

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

**IN THE MATTER OF A DISABLED
MEMBER OF THE STATE BAR OF
ARIZONA,**

**LEON J. BRANDRIET,
Bar No. 012440**

Respondent.

PDJ-2014-9056

[State Bar Nos. 02-0662, 03-0587,
03-0837]

FINAL JUDGMENT AND ORDER

FILED OCTOBER 27, 2014

This matter having come before the Hearing Panel of the Supreme Court of Arizona, it having duly rendered its decision; and no appeal having been filed and the time for appeal having passed, accordingly,

IT IS HEREBY ORDERED Respondent, **LEON J. BRANDRIET**, is disbarred from the practice of law effective September 29, 2014, and his name is stricken from the roll of lawyers for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Hearing Panel's Report. Respondent is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the court.

IT IS FURTHER ORDERED Respondent shall immediately comply with the requirements relating to notification of clients and others, and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED Respondent shall pay restitution to the following individuals in the following amounts:

Restitution

Helen L. Sprain: \$85,394.50 with interest accruing at the rate set forth in 28 U.S.C § 1961 from August 22, 2003 until paid in full.

James P. Mueller: 1) \$8,673.00 with 10% interest per annum from November 12, 2003, until paid in full; 2) \$2,982.16 with interest as provided by law from October 25, 2007, until paid in full; and 3) \$2,697.49 with 10% interest per annum from September 3, 2013, until paid in full.

IT IS FURTHER ORDERED that Respondent pay those costs and expenses awarded to the State Bar of Arizona in the amount of \$2,036.30, within 30 days of the date of this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 27th day of October, 2014.

William J. O'Neil

William J. O'Neil
Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
this 27th day of October, 2014, to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Leon J. Brandriet
2030 10th Avenue SW
Watertown, SD 57201-5079
Email:leonb1000@yahoo.com
Respondent

Sandra Montoya
Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6288

by: JAlbright

**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

**IN THE MATTER OF A DISABLED
MEMBER OF THE STATE BAR OF
ARIZONA,**

**LEON J. BRANDRIET,
Bar No. 012440**

Respondent.

PDJ 2014-9056

**REPORT AND ORDER IMPOSING
SANCTIONS**

[State Bar File Nos. 02-0662, 03-
0587, and 03-0837]

FILED SEPTEMBER 29, 2014

PROCEDURAL HISTORY

The State Bar of Arizona ("SBA") filed its complaint on June 30, 2014. On July 7, 2014 the complaint was served on Respondent by certified, delivery restricted mail, as well as by regular first class mail, pursuant to Rules 47(c) and 58(a)(2), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge ("PDJ") was assigned to the matter. Respondent failed to file an answer or otherwise defend and a notice of default was issued on August 8, 2014. Default was effective entered on August 26, 2014, at which time the aggravation and mitigation hearing was scheduled for September 23, 2014 at 1:30 p.m., at the State Courts Building, 1501 West Washington, Phoenix, Arizona 85007-3231. On September 23, 2014, the duly empanelled Hearing Panel composed of Ben Click, public member, Harlan J. Crossman, attorney member, and William J. O'Neil, Presiding Disciplinary Judge,

heard argument. Shauna R. Miller appeared on behalf of the State Bar. Mr. Brandriet did not appear.

The purpose of the aggravation/mitigation hearing is not only to weigh mitigating and aggravating factors, but also to assure there is a nexus between a respondent's conduct deemed admitted and the merits of the SBA's case. A respondent against whom a default has been entered no longer has the right to litigate the merits of the factual allegations of the complaint. However, the respondent retains the right to appear and participate in the hearing concerning that nexus and the sanctions sought. Included with that right to appear is the right to dispute the allegations relating to aggravation and to offer evidence in mitigation. Mr. Brandriet was afforded these rights.

Due process requires a hearing panel to independently determine whether, under the facts deemed admitted, ethical violations have been proven by clear and convincing evidence. The hearing panel must also exercise discretion in deciding whether sanctions should issue for the respondent's misconduct. If the hearing panel finds that sanctions are warranted, then it independently determines which sanctions should be imposed. It is not the function of the hearing panel to simply endorse or "rubber stamp" any request for sanctions.

The facts listed below are those set forth in the complaint that are deemed admitted by Respondent's default. In addition, two witnesses testified at the September 23, 2013, hearing and thirty-eight exhibits were admitted into evidence.

