

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**GUY F. BROWN,**  
**Bar No. 021008**

Respondent.

**PDJ-2017-9025**

**FINAL JUDGMENT AND  
ORDER**

[State Bar Nos. 16-1030 and 16-1857]

**FILED JULY 6, 2017**

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on June 9, 2017, under Rule 57(a), Ariz. R. Sup. Ct., accepted the parties' proposed agreement.

Accordingly:

**IT IS ORDERED** entering an Admonition against Respondent, **GUY F. BROWN, Bar No. 021008**, for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective this date.

**IT IS FURTHER ORDERED** that Mr. Brown shall pay the costs and expenses of the State Bar of Arizona for \$1,213.50, within thirty (30) days from this order. Interest shall accrue at the statutory rate if not paid by that date. There are no

costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

**DATED** this 6<sup>th</sup> day of July, 2017.

*William J. O'Neil*

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**William J. O'Neil, Presiding Disciplinary Judge**

**Copies** of the foregoing were mailed/emailed this 6th day of July, 2017, to:

Hunter F. Perlmeter  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)  
Respondent

Peter Akmajian  
Udall Law Firm LLP  
4801 E. Broadway Blvd. Suite 400  
Tucson, AZ 85711-3638  
Email: [pakmajian@udalllaw.com](mailto:pakmajian@udalllaw.com)  
Respondent's Counsel

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**GUY F. BROWN,**  
**Bar No. 021008**

Respondent.

**PDJ-2017-9025**

**DECISION ACCEPTING  
AGREEMENT**

[State Bar Nos. 16-1030 and 16-1857]

**FILED JULY 6, 2017**

An Agreement for Discipline by Consent (Agreement) was filed on June 9, 2017 and submitted under Rule 57(a) Ariz. R. Sup. Ct.<sup>1</sup> A probable cause order issued from the Attorney Discipline Probable Cause Committee, (“ADPCC”), on January 31, 2017 and the formal complaint was filed on February 28, 2017. Upon filing such Agreement, the presiding disciplinary judge, “shall accept, reject, or recommend the agreement be modified.” Rule 57(a)(3)(b).

Rule 57 requires admissions be tendered solely “...in exchange for the stated form of discipline...” Under that rule, the right to an adjudicatory hearing is waived only if the “...conditional admission and proposed form of discipline is approved...” If the agreement is not accepted, those conditional admissions are

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<sup>1</sup> Unless otherwise stated, all rule references are to the Rules of the Supreme Court of Arizona.

automatically withdrawn and shall not be used against the parties in any subsequent proceeding.

Pursuant to Rule 53(b)(3), notice of this Agreement was provided to the complainant by email on June 12, 2017. Complainant was notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice. A notice of no objection was filed on June 12, 2017.

The Agreement details a factual basis to support the admissions to violations of Rule 42, ERs 1.9 (duties to former clients), 1.10 (imputation of conflicts of interest, 8.4(d) (conduct prejudicial to the administration of justice), and Rule 41(g) (engage in unprofessional conduct). Mr. Brown agrees to accept the sanction of admonition and the payment of costs and expenses totaling \$1,213.50 shall be paid within thirty (30) days or interest will accrue at the lawful rate.

### **COUNT I (File No. 16-1030)**

In 2013, a confidential source ("CS") began providing information to the DEA that led to the arrest and indictment of the accused. CS was represented by Rick Poster, ("Poster"). Poster, who represented the CS while he was cooperating with the DEA as an informant, was then hired by the accused in April 2015, after a search warrant issued regarding the property of the accused uncovered drugs and money. In May 2015, the assigned prosecutor reminded Poster of his prior representation of the CS and urged him to withdraw due to a conflict of interest. He refused.

The grand jury indicted the accused on July 24, 2015. On August 24, 2015, Mr. Poster filed a notice of defenses. The next day the prosecutor again stated his concerns and that he would move to determine counsel. Around that same time, Poster and Mr. Brown began sharing office space, a phone number, secretary, and two paralegals. The website of Poster stated he “now teams with Guy Brown Attorneys.” Otherwise they kept their practices separate.

