

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

6 (3) Pursuant to Rule 60(a)4, Ariz. R. S. Ct., this Order will be entered in the
7 Respondent's permanent record and, pursuant to Rule 70, is not confidential. It may also be
8 considered by a hearing officer, the Disciplinary Commission or the Supreme Court in
9 recommending or imposing discipline in a subsequent disciplinary proceeding against Respondent,
10 pursuant to Rule 48(k)3, Ariz. R. S. Ct.

11 (4) Costs and expenses incurred by the State Bar of Arizona in the amount of
12 \$1,291.25, as set forth in the Statement of Costs and Expenses filed by the State Bar, are hereby
13 assessed against Respondent pursuant to the provisions of Rule 60(b)2A, Ariz. R. S. Ct.

14 DATED this 30th day of September, 2005.

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18 Martin Lieberman
19 Hearing Officer 7W

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21 Original filed with the Disciplinary Clerk
22 this 30th day of September, 2005,

23 Copy of the foregoing mailed
24 this 30th day of September, 2005, to:

25 Richard A. Segal
26 Respondent's Counsel
Gust Rosenfeld, P.L.C.
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21 by: *P. Williams*