FINDINGS OF FACT

1. Respondent was admitted to practice law in Arizona on August 24, 1989.

2. On December 18, 2002, the State Bar filed a formal complaint that included the allegations set forth in Count One, State Bar file number 02-0662.

3. On June 10, 2003, Respondent filed a notice of inability to defend, due to Respondent's "disability." Respondent was admitted to St. Luke's for 30 days inpatient treatment for alcoholism.

4. Respondent also filed a petition to transfer to disability inactive status and emergency request for stay (file no. 03-5002).

5. On July 21, 2003, the former Disciplinary Commission (the Commission) entered an order temporarily transferring Respondent to disability inactive status (file no. 03-5002).

6. On April 12, 2004, the Commission filed its order permanently transferring Respondent to disability inactive status.

7. On November 30, 2004, the State Bar filed a petition for review that was denied. The following files were then stayed: file nos. 02-0120, 02-0630, 02-0662, 02-1397, 03-0587, 03-0837, 03-0976, 03-1561, 03-1870, and 04-1727.

8. On January 18, 2013, the State Bar filed a petition for order to show cause re: stayed files.

9. On March 19 and 26, 2013, the PDJ vacated all stays. In his ruling, the PDJ found that Respondent "acknowledges that the disability which originally caused his transfer to disability inactive status is no longer active." Respondent, however, remains on disability inactive status.

10. On July 16, 2013, the State Bar filed a motion to dismiss without prejudice the formal complaint filed on December 18, 2002, which was granted on August 5, 2013.

11. On June 30, 2014, the State Bar filed the current three count complaint.

COUNT ONE (File no. 02-0662/Trust Account)

12. On April 9, 2002, the State Bar received a non-sufficient funds notice on Respondent's Wells Fargo Arizona Bar Foundation client trust account.

13. On April 8, 2002, check #1266 for \$5,000.00 attempted to pay against the account when the balance was \$4,552.82. [Exhibit 6, Bates 484; Exhibit 7, Bates 499.]

14. The bank paid the check, charged a \$29.00 overdraft fee causing an overdraft of \$476.18.

15. An initial screening letter was sent to Respondent on April 15, 2002, requesting an explanation.

16. Respondent failed to respond.

17. On April 19, 2002, the State Bar received another non-sufficient funds notice.

18. On April 18, 2002, check #1235 for \$494.84 attempted to pay against the trust account when the balance was \$406.98. [Exhibit 6, Bates 484; Exhibit 7, Bates 499.]

19. The bank paid the check, charged a \$29.00 overdraft fee causing an overdraft of \$116.86.

20. A second screening letter was sent to Respondent on April 22, 2002, requesting an explanation.

21. Respondent failed to respond.

22. On May 3, 2002, the State Bar received a third non-sufficient funds notice on Respondent's client trust account.

23. On May 1, 2002, check #1230 for \$167.00 attempted to pay against the account when the balance was negative \$116.86. [Exhibit 6, Bates 488; Exhibit 7, Bates 499.]

24. The bank paid the check, charged a \$31.00 overdraft fee causing Respondent's trust account to become negative \$314.86.

25. A third letter was sent to Respondent on May 6, 2002, requesting an explanation.

26. Respondent failed to respond.

27. On May 13, 2002, the State Bar received a fourth non-sufficient funds notice on Respondent's client trust account.

28. On May 20, 2002, check #1246 for \$1,200.00 attempted to pay against the account when the balance was negative \$21,814.86. [Exhibit 1, Bates 64; Exhibit 7, Bates 500.]

29. The bank returned the check to the payee for collection and charged Respondent's trust account a \$29.00 returned item fee.

30. A fourth letter was sent to Respondent on May 14, 2002, requesting an explanation.

31. Respondent failed to respond.

32. On May 14, 2002, the State Bar received a fifth non-sufficient funds notice on Respondent's client trust account, indicating the account was negative \$30,648.86. [Exhibit 1, Bates 64; Exhibit 7, Bates 500.]

33. A fifth letter was sent to Respondent on May 15, 2002, requesting an explanation.

34. Respondent failed to respond.

35. On June 14, 2002, a sixth letter was sent to Respondent asking for an explanation as to all five overdraft notices. Respondent was given an additional 10 days to respond.