Poster referred the accused to Mr. Brown. On August 28, 2015 the accused formally retained Mr. Brown based on that referral by Poster. Neither informed the prosecutor who moved to determine counsel on September 4, 2015. After that motion was filed, Mr. Poster informed the prosecutor that a substitution of counsel was forthcoming. The motion was apparently withdrawn.

On September 10, 2015, Mr. Brown filed a Motion to Compel Disclosure of the CS. The motion stated that Mr. Brown had participated in a phone conversation with the prosecutor where the prosecutor identified the CS. This was untrue. Mr. Brown also indicated that he believed he had previously represented the CS, which is why disclosure was necessary. This was also untrue.

Mr. Brown had never had a phone conversation with the prosecutor and never represented the CS. The inaccuracies that appeared in the motion resulted from the communications between Poster and Mr. Brown. Mr. Brown had filed a motion

given to him by Poster, which Poster had drafted before withdrawing and referring the case to Mr. Brown.

After reviewing the motion, the prosecutor emailed Mr. Brown asking him to file an amended motion correcting the erroneous reference to a phone discussion between the two. Mr. Brown agreed and filed an amended motion stating, “[a]mended to add that on or about August 20, 2015, counsel for the State and previous counsel spoke on the phone about several issues related to this case- one being the identity of at least one CS.” On November 9, 2016 the Court denied Mr. Brown’s Motion to Order Disclosure of the Confidential Informant.

On December 3, 2015, the State moved for Determination of Any Representation Conflict. The motion was based on the State’s belief that Mr. Brown was “presently associating and working with,” the former attorney because they shared the same office address, their legal secretary lists both firms in their email signatures, contact information for the other attorney was obtainable from Mr. Brown’s office, Mr. Brown had adopted as his own a motion initially drafted by the other attorney, and the two had shared specific factual information with one another despite the other attorney withdrawing as counsel for the defendant. The court denied the motion but ordered that “Mr. Brown shall have no contact with Mr. Poster (attorney) whatsoever with respect to this case and the confidential information.”

## **COUNT II (File No. 16-1857)**

On December 9, 2015, Mr. Brown was charged with a misdemeanor following an altercation involving his 84 year-old father in the lobby of an office building. The incident was recorded by a surveillance camera. The parties stipulate that Mr. Brown “grabbed his father’s hand causing him to fall to the ground, injuring his wrist and getting a cut above his eye.” Several months after this conduct was reviewed by the ADPCC, the City of Phoenix moved to dismiss the criminal case against Mr. Brown, which motion the court granted.

### **LEGAL GROUNDS STATED IN SUPPORT FOR ADMONITION**

As required under Rule 57(a)(2)(E), the parties referenced the American Bar Association’s *Standards for imposing Lawyer Sanctions*. The parties stipulate *Standard 5.14* (Failure to maintain personal integrity) applies to Count II. It states that admonition is appropriate when a lawyer engages in any other conduct that reflects adversely on the lawyer’s fitness to practice law. The parties applied this standard “in light of the changed circumstances” of the City of Phoenix moving to dismiss its criminal case against Mr. Brown. There is changed circumstances in what occurred. Mr. Brown was always presumed innocent of the charges. It is presumed what is meant is because there is no present possibility of a criminal conviction that the State Bar is disinclined to prosecute a knowing or intentional charge of misconduct against Mr. Brown. Bar counsel has prosecutorial discretion under Rule

49(a). The parties stipulate that Mr. Brown’s mental state was negligent when he caused his father to fall during an argument.

The parties submit in mitigation *Standards*: 9.32(c) personal or emotional problems. Mr. Brown is receiving psychotherapy for anger management, (Agreement, sealed Exhibit C); 9.32(e), full and free disclosure to the Bar; and 9.31(l), remorse (demonstrated by continued participation in therapy). The parties also agree that applicable are aggravation *Standards*: 9.22(a) prior disciplinary offenses (previous admonition); 9.22(h) vulnerability of the victim; and 9.22(i) substantial experience in the practice of law.

