

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**CHARLENE TARVER,**  
**Bar No. 025926**

Respondent.

**PDJ-2017-9112**

**JUDGMENT OF DISBARMENT**

[State Bar Nos. 16-3217, 16-3253,  
17-0821, 17-1167, & 17-1728]

**FILED JANUARY 18, 2018**

Pursuant to Rule 57, Ariz. R. Sup. Ct., Charlene Tarver filed with the Disciplinary Clerk a consent to disbarment dated January 18, 2018. The consent is compliant with Rule 57(a)(5) Ariz. R. Sup. Ct. The Presiding Disciplinary Judge having considered it, does accept the consent to disbarment by Charlene Tarver.

Now therefore,

**IT IS ORDERED** disbarring **CHARLENE TARVER, Bar No. 025926**, from the State Bar of Arizona pursuant to Rule 57(a)(5)(C), effective immediately. Her name is stricken from the roll of lawyers and she 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** Ms. Tarver 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** under Rule 57(a)(5)(C), no further disciplinary action shall be taken regarding the matters that are the subject of the charges upon which the consent to disbarment and this judgment of disbarment are based. All hearings in this proceeding are vacated.

DATED this 18<sup>th</sup> day of January, 2018.

*William J. O'Neil*  

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

COPY of the foregoing e-mailed on this 18th day of January, 2018, and mailed January 19, 2018, to:

Counsel for State Bar  
Hunter F. Perlmeter  
State Bar of Arizona  
4201 N. 24th Street, Suite 100  
Phoenix, AZ 85016-6266  
Email: LRO@staff.azbar.org

Respondent  
Charlene Tarver  
P.O. Box 90734  
Phoenix, AZ 85066  
Email: ctarver@charlenetarver.com

by: AMcQueen

Charlene Tarver (025926)  
PO Box 90734  
Phoenix, Arizona 85066  
[ctarver@charlenetarver.com](mailto:ctarver@charlenetarver.com)  
480-406-8324  
Respondent

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

JAN 18 2018

FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**CHARLENE TARVER  
Bar No. 025926**

Respondent.

**PDJ 2017-9112**

**CONSENT TO  
DISBARMENT**

State Bar No. 16-3217

I, Charlene Tarver, residing at PO Box 90734 Phoenix, AZ 85066-0734, voluntarily consent to disbarment as a member of the State Bar of Arizona and consent to the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona.

I acknowledge that a formal complaint has been made against me. I have read the complaint, and the charges there made against me. I further acknowledge that I do not desire to contest or defend the charges, but wish to consent to disbarment. I have been advised of and have had an opportunity to exercise my

right to be represented in this matter by a lawyer. I consent to disbarment freely and voluntarily and not under coercion or intimidation. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I understand that any future application by me for admission or reinstatement as a member of the State Bar of Arizona will be treated as an application by a member who has been disbarred for professional misconduct, as set forth in the complaint made against me. The misconduct of which I am accused is described in the complaint bearing the number referenced above, a copy of which is attached hereto as Exhibit "A."

**DONE AT** Phoenix, Arizona, on January 18, 2018.

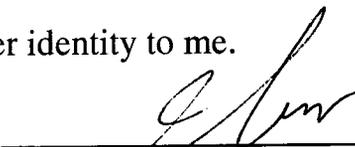
  
Charlene Tarver  
Respondent

**SUBSCRIBED AND SWORN TO** before me this 18 day of Jan, 2018, by  
Charlene Tarver, who satisfactorily proved her identity to me.

My Commission expires:

01-26-2026



  
Notary Public

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 18<sup>th</sup> day of January, 2018.

Copy of the foregoing emailed  
this 18<sup>th</sup> day of January, 2018, 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)

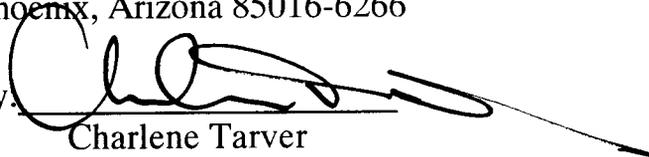
Copy of the foregoing mailed/emailed  
this 18<sup>th</sup> day of January, 2018, to:

Hunter Perlmeter  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016  
Telephone: 602-340-7278  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

Copy of the foregoing mailed or hand-delivered  
this 18<sup>th</sup> day of January, 2018, to:

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

by

  
Charlene Tarver

**EXHIBIT A**

Hunter F. Perlmeter, Bar No. 024755  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7247  
Email: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

**BEFORE THE STATE BAR OF ARIZONA**

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

**CHARLENE TARVER,  
Bar No. 025926,**

Respondent.

