORTIONALITY REVIEW

58. The Arizona Supreme Court has held that one goal in imposing attorney discipline is internal consistency. *In re Struthers*, 179 Ariz. 216, 226 887 P.2d 789, 799 (1994). To achieve internal consistency, it is appropriate to examine sanctions imposed in cases that are factually similar. *In re Peasley*, 208 Ariz. 90, 90 P.3d 772, (2004). However, the concept of proportionality remains an "imperfect process" because no two cases are ever alike. It is also the goal of attorney discipline that discipline be imposed that is tailored to an individual's case and that neither perfection nor absolute uniformity can be achieved. *Struthers*, supra. *In re Riley*, 142 Ariz. 604, 691 P.2d 695 (1984). In addition, the objective of disciplinary proceedings is not to punish the attorney, but to "protect the public, the profession and the administration of justice..." *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1996).

59. In *In re Johnson*, SB-08-0090-D (2009) the Respondent received a six month and one day suspension. Respondent counseled his client to engage in criminal conduct and made misrepresentations by creating and submitting falsified evidence. Respondent misplaced the client's original will and thereafter re-created the will using a copy in which he forged and backdated the decedent's signature. He notarized the "fake" will and then filed it with the court. In another estate planning matter' Respondent charged an unreasonable fee, failed to advise the client in writing to seek independent counsel, and failed to obtain the client's written consent. ERs 1.2(d), 3.3, 3.4(b), 8.4(c), 8.4(d) and 1.5 and 1.8. Aggravating factors were multiple offenses and substantial experience in the practice of the law. Mitigating factors were absence of a prior disciplinary record, full and free disclosure to disciplinary board, remorse and absence of a dishonest or selfish motive.
60. In *In re Macpherson*, SB-08-0079-D (2009), a 30 day suspension and one year of probation was imposed. Respondent misrepresented to the judge that he had a doctor's appointment and was not available to appear in court and present witness testimony as scheduled. ERs 3.3(a) 8.4(c), and 8.4(d).
61. In *In re Alcorn & Feola*, 292 Ariz. 62, 41 P.3d 600 (2002); SB-01-0075-D (2001), a six month suspension was imposed. Respondents represented a doctor in a medical malpractice action against the doctor and the hospital. The hospital eventually obtained a summary judgment in its favor, leaving the doctor as the only defendant. The Respondents entered into a confidential agreement with the plaintiff, failed to make necessary disclosures to the trial judge, and deceived the

trial judge about the true situation concerning the jury trial that they presented. ER 3.3(a) (1) 8.4(c) and 8.4(d). Aggravating factors were prior discipline, and substantial experience in the practice of law. Mitigating factors were no selfish motive, cooperative attitude toward the disciplinary proceeding and imposition of other penalties. 292 Ariz. at 74 -75, 41 P.3d at 612 -613.

RECOMMENDATION

62. In the initial Report filed August 3, 2010, this Hearing Officer informed the Disciplinary Commission that his first inclination was to reject the agreement of the parties for 6 months and instead recommend a sanction of six months and one day. The reasons for rejection in favor of the greater sanction were very strong: (1) given the multiple (six) dishonest statements by Respondent to the Court to bolster his falsely stated ignorance of his client's absence from trial; and (2) the multiple statements implied a "major failure by Respondent to comprehend his duty to practice personal and professional integrity needed as an officer of the court." Hearing Officer's Report filed August 3, 2010, at pages 11 and 12.
63. Despite the sanction in *In re Alcorn & Feola, supra*, the initial inclination of six months and one day suspension was correct. This Hearing Officer now finds that the modifications of this second consent to discipline of six months and one day of probation will properly fulfill the stated purposes of discipline. The enhanced six months and one day of suspension will require Respondent to fulfill the rigorous requirements of Rule 65(b) 2, Ariz. R. Sup.Ct. to prove by clear and convincing evidence his rehabilitation, compliance with all applicable discipline orders and

rules, fitness to practice and competence. The sanction will also fulfill the other purpose of discipline by serving as a deterrent to other attorneys.

64. More importantly, in the future if Respondent is successful in being reinstated, he will have demonstrated through the Rule 65 process, that he has identified the weaknesses that caused him to make the false statements to the Court. He will be required to identify what factors caused him to believe that client representation by false statements or deceit superseded his core duty of candor to the tribunal. He also will be required to demonstrate that he has affirmatively taken specific actions to minimize such misconduct from recurring. *In re Arrotta*, 208 Ariz. 509, 96 P.3d 213 (2004). If Respondent proves his rehabilitation, the disciplinary purposes of instilling public confidence in the self-regulation and integrity of the profession will be met.