36. Respondent failed to respond.

37. A deposition was set and Respondent was subpoenaed to bring his trust account records to the deposition.

38. Respondent asked that the deposition be rescheduled because he was retaining counsel to represent him. Respondent did not provide the State Bar with the name of anyone who would be representing him.

39. The deposition was reset for August 15, 2002. On August 8, 2002, Respondent asked that the deposition be rescheduled for the second time, due to a court appearance Respondent had to make. The deposition was canceled and not rescheduled.

COUNT TWO (File no. 03-0587/Lane)

40. John C. Treadwell and Helen L. Sprain (debtors) filed for bankruptcy on August 19, 2002. In their statement of financial affairs they disclosed that they had transferred \$95,039.50 to Respondent's trust account to hold on their behalf. [Exhibit 11, Bates 506; Exhibit 19, Bates 534; Exhibit 22, Bates 563; Exhibit 23, Bates 565.]

41. Michael Lane (Mr. Lane), the attorney for the Bankruptcy Trustee, filed a Trustee's Application for Order to Show Cause why [Respondent] Should Not Turn

Over Property of the Estate. Respondent was ordered to appear on December 13, 2002. [Exhibit 13, Bates 511.]

42. Respondent failed to appear at the OSC Hearing. [Exhibit 14, bates stamp 512]

43. On January 8, 2003, the court ordered Respondent to "immediately turnover" the \$95,039.50. [Exhibit 14, Bates 512.]

44. On January 10, 2003, Mr. Lane attempted to have Respondent served with the order, but also faxed and mailed it.

45. On January 16, 2003, Mr. Lane filed a Complaint for Sanctions for Failure to Comply with Court Order and for Violation of the Automatic Stay and a separate Emergency Application for Order to Show Cause. [Exhibit 15, Bates 514.]

46. On February 7, 2003, Respondent appeared at the hearing and presented his arguments.

47. On February 13, 2003, the court granted judgment against Respondent for \$95,394.50, together with attorneys fees and costs of \$488.50, and continued the hearing until March 27, 2003. [Exhibit 17, Bates 531.]

48. Respondent was also ordered to make a minimum payment of \$10,000.00 no later than the close of business on February 14, 2003. [Exhibit 18, Bates 532.]

49. On March 11, 2003, the State Bar was notified that Respondent over drafted his trust account by \$960.00. [Exhibit 21, Bates 555.]

50. Respondent paid the \$10,000.00 to Mr. Lane, but failed to appear on March 27, 2003, for the continued hearing.

51. The court amended the prior judgment and made findings that Respondent had misappropriated the funds and/or committed defalcation while acting as a fiduciary. [Exhibit 20, Bates 540.]

52. On May 12, 2003, the State Bar served a subpoena duces tecum on Wells Fargo to obtain Respondent's trust account records. On May 28, 2003, Wells Fargo provided the subpoenaed records.

53. The trust account bank statements show that Respondent did not deposit the debtor's money into the account, as the debtors had instructed. Also, the March overdraft had not been cured as of April 30, 2003.

54. On July 3, 2003, the Trustee filed a Chapter 7 Trustee's Application for Writ of Garnishment of Judgment Debtor.

55. On July 21, 2003, Respondent was transferred to disability inactive status and this matter was stayed.

56. On March 19, 2013, the stay was lifted.

COUNT THREE (File no. 03-0837/Mueller)

57. As part of a divorce settlement, Respondent's now ex-wife Diselle Brandriet (Diselle) was awarded certain property. [Exhibit 25, Bates 570.]

58. On January 15, 2003, Diselle's attorney, Complainant James Mueller (Mr. Mueller), filed a petition for OSC re: contempt alleging that Respondent had failed to execute a quitclaim deed as ordered by the court in Diselle's favor, and instead deeded his interest to a third party, Danny Bertram, who then executed deeds of trust against the property. [Exhibit 26, Bates 572.]

59. Attached to the petition for OSC was a copy of the quitclaim deed that was recorded on November 20, 2002, that purports to deed the real property from Diselle to Respondent.

60. Diselle denies that she ever signed the deed, the signature is not hers, and she did not authorize anyone to sign on her behalf.

61. The quitclaim deed was notarized by one of Respondent's employees at the time, Faith Garcia. [Exhibit 26, Bates 577.]

62. On April 29, 2003, a return hearing was held in DR 1998-019599. The court ordered Respondent to join Mr. Bertram as a party defendant so the court's orders would be effective against him. [Exhibit 29, Bates 638.]

