

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MARK F. BRINTON,
Bar No. 007674

Respondent.

PDJ-2018-9116

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 17-1487]

FILED MAY 2, 2019

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent by the parties on April 9, 2019.

IT IS ORDERED Respondent, **Mark F. Brinton**, is admonished for his conduct in violation of the Arizona Rules of the Supreme Court and the Arizona Rules of Professional Conduct, as outlined in the consent document effective this date.

IT IS FURTHER ORDERED Respondent shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200, within thirty (30) days from the date of this order.

DATED this 2nd day of May 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/mailed
this 2nd day of May 2019, to:

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Mark F. Brinton
635 East 2nd Street
Mesa, Arizona 85203-8762
Email: mfbrinton@gmail.com
Respondent

by: MSmith

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

MARK F. BRINTON,
Bar No. 007674

Respondent.

PDJ 2018-9116

**DECISION ACCEPTING
DISCIPLINE BY CONSENT**

[State Bar No. 17-1487]

FILED MAY 2, 2019

Under Rule 57(a), Ariz. R. Sup. Ct.,¹ an Agreement for Discipline by Consent (“Agreement”), was filed on April 9, 2019. An Order of Admonition and Costs (Order) issued on September 28, 2018. Respondent thereafter, filed a demand for formal proceedings and the Order was vacated on October 23, 2018. the formal complaint was filed on December 4, 2018. Mr. Brinton is self-represented, and the State Bar of Arizona is represented by Senior Bar Counsel James D. Lee.

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 If the agreement is not accepted, those conditional admissions are automatically withdrawn and shall not be used against the parties in any subsequent proceeding. Mr. Brinton has voluntarily waived the right to an adjudicatory hearing, and waived all

¹ Unless otherwise stated all Rule references are to the Ariz. R. Sup. Ct.

motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. Notice of the Agreement and an opportunity to object within five (5) days pursuant to Rule 53(b)(3), was provided by email to the complainant on February 15, 2019. No objections have been filed.

The Agreement details a factual basis to support the conditional admissions and are briefly summarized. It is incorporated by this reference. Mr. Brinton admits to violating Rule 42, specifically, ERs 5.5(a), 5.5(b)(2) (unauthorized practice of law), 8.4(d) (conduct prejudicial to the administration of justice) and Rules 31(b) (authority to practice) and 33(c) (admission to practice law/practice in courts). The parties stipulate to the imposition of an admonition and the payment of costs in the amount of \$1,200.00 within 30 days from the date of this order.

For purposes of the Agreement, the parties stipulate that Mr. Brinton engaged in the unauthorized practice of law by filing a civil complaint and then an amended complaint while suspended from practicing law. The documents he filed with the court caused the appointed guardian ad litem to file pleadings which then necessitated the court consider legal arguments and to hold a hearing.

The parties agree Mr. Brinton knowingly violated his duties to the legal system and the profession and his misconduct caused actual harm to the legal system. *Standards* 6.22 and 7.2 are applicable to Mr. Brinton's violations of ERs 8.4(d) and 5.5.

The parties further agree aggravating factors 9.22(a) prior disciplinary offenses, 9.22 (b) dishonest or selfish motive, 9.22(g) refusal to acknowledge wrongful nature of his conduct, and 9.22(i) (substantial experience in the practice of law) are present. In mitigation are factors 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings), 9.32(g) character or reputation (Three character letters were offered and given limited weight), 9.32(j) delay in disciplinary proceedings, and 9.32(k) imposition of other penalties and sanctions.

Upon application of these factors, the parties stipulate that a reduction from the presumptive sanction of suspension to admonition is appropriate given that Mr. Brinton is currently suspended and his reinstatement will require formal proceedings and the retaking of the bar examination, the lack of need for an additional suspension, there was limited representation of his disabled brother, and the State Bar inability to address more serious misconduct should this matter proceed to hearing. Otherwise, the agreed upon sanction would not be appropriate and this matter should not be used for future proportionality analysis.

IT IS ORDERED accepting the Agreement and incorporating it with any supporting documents by this reference. A final judgment and order is signed this date.

