

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MARK HYATT TYNAN,
Bar No. 006212

Respondent

PDJ- 2017-9045-PV

**ORDER IMPOSING
ADDITIONAL SANCTION
FOR NONCOMPLIANCE**

[State Bar No. 14-3563]

FILED MAY 25, 2017

On April 7, 2017, the State Bar of Arizona filed notice pursuant to Rule 60(a)(5)(C), Ariz. R. Sup. Ct., of the alleged material non-compliance with probation by Mr. Tynan. Mr. Tynan filed no response. After time for response had passed, the Presiding Disciplinary Judge (PDJ) set the matter for hearing on May 17, 2017. On that date, Senior Bar Counsel, Craig D. Henley, appeared for the State Bar. Mark Hyatt Tynan appeared, representing himself.

The PDJ considered the admitted exhibits and the testimony of Mr. Tynan who acknowledged he had violated his terms of probation. Compliance Monitor Yvette Penar was present and available to testify, but her testimony was not needed due to the acknowledgements of Mr. Tynan.

On July 27, 2015, the Attorney Discipline Probable Cause Committee imposed discipline of probation up to one year. Mr. Tynan was required to complete assessments in LOMAP and MAP. He was required to follow all recommendations

from those evaluations and to pay the associated costs. He was required to meet with a behavioral health provider twice a month for six months. Because he failed to comply, the State Bar moved to extend the original period of probation by six months. He remains non-compliant to those terms of probation.

At the conclusion of the hearing the PDJ reminded Mr. Tynan that under Rule 60(a)(5)(B), “Probation may be imposed only in those cases in which there is little likelihood that the respondent will harm the public during the period of probation.” Absent Mr. Tynan receiving the ordered counseling with a behavioral health provider, the public will be at risk.

The State Bar has proven by a preponderance of the evidence that Mr. Tynan violated his terms of probation by his admitted failure to abide by his terms of probation.

Now Therefore,

IT IS ORDERED imposing an additional sanction by extending the term of probation of Mark Hyatt Tynan up to an additional two (2) years under the same terms and conditions of his current probation. Probation may be requested to be terminated after compliance with those terms.

DATED this 25th day of May 2017.

William J. O’Neil

William J. O’Neil, Presiding Disciplinary Judge

Copy of the foregoing emailed/mailed
this 25th day of May, 2017, to:

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