63. The court "encouraged" Respondent's then counsel, Brian Holohan, to report the matter of the alleged forged deed to the County Attorney for possible prosecution for fraud and for possible felony prosecution of Respondent as at least a co-conspirator. He also instructed Holohan to forward copies of the documents to the State Bar.

64. The court set an evidentiary hearing on the Petition for Contempt, and stated, "if [Respondent] does not want to quit-claim the property back and relieve the property of the liens against it [the court] will consider incarcerating [Respondent] until that is done."

65. Both parties were ordered to be physically present for the evidentiary hearing.

66. On May 13, 2003, the State Bar sent a charging letter to Respondent alleging violation of ERs 3.4(c), 8.4(b), (c), and (d).

67. On May 21, 2003, Respondent was sanctioned \$430.00 for failing to appear at a deposition set by Diselle's counsel. [Exhibit 30, Bates 641.]

68. On June 2, 2003, in response to the State Bar's charging letter, Respondent asserted his Fifth Amendment right against self-incrimination and declined to respond.

69. On July 21, 2003, Respondent was transferred to Disability Inactive Status.

70. On August 5, 2003, Respondent failed to appear at the evidentiary hearing on the Petition for Contempt.

71. Mr. Holohan told the court that his office failed to notify Respondent about the date and time of the hearing, but even if Respondent had appeared, Mr. Holohan was going to advise him to assert his Fifth Amendment rights. The court advised it would assess attorneys' fees against Respondent. [Exhibit 31, Bates 643]

72. On November 12, 2003, Respondent was sanctioned and ordered to pay Mr. Mueller \$8,673.00 in attorney's fees and costs. [Exhibit 33, Bates 647; exhibit 34, Bates 650.]

73. The County Attorney's office twice presented the fraudulent signature matter to the grand jury and obtained an indictment but the matter was dismissed, allegedly due to evidentiary issues related to the notary losing her log.

74. The Maricopa County Recorder's website indicates that a Judgment of Renewal Affidavit was filed on September 3, 2013.

75. Mr. Mueller confirms that there are three outstanding orders for attorney's fees and costs:

- a. Order entered 9/13/03 for \$1,040.00. Renewed 9/15/08 and 9/3/13. Current balance on judgment is \$2,697.49 [exhibit 37, bates stamp 656];
- b. Order entered 11/12/2003, for \$8,673.00 [exhibit 34, bates stamp 650]; and
- c. Order entered 10/29/07, for \$2,982.16 [exhibit 36, bates stamp 654].

CONCLUSIONS OF LAW

COUNT ONE (File no. 02-0662/Trust Account)

75. Respondent failed to properly safeguard client funds in violation of Rules 43 and 44, Ariz.R.Sup.Ct.¹

76. Respondent knowingly failed to promptly respond to lawful demands and requests for information by bar counsel; failed to furnish information or respond promptly to an inquiry and/or request from bar counsel; and refused to cooperate with bar counsel during the State Bar's investigation into this matter, in violation of Rule 42, Ariz. R. Sup. Ct., ER 8.1, and former Rule 51(h), Ariz. R. Sup. Ct.²

77. Respondent failed to maintain trust account records in violation of ER 1.15, and Rule 43 and former Rule 44, Ariz. R. Sup. Ct.

78. Respondent's conduct in this count violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.15(a), 8.1(b), and Rules 43, 44, and former Rule 51(h), Ariz. R. Sup. Ct.

¹ Rule 44, Ariz. R. Sup. Ct., in effect at the time of the violations, was combined with Rule 43 and has since been reserved.

² In effect in 2002; the current rule is Rule 54(d), Ariz. R. Sup. Ct.

COUNT TWO (File no. 03-0587/Lane)

79. Respondent failed to safeguard client funds in violation of ER 1.15(a) by failing to deposit the debtors transferred funds into Respondent's trust account, and by having a negative balance for at least two months in 2003.

80. Respondent violated former ER 1.15(c)³ by failing to deposit funds belonging to the clients in the trust account and failing to hold those funds until the dispute with the bankruptcy trustee was resolved.

81. Respondent violated ERs 3.4(c), 8.4(d) and former Rule 53(c)⁴, Ariz. R. Sup. Ct., by failing to appear at the return hearing and knowingly failing to file a statement in response to the complaint for sanctions filed by the Attorney for the Bankruptcy Trustee. Respondent's misconduct used finite judicial resources.