DATED this 2nd day of May 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed/mailed
on this 2nd day of May 2019, to:

James D. Lee
Senior Bar Counsel
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

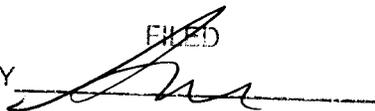
Mark F. Brinton
635 East 2nd Street
Mesa, AZ 85203-8762
Email: mfbrinton@gmail.com
Respondent

by: MSmith

James D. Lee, Bar No. 011586
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone: (602) 340-7272
Email: LRO@staff.azbar.org

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

APR 09 2019

FILED
BY 

Mark F. Brinton, Bar No. 007674
635 East 2nd Street
Mesa, Arizona 85203-8762
Telephone: (480) 756-2256
Email: mfbrinton@gmail.com
Respondent

BEFORE THE PRESIDING DISCIPLINARY JUDGE

In the Matter of a Suspended Member
of the State Bar of Arizona,

MARK F. BRINTON,
Bar No. 007674,

Respondent.

PDJ-2018-9116

**AGREEMENT FOR DISCIPLINE
BY CONSENT**

[State Bar File Nos. 17-1487]

The State Bar of Arizona, through undersigned bar counsel, and Respondent, Mark F. Brinton, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct.

On September 28, 2018, the Attorney Discipline Probable Cause Committee (ADPCC) entered an *Order of Admonition and Costs* against Respondent. Respondent timely filed a demand for a formal proceeding pursuant to Rule 55(c)(4)(B), Ariz. R. Sup. Ct. On October 23, 2018, the ADPCC entered an *Order Vacating Order of Admonition and Costs*, and directed bar counsel to file a complaint.

On December 4, 2018, the State Bar filed a complaint against Respondent. Respondent filed an answer on January 2, 2019. During the settlement conference on February 14, 2019, the parties reached an agreement regarding the disciplinary sanction to be imposed.

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 hereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant, Maricopa County Superior Court Commissioner Terri L. Clarke, by email on February 15, 2019. Commissioner Clarke was notified of her right to file a written objection to the agreement with the State Bar within five business days of bar counsel's notice. Commissioner Clarke submitted the

following response by email: “Thank you for the information and I leave it to you, the State Bar, and the Presiding Disciplinary Judge for any action or resolution you find appropriate.”

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, specifically ER 5.5(a), ER 5.5(b)(2), ER 8.4(d), and Rules 31(b) and 33(c), Ariz. R. Sup. Ct. 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.¹ The State Bar’s Statement of Costs and Expenses is attached hereto as Exhibit A.

FACTS

GENERAL ALLEGATIONS

1. Respondent was admitted to practice law in Arizona on May 14, 1983. On February 20, 2004, the Supreme Court of Arizona entered an order suspending

¹ 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. The State Bar may accept periodic payments from Respondent to satisfy the State Bar costs and expenses, but Respondent must contact the State Bar Records Manager.

Respondent from the practice of law in Arizona for 30 days (that order became effective April 1, 2004). Respondent was reinstated to the practice of law in Arizona on May 10, 2004. On November 1, 2007, the Supreme Court of Arizona entered a judgment and order suspending Respondent from the practice of law in Arizona for six months and one day, effective 30 days thereafter. Respondent was not reinstated to the practice of law in Arizona prior to April 20, 2009, when the Supreme Court of Arizona entered a judgment and order suspending him from the practice of law in Arizona for six months, retroactive to June 2, 2008. Respondent has not been reinstated to the practice of law in Arizona since he was suspended on December 1, 2007.

COUNT ONE (File No. 17-1487/Clarke)

2. Charles E. Brinton (“Charles”), Respondent’s brother, became an incapacitated adult prior to March 20, 2013.

3. Beginning March 20, 2013, Respondent and Joyce M. Brinton, his sister-in-law, filed various documents with the Maricopa County Superior Court so they could be appointed by the court as co-guardians for Charles (*In re the Matter of Guardianship of Charles E. Brinton*, No. PB2013-090117) (“the guardianship case”).

4. On May 22, 2013, the Court appointed Respondent and Joyce Brinton as co-guardians for Charles.

5. During or about 2014, Respondent contacted the State Bar to obtain ethics advice about his authority to represent Charles. He was informed that his suspension from the practice of law in Arizona precluded him from acting on Charles's behalf.

6. On August 1, 2016, the Court ordered the appointment of a guardian ad litem for Charles. On that same date, attorney John Worth filed a notice of appearance as the guardian ad litem for Charles.

7. On August 2, 2016, the Court removed Respondent and Joyce Brinton as co-guardians for Charles. On that same date, the Court appointed the Maricopa County Public Fiduciary as a temporary successor guardian for Charles.

8. On October 11, 2016, Respondent filed a civil complaint on his own behalf in Maricopa County Superior Court against Cimarron Behavioral Health, Bridgeway Behavioral Health and Joyce Brinton, alleging breach of fiduciary duty and the duty of reasonable care, which resulted in Respondent suffering emotional anguish (*Mark Brinton v. Kyana Brutus, PNP; Cimarron Behavioral Health; Kelly Farnsworth; Bridgeway Behavioral Health; and, Joyce Brinton*, No. CV2016-

096586) (“the civil case”). That complaint was never served on any of the defendants.