**PDJ 2017-9112**

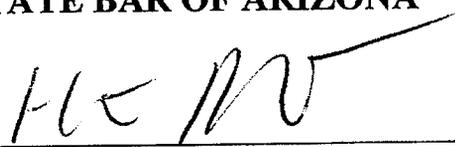
**NOTICE OF FILING AMENDED  
COMPLAINT**

State Bar No. 16-3217

The State Bar of Arizona, by undersigned Bar Counsel, hereby files this Notice of Filing Amended Complaint as a matter of course pursuant to Arizona Rule of Civil Procedure 15(a)(1)(B). The Amended Complaint is attached as Exhibit A.

**DATED** this 13<sup>th</sup> day of November, 2017.

**STATE BAR OF ARIZONA**

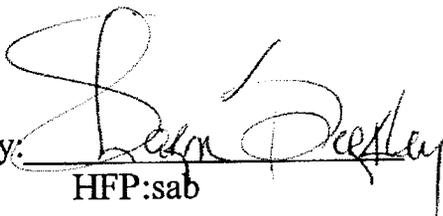
  
\_\_\_\_\_  
Hunter F. Perlmeter  
Staff Bar Counsel

Original filed this 13<sup>th</sup> day  
of November, 2017, with:

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

Copies of the foregoing mailed  
this 13<sup>th</sup> day of November, 2017, to:

Charlene Tarver  
Tarver Law Group PLLC  
2999 North 44<sup>th</sup> Street, Suite 306  
Phoenix, Arizona 85018-7250  
Email: [ctarver@tarverlaw.org](mailto:ctarver@tarverlaw.org)  
Respondent

by:   
HFP:sab

# EXHIBIT A

Hunter F. Perlmeter, Bar No. 024755  
Staff Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7247  
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**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**CHARLENE TARVER,  
Bar No. 025926,**

**Respondent.**

**PDJ 2017-9112**

**AMENDED COMPLAINT**

**[State Bar No. 16-3217, 16-3253,  
17-0821, 17-1167, 17-1728]**

Complaint is made against Respondent as follows:

**GENERAL ALLEGATIONS**

1. Respondent was first licensed to practice law in the state of Arizona on April 24, 2008.
2. Starting January 4, 2017, Respondent began serving a six-month disciplinary suspension for her conduct in PDJ 2016-9067. She has not applied for reinstatement.

**COUNT ONE (File No. 16-3217/Bridgeman)**

3. On February 2, 2014, Respondent conducted an initial phone consultation with Willie Bridgeman regarding Bridgeman's potential medical malpractice claim. During the call, Respondent told Bridgeman that she would work with several other lawyers to litigate the case. Respondent asked Bridgeman to come to her office for a meeting.

4. On February 4, 2014, an initial meeting took place at Respondent's office. Respondent's conduct at the meeting led Bridgeman to believe Respondent was taking her on as a client. At the meeting, Respondent told Bridgeman that she would serve as co-counsel.

5. Thereafter, Respondent corresponded with two out-of-state lawyers regarding the case by asking if the lawyers would agree to co-counsel the matter with her.

6. After the first lawyer declined, Respondent received a letter from the second lawyer, on April 9, 2014, indicating that he also was disinterested in the case because he did not see evidence of negligence or causation.

7. Respondent did not communicate with Bridgeman regarding the lack of interest from either lawyer.

8. Bridgeman called Respondent on several occasions, but Respondent failed to return the calls.

9. Finally, in December of 2014, Respondent returned one of Bridgeman's calls. During the call, Respondent told Bridgeman that she would prepare a letter to the Center for Disease Control (CDC) on Bridgeman's behalf. Because Bridgeman did not have a computer, Bridgeman asked Respondent to email the letter to Cgulick@jbhhlaw.com. The email address belonged to a non-attorney friend of Bridgeman's, Carol Gulick, who happened to work at a law firm.