The purpose of professional discipline is not to punish the attorney. Rather, “[t]he purpose of professional discipline is twofold: (1) to protect the public . . . . and (2) to deter others from engaging in misconduct.” [*Peasley, supra.*]

**IT IS ORDERED** accepting and incorporating the Agreement and any supporting documents by this reference. The agreed upon sanctions are: admonition and costs and expenses of the disciplinary proceeding totaling \$1,213.50, to be paid within thirty (30) days from this date. There are no costs incurred by the office of the presiding disciplinary judge. A final judgment and order is signed this date.

**DATED** this 6<sup>th</sup> day of July, 2017.

*William J. O’Neil*  

---

**William J. O’Neil, Presiding Disciplinary Judge**

**Copies** of the foregoing were mailed/mailed  
this 6th day of July, 2017, to:

Hunter F. Perlmeter  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)  
Respondent

Peter Akmajian  
Udall Law Firm LLP  
4801 E. Broadway Blvd. Suite 400  
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Email: [pakmajian@udalllaw.com](mailto:pakmajian@udalllaw.com)  
Respondent's Counsel

by: AMcQueen

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Respondent's Counsel

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JUN 9 2017

FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**GUY F. BROWN  
Bar No. 021008**

Respondent.

**PDJ 2017-9025**

**State Bar File Nos. 16-1030 and 16-1857**

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Guy F. Brown, who is represented in this matter by counsel, Peter Akmajian, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on January 31, 2017. On February 28, 2017, a formal complaint was filed. Respondent voluntarily

waives the right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted thereafter, if the conditional admission and proposed form of discipline is approved.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.9, 1.10, 8.4(d) and Rule 41(g). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Admonition. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order, and if costs are not paid within the 30 days, interest will begin to accrue at the legal rate.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

## **FACTS**

### **GENERAL ALLEGATIONS**

1. Respondent was licensed to practice law in Arizona on October, 29, 2001.

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<sup>1</sup> Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

**COUNT ONE (File No. 16-1030/Marshall)**

2. In 2013, a confidential source (CS) began providing information to the DEA that led to the arrest and indictment of Geoffrey Turner. Attorney Rick Poster represented the CS while he was cooperating with the DEA as an informant.

3. In April 2015, a search warrant issued on Mr. Turner's properties producing drugs and money. Mr. Turner also hired Mr. Poster.

4. In May of 2015, Mr. Poster began calling the Maricopa County Attorney's Office to inquire about Mr. Turner's case. The assigned prosecutor reminded Mr. Poster of his prior representation of the CS and urged him to withdraw due to a conflict of interest.

5. On July 24, 2015, a grand jury indicted Mr. Turner. He was prosecuted in Maricopa County case no. CR2015-00242 (State v. Turner).

6. On August 24, 2015, Mr. Poster filed a Rule 15.2 Notice of Defenses.

7. On August 25, 2015, the prosecutor emailed Mr. Poster, "I saw that you filed a 15.2 and a motion to have an appointment at the county's expense in the Geoff Turner case. I take it from these motions then that you do not intend to withdraw? If that's the case, just FYI that I need to file a motion to determine counsel."

8. Mr. Poster responded the same day, "routine matters - just in case. Should have an answer by end of week."

9. Around that time, Mr. Poster began sharing office space with Respondent and Mr. Poster referred the Turner matter to Respondent.

10. Mr. Poster and Respondent shared a phone number, a secretary, and two paralegals, but otherwise kept their practices separate.

11. Emails between the prosecutor and Respondent's secretary contained a postscript stating, "Guy Brown [Respondent] PLLC Poster Law Firm PLLC we turn fear into hope." At the time, Mr. Poster's website contained the following language "Poster Law Firm is now teamed with Guy Brown, Attorneys."