9. On November 7, 2016, the Court, in the guardianship case, appointed Kathy Kittelson, one of Charles’s sisters, as Charles’s permanent guardian.

10. On January 31, 2017, Respondent filed a *First Amended Complaint* in the civil case. The caption on that pleading was *Mark F. Brinton [Respondent], personally and In [sic] behalf of Charles E. Brinton; vs. Cimarron Behavioral Health, an Arizona corporation; Joyce M. Brinton*. Respondent alleged tortious interference with fiduciary duties, tortious interference with personal right (of visitation), and breach of the implied covenant of good faith and fair dealing. Respondent also asserted claims on Charles’s behalf. For example, he alleged that one or more of the defendants caused Charles to suffer emotional damage and/or emotional distress, and requested “[c]ompensatory damages for Charlie’s emotional and physical pain.” Respondent was still suspended from the practice of law in Arizona and was no longer Charles’s co-guardian at the time he filed the *First Amended Complaint*, so he had no authority to represent Charles, file court documents on Charles’s behalf, or assert legal claims on Charles’s behalf.

11. On February 24, 2017, guardian ad litem John Worth (“GAL Worth”), having become aware of the civil complaint, filed a *Petition for Instructions* in the guardianship case and asked the court to consolidate the civil case with the guardianship case.

12. On March 16, 2017, the Court consolidated the civil case into the guardianship case (“the consolidated case”).

13. On March 24, 2017, GAL Worth filed a *Petition to Dismiss Claims and Impose Sanctions* in the consolidated case. He moved the Court to dismiss the *First Amended Complaint* and enter judgment against Respondent in the amount of \$4,800.

14. On March 29, 2017, Respondent filed a *Plaintiff’s Dismissal of First Count* [of the *First Amended Complaint*] in the consolidated case.

15. On April 6, 2017, the Court found that Respondent had filed a *Complaint* and a *First Amended Complaint* after his removal as a co-guardian in the guardianship case. The Court also found that he was clearly attempting to advance claims that pertained to Charles even though he was no longer guardian when he filed them. The Court struck the *Complaint* and the *First Amended*

Complaint, but granted Respondent an opportunity to file a response to the request for sanctions against him.

16. On May 11, 2017, the Court held a hearing in the consolidated case to address GAL Worth's request for sanctions against Respondent. The Court found that Respondent intentionally, and not mistakenly, filed the *Complaint* and the *First Amended Complaint* (the latter of which asserted claims on Charles's behalf) after he had been removed as Charles's co-guardian. The Court noted that Respondent was suspended from the practice of law in Arizona, and made the following finding in its minute entry ruling:

[Respondent] has shown his determination to pursue claims in this guardianship against Cimarron Behavioral Health, *et al.* [sic] at practically every opportunity. Once he was removed as a co-guardian and could no longer pursue his claim via the guardianship case, he then initiated CV2016-096586 [the civil case].

17. Following the hearing, the Court granted GAL Worth's request for sanctions and ordered Respondent to pay \$4,928 to GAL Worth. That sanction was satisfied through collection efforts.

CONDITIONAL ADMISSIONS

Respondent's admissions are being tendered in exchange for the imposition of an admonition and are submitted freely and voluntarily and not as a result of

coercion or intimidation.

Respondent conditionally admits that his conduct violated Rule 42, Ariz. R. Sup. Ct., specifically ER 5.5(a), ER 5.5(b)(2), ER 8.4(d), and Rules 31(b) and 33(c), Ariz. R. Sup. Ct.

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss ER 3.1 because the State Bar does not have clear and convincing evidence that the claim made by Respondent on Charles's behalf in the *First Amended Complaint* was non-meritorious.

RESTITUTION

Restitution is not an issue in this matter (the \$4,928 sanction order has been satisfied).

SANCTION

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

If Respondent violates any of the terms of this agreement, further discipline proceedings may be brought.

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.² 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 *Standards* 6.22 and 7.2 are the appropriate *Standards* given the facts and circumstances of this matter. *Standard* 6.22 states, "Suspension is generally appropriate when a lawyer knowingly violates a court order or rule,

² On or about February 4, 2012, the ABA House of Delegates passed/adopted a resolution reaffirming the black letter of the *ABA Standards for Imposing Lawyer Sanctions*, but rescinded its adoption of the Commentary."

and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.” *Standard 7.2* states, “Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.”