82. Respondent's conduct in this count violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.15(a) and (c), 3.4(c), 8.4(d) and Rule 53(c), Ariz. R. Sup. Ct.

COUNT THREE (File no. 03-0837/Mueller)

83. Respondent has been working as an independent insurance adjuster since at least January 5, 2010, yet he has made no effort to pay the court ordered sanctions, in violation of former Rule 53(c), Ariz. R. Sup. Ct.⁵

84. Respondent's conduct in this count violated former Rule 53(c), Ariz.R.Sup.Ct.

ABA STANDARDS ANALYSIS

Rule 58(k), Ariz. R. Sup. Ct. requires that the American Bar Association's Standards for Imposing Lawyer Sanctions (Standards) be used in determining a

³ In effect in 2003; the current rule is ER 1.15(d)

⁴ In effect in 2003; current rule is Rule 54(c), Ariz. R. Sup. Ct.

⁵ In effect at the time of the violation; the current rule is Rule 54(c), Ariz. R. Sup. Ct.

sanction. The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. Standards 1.3, Commentary; *In re Peasley*, 208 Ariz. 27, 33, 35, 90 P.3d 764, 770 (2004); *In re Rivkind*, 162 Ariz. 154, 157, 791 P.2d 1037, 1040 (1990).

In determining an appropriate sanction, consideration is given to the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct, and the existence of aggravating and mitigating factors. *Peasley*, 208 Ariz. at 35, 90 P.3d at 772; *Standard 3.0*.

The appropriate *Standards* given the facts and circumstances of this matter are Standards 4.1 and 6.2.

Standard 4.11(ER 1.15)

Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

Standard 4.12

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

Disbarment is the appropriate *Standard* because Respondent knowingly withdrew funds from the client trust account that he was not entitled to and he knowingly failed to turn over funds to the Bankruptcy Trustee, even after he was ordered to do so.

Standard 6.21(ER 3.4(c) and Rule 53(c))

Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party, or causes serious or potentially serious interference with a legal proceeding.

Standard 6.22

Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.

There was serious injury to the Bankruptcy Trustee, his former client Helen Sprain, and to his former wife's attorney when he failed to turn over the funds as ordered by the court.

The duty violated

Respondent's conduct violated his duty to his clients, by failing to properly protect client funds, and his duty to the legal system, by failing to comply with court orders or cooperate in the disciplinary process.

The lawyer's mental state

Respondent knowingly failed to properly safeguard client funds, knowingly failed to promptly respond to lawful demands and requests for information by bar counsel, knowingly violated court orders, and knowingly refused to cooperate with bar counsel during the State Bar's investigation into this matter.

The extent of the actual or potential injury

There was actual harm to his clients and potential harm to the legal system. This was established by the testimony of Michael Lane and James Mueller at hearing.

Aggravating and mitigating circumstances. The Hearing Panel finds the following aggravating factors are present in this matter:

9.21 Factors in aggravation.

(b) dishonest or selfish motive. "In the past, we have held that dishonest or selfish motive is an aggravating factor when an attorney received some

financial gain or made misrepresentations to cover his or her negligence.” *In re Peasley*, 208 Ariz. 27, 37, 90 P.3d 764, 774 (2004). The trust account records are reasonable evidence that client money and money belonging to the Bankruptcy Trustee is missing from Respondent’s trust account.

(d) multiple offenses.

This court has applied the aggravating factor of multiple offenses to a lawyer's misconduct that involved multiple clients or multiple matters. For example, we found multiple offenses when a lawyer violated duties owed to two clients, a former client, the court, and opposing parties in a one-year period. [...] We also found multiple offenses when a lawyer brought several frivolous claims against multiple defendants on behalf of one client. [...]

...

We therefore agree with the Commission and conclude that Peasley committed multiple offenses, which we consider to be a very serious aggravating factor.

In re Peasley, 208 Ariz. 27, 37-38, 90 P.3d 764, 774-75 (2004)(Internal citations omitted). This case involves multiple matters and there are violations of the duties to clients and the legal system.

(e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency.