10. Following the call, Respondent prepared a letter to the CDC for the purpose of requesting records relating to its investigation of Bridgeman's surgery. The letter included a notarization form for Bridgeman's signature. The return address on the letter is written as follows: "Willie Bridgeman C/O Charlene Tarver 2999 North 44th street, Ste. 306 ...."

11. On December 9, 2014, Respondent sent the letter by email to Carol Gulick's email address.

12. The following day, December 10, 2014, Respondent drafted a letter to Bridgeman in which she stated: "Per your telephonic instruction, our office has forwarded your document to the attorney at the email address you provided –

cgulick@jbhhlaw.com.” As indicated above, Gulick was not an attorney and Bridgeman never indicated to Respondent that Gulick was an attorney.

13. In Respondent’s December 10, 2014, letter, Respondent attempted to inform Bridgeman— for the first time— that the two attorneys she contacted on Bridgeman’s behalf declined to take on the representation.

14. Bridgeman never received the letter because it was sent to an old address that she never provided to Respondent.

15. Bridgeman signed and returned the CDC form to Respondent believing that Respondent was representing her. She, however, received no further communication from Respondent.

16. After a year went by, during which Respondent failed to return phone calls, the statute of limitations on Bridgeman’s claim ran.

17. On October 5, 2016, State Bar ACAP counsel Blair Moses called Respondent to talk with her about Bridgeman’s allegations. Respondent indicated to Moses that she would call Moses back after she reviewed her file. Respondent, however, failed to call back.

18. Respondent’s conduct in Count One violated ERs 1.3, 1.4, 1.16, and 8.4(d).

**COUNT TWO (File No. 16-3253/King)**

19. Raydean King hired Respondent in July of 2016 to assist her in becoming legal representative of her mother's estate so that she could sell a home belonging to the estate.

20. At the start of the representation, Respondent indicated that she would perform all work for a \$5,000 flat fee.

21. Early in the representation, Raydean made three payments to Respondent totaling \$900. Raydean asked for receipts. Respondent indicated that she would provide receipts at a later date, but failed to do so.

22. Thereafter, Respondent requested money from one of Raydean King's sons. Because the son was unaware of the earlier payments made by Raydean, he paid Respondent the full \$5,000 in addition to the \$900 that Raydean had already paid.

23. When the son found out about the overpayment, he attempted to remedy the situation by contacting Respondent, but Respondent failed to return his phone calls. Respondent never refunded the additional \$900.

24. With Respondent's assistance, Raydean became legal representative of the estate. At the closing for the home owned by the estate, Raydean reviewed

documents from the title company and noticed that they included a line item indicating that \$3,325 was paid to Respondent out of the sale proceeds. Raydean was unclear as to why Respondent was receiving any additional funds as Respondent had not performed any work related to the sale of the home and Raydean had not authorized Respondent to receive an additional fee.

25. Beginning in September of 2016, Raydean repeatedly called Respondent over a three week period in an effort to obtain information regarding the \$3,325, but Respondent did not return her calls. Respondent also failed to respond to Raydean's emails.

26. On October 4, 2016, Raydean contacted the State Bar.

27. On October 5, 2016, ACAP counsel Blair Moses spoke with Respondent, who indicated that she was unsure why she received the additional funds upon the sale of the home, but she would look at her file. Ms. Moses requested that Respondent provide her with a copy of her fee agreement in the case.

28. On October 6, 2016, Respondent emailed Moses indicating she was busy working on another matter, but would forward the fee agreement to Moses.

29. Respondent did not respond until October 17, 2016. On that date, Respondent emailed an unsigned fee agreement to Moses and indicated that she did not have the original.

30. The fee agreement provided indicated that a \$5,000 "flat fee" would be charged entitling the client to up to 14 hours of work. The fee agreement also indicated that additional work would "require that an additional earned upon receipt flat fee be billed." No further correspondence memorializing an additional earned upon receipt flat fee exists, however.