Respondent knowingly violated the orders of suspension entered against him when he prepared and filed the *First Amended Complaint*, which asserted claims on his brother’s behalf.

The duties violated

As described above, Respondent’s conduct violated his duty to the legal system by violating ER 8.4(d), and his duty to the legal profession by violating ER 5.5(a), ER 5.5(b)(2), and Rules 31(b) and 33(c), Ariz. R. Sup. Ct.

The lawyer’s mental state

For purposes of this agreement the parties agree that Respondent filed the *First Amended Complaint* knowing he was suspended from the practice of law and was, therefore, not authorized to represent his brother or assert claims on his behalf. He was also aware that engaging in the unauthorized practice of law violates the Rules of Professional Conduct.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree there was actual harm to the legal system: his court filings caused the guardian ad litem to file various pleadings and the court to consider legal arguments and hold at least one hearing.

Aggravating and mitigating circumstances

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

In aggravation:

Standard 9.2(a) prior disciplinary offenses:

Respondent was suspended for 30 days, effective April 1, 2004, (with two years of probation upon reinstatement) on February 20, 2004, in File Nos. 02-1473, 03-0042 and 03-0440 for violations of ER 1.2, ER 1.3, ER 1.4, ER 1.15, ER 3.3, ER 4.1, ER 8.4(c) and (d), and Rules 41(c), 43(d) and 44, Ariz. R. Sup. Ct.

Respondent was suspended for six months and one day (with two years of probation upon reinstatement) on November 1, 2007, in File Nos. 06-0139, 06-0939, 06-1332 and 06-2084 for violations of ER 1.6, ER 1.15, ER 3.3, ER 8.4(c) and (d).

Respondent was suspended for six months (retroactive to June 2, 2008, with two years of probation upon reinstatement) on April 20, 2009, in File Nos. 07-2104 and 08-0126 for violations of ER 5.5(a) and (b), and Rules 31(c) and 72(a)(3), Ariz. R. Sup. Ct.

Standard 9.2(b) – dishonest or selfish motive. By filing the *First Amended Complaint*, Respondent falsely indicated to the court that he was authorized to represent his brother.

Standard 9.2(g) – refusal (initially) to acknowledge the wrongful nature of his conduct. Respondent now recognizes that asserting claims on his brother’s behalf was inappropriate.

Standard 9.2 (i) – substantial experience in the practice of law. Respondent was admitted to practice law in Arizona on May 14, 1983.

In mitigation:

Standard 9.3(e) – full and free disclosure to bar counsel and cooperative attitude toward the proceedings. Respondent’s cooperation includes his decision to enter into this consent agreement rather than require a contested hearing.

Standard 9.3(g) – character or reputation. The character letters attached hereto as Exhibit B should be given limited weight based on the dates they were written.

Standard 9.3(j) – delay in the disciplinary proceedings. The bar charge was submitted on May 15, 2017.

Standard 9.3(k) – imposition of other penalties or sanctions. The Maricopa

County Superior Court sanctioned Respondent and ordered him to pay the guardian ad litem \$4,928 in sanctions, which has been satisfied.

Discussion

The parties conditionally agree that, upon consideration of the facts relevant to this matter and application of the aggravating and mitigating factors, the presumptive sanction of suspension is unnecessary. The parties move the Presiding Disciplinary Judge to consider the following when determining whether an admonition is a sufficient form of discipline in this case: (a) the fact that Respondent has been suspended from the practice of law since December 1, 2007, which will require him to apply for reinstatement pursuant to Rule 65, Ariz. R. Sup. Ct., and take and pass the bar examination; (b) the lack of need for another order of suspension; (c) the fact that Respondent's representation of his disabled brother was relatively limited and was undertaken to protect his brother; and (d) bar counsel's inability to address other, more serious charges of misconduct if this matter proceeds to a hearing. The parties are aware that the agreed-upon disposition would be inappropriate if Respondent was not already suspended for engaging in the unauthorized practice of law. The parties are also aware that some form of disciplinary sanction is appropriate, even if only to ensure that Respondent and other lawyers realize that engaging in the unauthorized practice of law will

subject them to disciplinary proceedings and the imposition of disciplinary sanctions. Furthermore, if Respondent continues to engage in the unauthorized practice of law, he will be subject to contempt sanctions for violating the suspension orders.

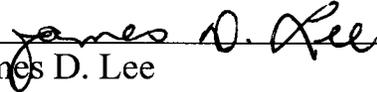
Based on the unusual facts in this matter, the parties conditionally agree that the imposition of an admonition is an appropriate sanction and will serve the purposes of lawyer discipline.