It is this apparent indifference to the disciplinary process that causes us great concern. Despite his extensive history, respondent does not seem to comprehend that his duty as an officer of the court includes the obligation to fully and actively cooperate with the bar when his conduct is called into question. “Failure to respond to inquiries from the State Bar shows a disregard for the Rules of Professional Conduct and borders on contempt for the legal system.” *In re Davis*, 181 Ariz. 263, 266, 889 P.2d 621, 624 (1995) (citation omitted). Inaction serves to undermine the profession's efforts at self-regulation, damaging both its credibility and reputation. Additionally, respondent's disregard of court orders casts a shadow over the integrity of the justice system.

Matter of Brown, 184 Ariz. 480, 483, 910 P.2d 631, 634 (1996). Respondent failed comply with court orders, failed to respond to the State Bar's requests for information, and failed to file an answer to the State Bar's complaint.

(g) refusal to acknowledge wrongful nature of conduct. Respondent has never acknowledged that he has done anything wrong.

(j) indifference to making restitution. Respondent never turned the money over to the bankruptcy trustee, and never paid the court ordered fines.

The Hearing Panel does not find any mitigating factors present in the record.

CONCLUSION

The Supreme Court "has long held that 'the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.'" *Alcorn*, 202 Ariz. 62, 74, ¶ 41, 41 P.3d 600, 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994).

The Hearing Panel has made the above findings of fact and conclusions of law. The Hearing Panel has determined the appropriate sanction using the facts deemed admitted, the *Standards*, including aggravating factors and the absence of mitigating factors, and the goals of the attorney discipline system. Based upon the above, the Hearing Panel orders as follows:

IT IS ORDERED:

1. Respondent shall be disbarred from the practice of law effective immediately.

2. Respondent shall pay the following in restitution to the following persons:

a. Restitution to Helen L. Sprain: \$85,394.50 with interest accruing at the rate set forth in 28 U.S.C § 1961 from August 22, 2003 until paid in full (Exhibit 24).

b. Restitution to James P. Mueller:

i. \$8,673.00 with 10 % interest per annum from November 12, 2003, until paid in full (Exhibit 34),

ii. \$2,982.16 with "interest as provided by law" from October 25, 2007, until paid in full (Exhibit 36),

iii. \$2,697.49 with 10% interest per annum from September 3, 2013, until paid in full (Exhibit 37).

3. Respondent shall pay all costs and expenses incurred by the SBA. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

A final judgment and order will follow.

DATED this 29th day of September 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

CONCURRING:

Ben Click

Ben Click
Volunteer Public Member

Harlan J. Crossman

Harlan J. Crossman
Volunteer Attorney Member

Copies of the foregoing mailed/emailed
this 29th day of September, 2014.

Leon J. Brandriet
2030 10th Avenue, South West
Watertown, South Dakota 57201-5079
Email: leonb1000@yahoo.com
Respondent

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

by: [JAlbright](#)

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

IN THE MATTER OF A DISABLED MEMBER OF
THE STATE BAR OF ARIZONA,

LEON J. BRANDRIET,
Bar No. 012440,

Respondent.

No. PDJ-2014-9056

**EFFECTIVE ENTRY OF DEFAULT
AND NOTICE OF AGGRAVATION
/MITIGATION HEARING**

[State Bar No. 02-0662, 03-0587,
03-0837]

FILED: AUGUST 26, 2014

EFFECTIVE ENTRY OF DEFAULT occurred on August 25, 2014, pursuant to Rule 58(d) of the Rules of the Arizona Supreme Court. The allegations in the complaint are deemed admitted. Default shall not be set aside except in cases where such relief would be warranted under Rule 60(c) of the Arizona Rules of Civil Procedure.

NOTICE IS HEREBY GIVEN by the Presiding Disciplinary Judge that an aggravation/mitigation hearing has been set before the Hearing Panel on **Tuesday, September 23, 2014, at 1:30 p.m.** The location of hearing is State Courts Building, 1501 West Washington, Hearing Room 109, Phoenix, AZ 85007-3231.

DATED this 26th of August, 2014.

Jennifer R. Albright

Jennifer R. Albright, Disciplinary Clerk
Office of the Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk
this 26th day of August, 2014.

COPY of the foregoing e-mailed/mailed
this 26th day of August, 2014, to:

Shauna R. Miller
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Leon J. Brandriet
2030 10th Avenue SW
Watertown, SD 57201-5079
Email: leonb1000@yahoo.com
Respondent

By: JAlbright