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FEB 14 2005
DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA
BY: *[Signature]*

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

IN THE MATTER OF A MEMBER) No. 04-0012
OF THE STATE BAR OF ARIZONA,)
)
BRIAN G. DI PIETRO,)
Bar No. 014769) **DISCIPLINARY COMMISSION**
) **REPORT**
RESPONDENT.)

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on January 15, 2005, pursuant to Rule 58(e), Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed October 28, 2004 recommending acceptance of the Tender of Admissions and Agreement for Discipline by Consent (Agreement) and Joint Memorandum in Support of Agreement for Discipline by Consent (Joint Memorandum) providing for a two year suspension, participation in the Member Assistance Program (MAP) during the suspension period, two years of probation with terms and conditions to be determined at time of reinstatement, and costs of these disciplinary proceedings.

Decision

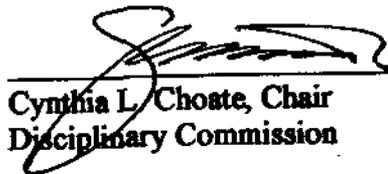
The nine¹ members of the Commission unanimously recommend accepting and incorporating by reference the Hearing Officer's findings of fact, conclusions of law² and recommendation for a two year suspension, participation in MAP during the suspension

¹ Anne H. Phillips, a Hearing Officer from Phoenix, participated as an ad hoc member.
² The Commission determined however, that ABA *Standard 5.11* Violation of Duties Owed to the Public and the presumptive sanction of disbarment were more applicable to the conditional admissions by Respondent involving intentional conversion of client funds. Nevertheless, a reduction in the presumptive sanction from disbarment to suspension is justified in light of the aggravating and mitigating factors present and the isolated nature of Respondent's conduct.

1 period, two years of probation with specific terms to be determined at reinstatement
2 proceedings, and costs of these disciplinary proceedings. The Hearing Officer's Report is
3 attached as Exhibit A.

4 The Commission further notes for future reference that termination of employment
5 and difficulty in finding new employment is insufficient to support application of mitigating
6 factor 9.32(k) (imposition of other penalties or sanctions). The Commission determined
7 overall, that the sanction is reasonable, proportional to previous cases with similar
8 misconduct, and moreover, protects the public.

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10 RESPECTFULLY SUBMITTED this 14TH day of FEBRUARY, 2005.

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14 Cynthia L. Choate, Chair
15 Disciplinary Commission

16 Original filed with the Disciplinary Clerk
17 this 14TH day of February, 2005.

18 Copy of the foregoing mailed
19 this 14TH day of February, 2005, to:

20 Robert J. Lord
21 Hearing Officer 6L
22 *Berens, Kozub, Lord & Kloberdanz, P.L.C.*
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25 J. Scott Rhodes
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/mps