12. On August 28, 2015, the defendant formally retained Respondent.

13. On September 4, 2015, the State filed a Motion to Determine Counsel.

14. On the same date, the prosecutor sent Mr. Poster the following email:

I'm about to file my motion for determination of counsel and am asking for an expedited hearing. Though, I would encourage that you withdraw prior to the hearing. Perhaps you've been working on a waiver of the conflict with Geoff [defendant]. I don't see how a knowing waiver of the conflict can be made without exposing Geoff to your previous client's cooperation. Also, waiver of conflict, per the rules, must be accompanied by an affirmation by the attorney that they can effectively

represent the client despite the conflict. Respectfully, I don't see an ethical pathway for you to make that affirmation here. The case against Turner is largely dependent upon search warrants. The warrants were largely based upon information made by your former client who KC (DEA agent) represented as being reliable. I believe you would be almost entirely blocked from challenging the legitimacy of the search warrants as that would require you to essentially claim that your previous client was NOT reliable while you represented him. I believe you to be severely handicapped in plea negotiations as well. You've already pitched to me that you don't believe Turner to be the big fish. However, every representation from your previous client was that Turner is the big fish. Any other defense attorney could, should, and would make the argument to me that your former client was full of it. You're in a position where you can't make that argument. Let me know what you think.

15. Mr. Poster responded to the prosecutor's email, "[a]s always, we (in the defense world) appreciate the state's concern for covering our backsides, but I prefer to make my own judgment calls about my cases. A sub of counsel is already forthcoming making your motion moot, please withdraw it. The new attorney can discuss with you the issues related to Geoff's case."

16. On September 10, 2015, Respondent filed an expedited notice of substitution of counsel.

17. On September 10, 2015, Respondent filed a Motion to Compel Disclosure of the CS. The motion stated that Respondent had participated in a phone conversation with the prosecutor during which the prosecutor identified the CS. Respondent also indicated in the motion that he believed he had previously represented CS, which is why disclosure was necessary.

18. Respondent, however, had never had a phone conversation with the prosecutor and Respondent had never represented CS. The inaccuracies that appeared in the motion resulted from Respondent filing a motion that Mr. Poster drafted before withdrawing and referring the case to Respondent.

19. After reviewing the motion, the prosecutor emailed Respondent and asked him to file an amended motion correcting reference to a phone discussion between the two. Respondent agreed and filed an amended motion, which simply stated, “[a]mended to add that on or about August 20, 2015, counsel for the State and previous counsel spoke on the phone about several issues related to this case – one being the identity of at least one CS.”

20. During the State Bar’s investigation, Respondent stated:

Don't know the date of the conversation I had with the prosecutor, but the prosecutor told me that Mr. Turner was a big drug dealer and I told the prosecutor that Poster

told me that Mr. Turner, my client, was a small fish and that the big fish was the confidential informant that Poster previously represented. Poster filled me in on this prior to the client officially retaining me.

21. On November 9, 2016, the Court denied Respondent's Motion to Order Disclosure of the Confidential Informant.

22. On December 3, 2015, the State filed a Motion for Determination of Any Representation Conflict. The motion contained the following summary of the State's position:

It is now believed that current Defense Counsel is presently associating and working with Mr. Rick Poster due to the fact that they share the same office address, their legal secretary lists both Guy Brown PLLC and Poster Law Firm PLLC in email signatures, contact information for Mr. Rick Poster is obtainable from current Defense Counsel's listed office, current Defense Counsel adopted and filed a motion initially drafted by Mr. Rick Poster, and the two attorneys have shared case-specific factual information with one another, despite Mr. Rick Poster's withdrawal as counsel for the Defendant.

23. The trial court heard this motion on January 13, 2016. During the hearing the court stated in part: "Since I already ruled that the confidential informant that is the subject of this representational conflict was not a material witness and is not going to be testifying...why would Mr. Brown's office still have to conflict off the case? Because there does not seem to be any existing conflict?"