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 the objectives of discipline will be met by the imposition of an admonition and payment of the costs and expenses related to this matter. A proposed form of order is attached hereto as Exhibit C.

DATED this 8th day of April, 2019.

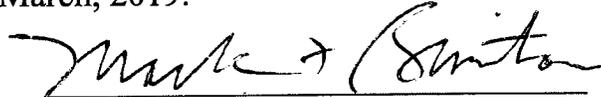
STATE BAR OF ARIZONA



James D. Lee
Senior Bar Counsel

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

DATED this 8th day of ~~March~~ ^{April}, 2019.



Mark F. Brinton
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 9th day of April, 2019.

Copy of the foregoing emailed
this 9th day of April, 2019, 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

Copy of the foregoing mailed/mailed
this 9th day of April, 2019, to:

Mark F. Brinton
635 East 2nd Street
Mesa, Arizona 85203-8762
Email: mfbrinton@gmail.com
Respondent

Copy of the foregoing hand-delivered
this 9th day of April, 2019, to:

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

by: 
JDL/jlb

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Suspended Member of the State Bar of Arizona,
Mark F. Brinton, Bar No. 007674, Respondent

File No. 17-1487

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.

<i>General Administrative Expenses for above-numbered proceedings</i>	\$1,200.00
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There were no additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter.

<u>TOTAL COSTS AND EXPENSES INCURRED</u>	<u>\$ 1,200.00</u>
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EXHIBIT B

Keith M. Knowlton, LLC

9920 South Rural Road, Suite 108 PMB No. 132
Tempe, AZ 85284-4100
Telephone: 480.755.1777 Facsimile: 480.471.8956

30 August 2013

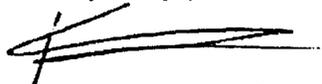
Jason Schwartz, Account Executive
Robert Half Legal
2375 East Camelback Road, Suite 290
Phoenix, AZ 85016

Re: Mark F. Brinton

Dear Mr. Schwartz:

Mark has served as my paralegal since early August 2009, drafting federal and state complaints, discovery requests, responses in opposition to motions for summary judgments, and demand letters. Moreover, he regularly meets with clients a) to gather their factual accounts for use in drafting their complaints, b) to draft their responses to discovery requests propounded by opposing counsel and c) in preparing them for their deposition, probably the most important phase of the litigation. He is thorough, competent and demonstrates an experienced grasp of federal and state statutory and case law.

Very truly yours,


Keith M. Knowlton

KMK:ms



Personal In-Home Care

Ferryn T. Floyd
Resource Manager
759 N. Lindsay Rd.
Mesa, AZ 85213

November 16, 2016

RE: Brinton. Mark -Verification of Employment

To whom it may concern:

Mr. Brinton is currently employed with ITC as a caregiver. He has been employed with the company full-time between July 18, 2013 thru September 2013, and since then continues to work part-time. During Mark's employment with ITC he has cared for children, adolescents and adults who suffer from Autism and other developmental disabilities. Mark has shown patience and enthusiasm as he cares for our wards, which has earned him our utmost trust and respect.

Please feel free to contact the office should you have questions.

Best regards,

A handwritten signature in black ink, appearing to read 'Ferryn T. Floyd', written over a horizontal line.

Ferryn T. Floyd

Resource Manager

ferrynf@itc-az.com

(480) 969-5480

ITC-AZ.com

(800) 969-5480 • Fax: (480) 969-5511

759 N. Lindsay Rd. • Mesa, AZ 85213

EXHIBIT C

BEFORE THE PRESIDING DISCIPLINARY JUDGE

In the Matter of a Suspended Member
of the State Bar of Arizona,

MARK F. BRINTON,
Bar No. 007674,

Respondent.

PDJ-2018-9116

**FINAL JUDGMENT
AND ORDER**

[State Bar No. 17-1487]

The Presiding Disciplinary Judge, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement. Accordingly:

IT IS ORDERED that Respondent, **Mark F. Brinton**, is admonished for his conduct in violation of the Arizona Rules of the Supreme Court and the Arizona Rules of Professional Conduct, as outlined in the consent document.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200, within 30 days from the date 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 April, 2019.

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 April, 2019.

Copies of the foregoing mailed/mailed
this _____ day of April, 2019, to:

Mark F. Brinton
635 East 2nd Street
Mesa, Arizona 85203-8762
Email: mfbrinton@gmail.com
Respondent

Copy of the foregoing emailed/hand-delivered
this _____ day of April, 2019, to:

James D. Lee
Senior Bar Counsel
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4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
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this _____ day of April, 2019, to:

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

by: _____