31. Respondent's conduct in Count Two violated ERs 1.4, 1.5, and 8.4(c).

**COUNT THREE (File No. 17-0821/State Bar)**

32. Respondent was appointed by the court to represent a juvenile in a criminal matter.

33. On November 4, 2016, the parties entered into a settlement and a restitution hearing was scheduled for February 2, 2017.

34. On January 4, 2017, Respondent began serving a six-month disciplinary suspension for her conduct in PDJ 2016-9067.

35. On January 16, 2017, while suspended, and without notifying the prosecutor of her suspension, Respondent emailed the prosecutor: "I've spoken with

[the Juvenile's] parents and they've decided to vacate the upcoming hearing regarding damages.

36. On January 20, 2017, Respondent emailed the prosecutor, "did you receive my email below?" [referencing the prior email.]

37. The prosecutor responded, "[a]re you willing to do a stipulation agreement and in the agreement request the hearing be vacated? Please contact me on Tuesday to discuss more."

38. On January 25, 2017, Respondent responded, "yes."

39. On February 1, 2017, the prosecutor emailed Respondent on three occasions regarding the restitution hearing. The first email, sent at 9:07 a.m. informed Respondent that the victim was asking for additional money for the time she missed from work to attend a December hearing in the case.

40. The second email, sent by the prosecutor at 1:31 p.m., stated:

Since it is so late in the day and I have not had an opportunity to confirm the final restitution request to draft a stipulation agreement, the best thing to do at this point is to meet at the hearing tomorrow morning and orally put any agreement on the record. The phone number that I have for you is not working. Do you have another phone number that I can call so that we can talk? Either way, we need to meet tomorrow morning before the hearing to resolve this or do a restitution hearing.

41. At 3:25 p.m., the prosecutor emailed Respondent and stated: "The victim has confirmed her requested restitution amounts. It is as follows: [t]he hearing on 11/4 and 12/9 resulted in a total of 8 hours missed of work which is equivalent to .....

42. Respondent responded to the prosecutor at 4:25 p.m., "[t]he parents have agreed to the restitution. Do you have a Doc for them to sign and return to you? Father can scan and return that to your attention."

43. At 4:43 p.m. the prosecutor responded, "[c]an you just come in the morning and we will put the stipulation on the record orally?"

44. At 4:59 p.m., the prosecutor emailed, "[s]ince you are stating that your client agrees to the requested amount, I will tell the victim not to come. That way your client will not be on the hook for another day of her wages. I will see you in the morning. It should go fast since only you and I will be at the hearing. I will get there a few minutes early."

45. At 5:09 p.m., the prosecutor emailed: "Can you please confirm that you received this email and are in agreement so I can tell the victim whether or not she needs to come?"

46. At 7:02 a.m., the next morning, the prosecutor emailed, “[b]ecause you never responded to my later emails to confirm my suggested arrangement to resolve the restitution issue, I told the victim to come this morning and she will be attending the hearing.”

47. On February 2, 2017, at 8:01 a.m., Respondent emailed the prosecutor: “The email below was sent to you yesterday requesting a stipulated Doc for the father to sign. My office is no longer representing Mr. Davis. I believe I sent that information to both your office and the Court. You should have received it via certified mail. The prosecutor and the court, however, had never received such correspondence.

48. The hearing took place as scheduled the same morning, February 2, 2017, without the presence of Respondent or her client. The victim and Mike Shannon, the probation officer, appeared. Mr. Shannon indicated to the court that he had spoken with the juvenile’s father earlier that morning and that according to the father, Respondent told the family that the hearing was scheduled for February 3, 2017.

49. The hearing proceeded without the juvenile’s presence.

50. The court indicated that it had not been notified that Respondent was no longer representing the juvenile. During the hearing, the court entered a restitution order against the juvenile.

51. A few hours after the February 2, 2017 hearing, the State performed an internet search of Respondent's name and learned that she had been suspended on January 4, 2017.