65. Having considered the facts and having weighed the Standards and proportionality cases based on the Second Tender of Admissions and Agreement for Discipline, this Hearing Officer concludes that the enhanced sanction of suspension for six months and one day combined with one year of probation with LOMAP participation and payment of all costs and expenses in these proceedings fulfill the stated purposes of discipline. Therefore, this Hearing Officer recommends, that the Second Tender of Admissions and Agreement for Discipline by Consent be accepted by the Disciplinary Commission as follows:

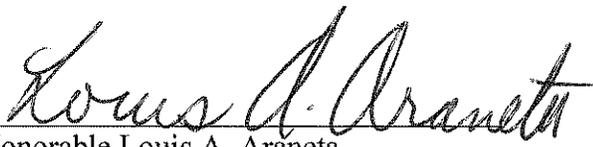
1. Respondent shall receive a suspension of six (6) months and one day;
2. Respondent shall be placed on probation for a period of one year, under the following terms and conditions:

- a. The term of probation shall begin at the time of the Final Judgment and Order and shall end one year from the Final Judgment and Order.
- b. Respondent shall contact the director of the State Bar's Law Office Management Assistance Program (LOMAP), at 602-340-7332, within 30 days of the date of the final Judgment and Order. Respondent shall submit to a LOMAP examination of his office's procedures, including, but not limited to, fee agreements, scheduling/calendaring, and client communication. The director of LOMAP shall develop "Terms and Conditions of Probation", and those terms shall be incorporated herein by reference. Respondent shall be responsible for any costs associated with LOMAP.
- c. Should the clients/complainants in case numbers 09-2014, 09-2257, 09-2266, 09-2326, 10-0176 and/or 10-0388 choose to file a claim with the State Bar of Arizona's Fee Arbitration Program, Respondent agrees to fully participate and cooperate in the fee arbitration process.
- d. In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a Notice of Noncompliance with the imposing entity, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The imposing entity may refer the matter to a hearing officer to conduct a hearing at the earliest practicable date, but in no event later than 30 days after receipt of notice, to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the

burden of proof shall be on the State Bar of Arizona to prove noncompliance by preponderance of the evidence.

3. Respondent shall pay all costs incurred by the State Bar in bringing these disciplinary proceedings within thirty (30) days of the Supreme Court's Final Judgment and Order. An Itemized Statement of Costs and Expenses is attached as Exhibit A and incorporated herein. In addition, Respondent shall pay all costs incurred by the Disciplinary Clerk's office and the Supreme Court in this matter.

DATED this 18th day of November, 2010.


Honorable Louis A. Araneta
Hearing Officer 6U

Original filed with the Disciplinary Clerk
this 18 day of November, 2010.

Copy of the foregoing mailed this 19 day
of November, 2010, to:

David P. De Costa
Respondent
The Law Office of David P. De Costa
P.O. Box 27717
Tempe, Arizona 85285-0001

Stephen P. Little
Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

By: Deann Baul

/jsa

EXHIBIT A

1 **Statement of Costs and Expenses**

2 In the Matter of a Member of the State Bar of Arizona,
3 David P. De Costa, Bar No. 020139, Respondent

4 File No(s). 09-1658

5 **Administrative Expenses**

6 The Board of Governors of the State Bar of Arizona with the consent of the
7 Supreme Court of Arizona approved a schedule of general administrative expenses
8 to be assessed in disciplinary proceedings. The administrative expenses were
9 determined to be a reasonable amount for those expenses incurred by the State Bar
10 of Arizona in the processing of a disciplinary matter. * An additional fee of 20%
of the general administrative expenses will be assessed for each separate
file/complainant that exceeds five, where a violation is admitted or proven.

11 General administrative expenses include, but are not limited to, the following types
12 of expenses incurred or payable by the State Bar of Arizona: administrative time
13 expended by staff bar counsel, paralegals, legal assistants, secretaries, typists, file
14 clerks and messengers; postage charges, telephone costs, normal office supplies,
15 and other expenses normally attributed to office overhead. General administrative
16 expenses do not include such things as travel expenses of State Bar employees,
investigator's time, deposition or hearing transcripts, or supplies or items
purchased specifically for a particular case.

17 ***General Administrative Expenses for above-numbered proceedings = \$1200.00***

18 Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary
19 matter, and not included in administrative expenses, are itemized below.

20 **Staff Investigator/Miscellaneous Charges**

21	01/28/10	Copy of transcripts from CR2008-255	\$45.50
22	03/09/10	Copy of transcripts CR2008-255, Evidentiary Hearing	\$24.90
23	02/22/10	Consult with Bar Counsel	\$8.75
24	02/18/10	Review file; Call to attorney Harriett Levitt; Call to John Brisson; Call to attorney Barry Bellovin	\$43.75
25	02/19/10	Call to attorney Barry Bellovin; Call to attorney John Brisson	\$8.75
	03/09/10	Call to Theresa Aguilar; Travel and mileage to pick up documents from attorney Ryan Green	\$43.75
		Total for staff investigator charges	\$175.40

1 **TOTAL COSTS AND EXPENSES INCURRED**

\$1,375.40

2 Lawra Q. Jal

3 10/12/2010

4 On behalf of Sandra E. Montoya
5 Lawyer Regulation Records Manager

6 Date

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