The court denied the motion but ordered that “Mr. Brown shall have no contact with Mr. Poster whatsoever with respect to this case and the confidential information.”

### **Rule Violations**

24. Respondent’s conduct in Count One is in violation of ERs 1.9, 1.10, and 8.4(d).

### **COUNT TWO (File No. 16-1857/State Bar)**

1. On December 9, 2015, Respondent was charged with a misdemeanor following an incident involving his father. The conduct took place in the lobby of an office building and was captured by a surveillance camera.

2. During the incident, Respondent grabbed his father’s hand causing him to fall to the ground, injuring his wrist and getting a cut above his eye. According to Respondent’s father, the incident was an accident.

3. Several months after the conduct described herein was reviewed by the ADPCC, the City of Phoenix’s criminal case against Respondent was dismissed.

### **Rule Violations**

4. Respondent’s conduct in Count Two is in violation of Rule 41(g).

## **CONDITIONAL DISMISSAL OF BAR CHARGE FILE NO. 17-0381**

1. On February 7, 2017, the State Bar sent a letter to Respondent notifying him of a “bar charge” related to the fact that Respondent was held in contempt for failure to pay spousal maintenance in his personal family law case, FC 2014-095806 pending in Maricopa County.
2. On February 24, 2017, Respondent responded to the bar charge and asserted that his failure to pay spousal support on one occasion was not in violation of any ethical or professional conduct rule. Respondent also pointed out that he had cured the deficiency of his own volition before the bar charge was issued.
3. The State Bar did not take any additional action on this bar charge after receiving Respondent’s response to the bar charge.
4. Respondent denies that he violated any ethical rule or rule of professional conduct with respect to this matter.
5. The State Bar has conditionally agreed to dismiss this bar charge as part of the negotiated resolution set forth in this consent agreement.

## **CONDITIONAL ADMISSIONS**

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation.

Respondent conditionally admits that his conduct related to Counts One and Two violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.9, 1.10, 8.4(d) and Rule 41(g).

## **RESTITUTION**

Restitution is not an issue in this matter.

## **SANCTION**

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter related to Counts One and Two, as set forth above, the following sanction is appropriate: admonition.

## **LEGAL GROUNDS IN SUPPORT OF SANCTION**

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* pursuant to Rule 57(a)(2)(E). 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. The *Standards* provide guidance with respect to an appropriate sanction in this matter. *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 parties agree that *Standard* 5.14 (Failure to maintain personal integrity) is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 5.14 provides that admonition is generally appropriate when a lawyer engages in any other conduct that reflects adversely on the lawyer's fitness to practice law. Although the ADPCC recommended a probable order in this case, such determination was made before the City of Phoenix moved to dismiss its criminal case against Respondent. In light of the change in circumstances, the parties believe that an admonition is the appropriate sanction in this case in light of the change in light of the dismissal.

### **The duty violated**

Respondent's conduct violated his duty to the public.

### **The lawyer's mental state**

For purposes of this agreement the parties agree that Respondent negligently created the appearance to the public that his firm was associated with Rick Poster's firm and negligently caused his father to fall to the ground while trying to lead him out of an office building during an argument. Respondent agrees that his conduct was in violation of the Rules of Professional Conduct.

### **The extent of the actual or potential injury**

For purposes of this agreement, the parties agree that there was harm to the public (minor injuries to his father).

### **Aggravating and mitigating circumstances**

The presumptive sanction in this matter is admonition. The parties conditionally agree that the following aggravating and mitigating factors should be considered.

**Standard 9.22(a):** prior disciplinary offenses: Admonition (15-2164 and 16-0534) 1.2, 1.3, 1.4, 5.1(b), and 5.3(b).

**Standard 9.22(h):** vulnerability of the victim

**Standard 9.22(i):** substantial experience in the practice of law

Mitigating factors include:

*Standard 9.32(c):* personal or emotional problems (Respondent has provided evidence that he has been undergoing treatment for anger management (See attached Exhibit C.)