52. On February 2, 2017, the State filed an Expedited Motion to Rescind Restitution Order and to Determine and Appoint Counsel. The motion stated:

The State has just been made aware that as of January 4, 2017, Ms. Charlene Tarver, defense counsel of record for the juvenile was suspended from the practice of law. Therefore, Ms. Tarver, did not have any lawful authority to negotiate any stipulations for restitution regarding this case on or after January 4, 2017. For this reason, the State is asking for the Court to rescind the restitution order of February 3, 2017, and set an expedited status conference to determine and appoint counsel.

53. The court set a new restitution hearing for February 15, 2017, and appointed new counsel.

54. On February 15, 2017, the juvenile appeared with his new attorney. The new attorney told the court that his client had not been told that he had to attend

court on February 2, 2017. The juvenile stipulated to the restitution amount requested by the State.

55. Respondent's conduct in Count Three violated ERs 1.5, 3.4(c), 5.5 8.4(c), 8.4(d) and Rule 72.

#### **COUNT FOUR (File No. 17-1167/Fields)**

56. On March 29, 2016, Respondent participated in an initial consultation with Mark Fields. Respondent was 1.5 hours late to the meeting. Fields paid Respondent \$350 for the initial consultation.

57. On March 30, 2016, at Respondent's instruction, Fields deposited \$5,000 into Respondent's operating account. According to the fee letter provided by Respondent to Fields, the money was to be treated as an "initial advance fee" and Respondent would bill at a rate of \$350/hr. Thus, the advance fee should have been placed in her trust account.

58. Fields, through his real estate attorney, terminated Respondent's services on April 13, 2016. Respondent billed Fields for an hour of text and telephone calls on that date, but the only communications that took place on that day consisted of an email from Field's real estate attorney.

59. Respondent confirmed receipt of the termination correspondence on April 14, 2016.

60. On April 29, 2016, Respondent sent Fields a "wrap up communication" letter and included a refund of \$275 of the \$5,000 paid by Fields.

61. Fields immediately demanded an additional refund of \$1,575 and refused to cash the check for \$275. Respondent, however, refused to return phone calls, emails, and text messages for approximately one month.

62. When Respondent responded, she indicated that she would refund \$825 by the end of the week of July 11, 2016. She, however, failed to do so.

63. When Fields contacted Respondent concerning her failure to issue the refund, Respondent agreed to pay a total of \$1,100 in installments with \$366.66 due on each of the following dates: Nov. 18, Dec. 2, and Dec. 16 of 2016. Respondent made the first two payments, but failed to make the third payment. She has failed to return Fields' phone calls regarding her failure to make the third payment.

64. Respondent's conduct in Count Four violated ERs 1.4 1.5, 1.15, 8.4(c), and Rule 43.

**COUNT FIVE (File No. 17-1728/Perkins)**

65. On January 10, 2017, six days after the start of her six-month suspension from the practice of law, Respondent appeared at an administrative hearing on behalf of her client Kinder Kollege Day School in the Office of Administrative Hearings. She was defending the client against an enforcement action brought by the Arizona Attorney General's Office (AG's Office).

66. Respondent participated in the hearing. At the conclusion of the hearing, the matter was continued to March 21, 2017.

67. Respondent and her client, however, failed to appear on March 21, 2017. Respondent did not notify the court or the AG's office of her suspension and did not indicate that she would not appear at the March 21, 2017, hearing. The administrative law judge waited approximately 30 minutes before starting the hearing without Kinder Kollege's presence.

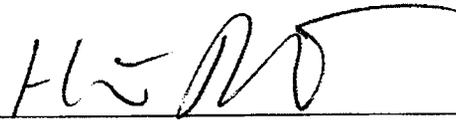
68. After the hearing, the AG's office filed the subject Bar charge against Respondent.

69. The State Bar sent letters to Respondent on June 6, 2017 and June 29, 2017, requesting a response. Respondent failed to respond to both letters.

70. Respondent's conduct in Count Five violated ERs 1.4, 3.4(c), 5.5, 8.4(c), 8.4(d), and Rule 72.

**DATED** this 13<sup>th</sup> day of November, 2017.

**STATE BAR OF ARIZONA**



Hunter F. Perlmeter  
Staff Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 13<sup>th</sup> day of November, 2017.

by: 