

SUPREME COURT OF ARIZONA

IN THE MATTER OF A SUSPENDED MEMBER	)	Supreme Court
OF THE STATE BAR OF ARIZONA,	)	No. SB-04-0151-D
)	
	)	Disciplinary Commission Nos.
	)	02-1698, 02-1765, 02-1863, 02-1950
	)	02-1985, 02-2069, 02-2084, 02-2094
	)	02-2131, 02 2171, 02-2172, 02-2193
	)	02-2235, 02-2236, 02-2243, 02-2255
	)	02-2266, 02-2268, 02-2271, 02-2308
	)	02-2324, 02-2357, 02-2388, 02-2403
KENNETH J. WHITEHEAD,	)	02-2427, 02-2475, 02-2476, 02-2482
Bar No. 011353	)	03-0047, 03-0063, 03-0078, 03-0101
	)	03-0105, 03-0169, 03-0182, 03-0280
	)	03-0325, 03-0411, 03-0421, 03-0459
	)	03-0467, 03-0539, 03-0584, 03-0614
	)	03-0719, 03-0890, 03-1365
)	
RESPONDENT.	)	JUDGMENT AND ORDER
)	

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **KENNETH J. WHITEHEAD**, a suspended member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of four (4) years with terms and conditions, effective the date of this judgment and order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report. The terms and conditions of suspension are as follows:

Respondent shall contact LOMAP within ten days of the final judgment and order and enter into a LOMAP contract for the limited purpose of monitoring retention and return of client files.

IT IS FURTHER ORDERED that **KENNETH J. WHITEHEAD** shall be placed on probation for a period of two (2) years, effective upon reinstatement. The terms of probation are to be determined at the time of reinstatement.

IT IS FURTHER ORDERED that **KENNETH J. WHITEHEAD** shall pay restitution in the following amounts to the following individuals:

Paul Murphy and/or Yvonee Benavidez	\$2,000.00
Tomas Gutierrez	\$6,500.00
Angelo Hainsworth	\$1,002.00
Sean Rogers	\$6,000.00
Dian Kuhn	\$7,000.00
The Voisins	\$7,000.00
Michelle Sanford	\$6,500.00
Patricia Carignan	\$1,036.20
Joaquin Sanchez	\$3,500.00
Malikah Shakir	\$5,950.00
Regina Mourning-Saiz	\$14,850.00
John Klusek	\$2,300.00
Bret Womach	\$1,000.00
James McNamara	\$1,000.00
Jacquelin Pepper	\$3,300.00
Daniel Renteria	\$4,000.00
Margaret Dybeck	\$4,500.00
Maria Tena	\$2,000.00
Selena Moyer	\$5,731.00
Hanh Le	\$4,500.00
Randy Grommet	\$4,500.00
Coy & Willie Payne	\$2,000.00
Johnny Amaro	\$3,500.00
Elizabeth McGill	\$2,000.00
Maria Diez	\$3,500.00
Phillip Mahoney	\$3,295.60
Deborah Shoemaker	\$6,000.00
<u>Deanna Sanpetrino</u>	<u>\$7,000.00</u>

TOTAL RESTITUTION DUE: \$121,464.80

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 72, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 72(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this judgment and order as provided in Rule 72(e).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **KENNETH J. WHITEHEAD** for costs and expenses of these proceedings in the amount of \$7,230.03, together with interest at the legal rate from the date of this judgment.

DATED this _____ day of _____, 2005.

Noël K. Dessaint
Clerk of the Court

TO:

Kenneth J. Whitehead, Respondent (Certified Mail, Return Receipt)

Amy K. Rehm, Bar Counsel

Mark S. Sifferman, Hearing Officer 9J

Patricia Seguin, Acting Disciplinary Clerk (Cert. Copy)

Perry Thompson, Director of Admissions, Supreme Court of the United States (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

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