*Standard 9.32(e):* full and free disclosure to the Bar.

*Standard 9.32(l):* remorse (demonstrated by continued participation in anger management therapy)

**Discussion**

The parties have conditionally agreed that, upon application of the aggravating and mitigating factors to the facts of this case, the presumptive sanction of admonition is appropriate.

**CONCLUSION**

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. *Peasley, supra* at ¶ 64, 90 P.3d at 778. Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of Admonition and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit B.

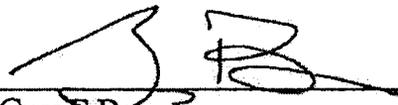
DATED this 9<sup>th</sup> day of June 2017

**STATE BAR OF ARIZONA**

  
\_\_\_\_\_  
Hunter F Perlmeter  
Staff Bar Counsel

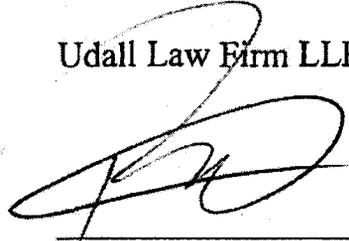
**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.**

DATED this 7<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Guy F Brown  
Respondent

DATED this 11<sup>th</sup> day of June, 2017.

Udall Law Firm LLP

  
\_\_\_\_\_  
Peter Akmajian  
Counsel for Respondent

Approved as to form and content



Maret Vessella  
Chief Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 9<sup>th</sup> day of June, 2017.

Copy of the foregoing emailed  
this 9<sup>th</sup> day of June, 2017, to:

The Honorable William J. O'Neil  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
E-mail: [officepdj@courts.az.gov](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 9<sup>th</sup> day of June, 2017, to:

Peter Akmajian  
Udall Law Firm LLP  
4801 E Broadway Blvd Ste 400  
Tucson, AZ 85711-3638  
Email: [pakmajian@udalllaw.com](mailto:pakmajian@udalllaw.com)  
Respondent's Counsel

Copy of the foregoing hand-delivered  
this 9<sup>th</sup> day of June, 2017, to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266

by: Karen S. Calzo  
HFP: ~~tanke~~

**EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
Guy F. Brown, Bar No. 021008, Respondent

File Nos. 16-1030 & 16-1857

### Administrative Expenses

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

### *General Administrative Expenses for above-numbered proceedings*

**\$ 1,200.00**

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

### Staff Investigator/Miscellaneous Charges

06/27/16	LexisNexis Invoice	\$	2.70
05/24/16	Investigator Mileage to Request Departmental Report from Phoenix Police Department	\$	10.80
Total for staff investigator charges		\$	13.50

**TOTAL COSTS AND EXPENSES INCURRED** **\$1,213.50**

**EXHIBIT B**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**GUY F. BROWN,**  
**Bar No. 021008,**

Respondent.

**PDJ 2017-9025**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 16-1030, 16-1857]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on \_\_\_\_\_, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

**IT IS HEREBY ORDERED** that Respondent, **Guy F Brown**, is hereby Admonished for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ \_\_\_\_\_, within 30 days from the date of service of this Order.

**IT IS FURTHER ORDERED** that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \_\_\_\_\_, within 30 days from the date of service of this Order.

**DATED** this \_\_\_\_\_ day of June, 2017

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**William J. O'Neil, Presiding Disciplinary  
Judge**

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this \_\_\_\_\_ day of June, 2017.

Copies of the foregoing mailed/mailed  
this \_\_\_\_\_ day of June, 2017, to:

Peter Akmajian  
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4801 E Broadway Blvd Ste 400  
Tucson, AZ 85711-3638  
Email: pakmajian@udalllaw.com  
Respondent's Counsel

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Hunter F. Perlmeter  
Staff Bar Counsel  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

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Lawyer Regulation Records Manager  
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