

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**AUGUSTINE B. JIMENEZ III,  
Bar No. 012208**

Respondent.

**PDJ 2018-9100**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 18-0347]

**FILED MAY 13, 2019**

The Presiding Disciplinary Judge accepted the Agreement for Discipline by Consent filed by the parties on April 19, 2019.

Accordingly:

**IT IS ORDERED** Respondent, **AUGUSTINE B. JIMENEZ III, Bar No. 012208** is suspended for eighteen (18) months for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective June 13, 2019.

**IT IS FURTHER ORDERED** pursuant to Rule 72 Ariz. R. Sup. Ct., Mr. Jimenez shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** Mr. Jimenez shall pay the costs and expenses of the State Bar of Arizona for \$ 1,742.50 by June 13, 2019. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in these disciplinary proceedings.

**DATED** this 13<sup>th</sup> day of May 2019.

*William J. O'Neil*

---

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

Copies of the foregoing mailed/emailed  
this 13<sup>th</sup> day of May 2019, to:

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

Stephen Montoya  
Montoya Lucero & Pastor PA  
3200 N. Central Avenue, Ste. 2550  
Phoenix, Arizona 85012-2490  
Email: stephen@montoyalawgroup.com

Mark I. Harrison  
Osborn Maledon PA  
2929 N. Central Avenue, Ste. 2100  
Phoenix, Arizona 85012-2765  
Email: mharrison@omlaw.com

by: MSmith

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**AUGUSTINE JIMENEZ III,**  
**Bar No. 012208**

Respondent.

**PDJ 2018-9100**

**DECISION ACCEPTING  
DISCIPLINE BY CONSENT**

[State Bar No. 180347]

**FILED MAY 13, 2019**

Under Rule 57(a), Ariz. R. Sup. Ct.,<sup>1</sup> an Agreement for Discipline by Consent<sup>2</sup> (“Agreement”), was filed on April 19, 2019. A Probable Cause Order issued on October 31, 2018 and the formal complaint was filed on November 9, 2018. The State Bar of Arizona is represented by Senior Bar Counsel Hunter F. Perlmeter. Mr. Jimenez is represented by Stephen Montoya, *Montoya, Lucerno & Pastor, PA* and Mark I. Harrison, *Osborn Maledon, PA*.

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.

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<sup>1</sup> Unless otherwise stated all rule references are to the Ariz. R. Sup. Ct.

<sup>2</sup> Exhibit B of the Agreement filed separately in support mitigating factor 9.32(c) is sealed.

Jimenez has voluntarily waived the right to an adjudicatory hearing, and waived all motions, defenses, objections or requests that could be asserted upon approval of the proposed form of discipline. No notice under Rule 53(b)(3) is needed as the State Bar is the complainant.

The Agreement details a factual basis to support the conditional admissions and are briefly summarized. It is incorporated by this reference. Mr. Jimenez admits to violating Rule 42, specifically, ERs 1.15(a) (safekeeping client property), 8.4(c) (engage in conduct involving dishonest, deceit, fraud or misrepresentation), and Rule 43 (trust account). The parties stipulate to the imposition of an eighteen (18) month suspension and the payment of costs and expenses for \$1,742.50 within 30 days from this order.

Mr. Jimenez failed to maintain his client trust account in accordance with rules and guidelines governing client trust accounts. Specifically, he improperly withdrew client funds he had not earned in various amounts over a course of time that was more than one year. These numerous improper withdrawals caused negative client balances and deficits in his trust account. Mr. Jimenez failed to keep the appropriate general and client ledgers regarding disbursements of funds. He failed to conduct appropriate three-way reconciliations of the trust account.

The parties agree Mr. Jimenez violated his duties to clients and the legal profession and his misconduct caused potential harm to clients and actual harm to the

profession. *Standard 4.12, Failure to Preserve the Client's Property* applies to Mr. Jimenez's violation of ER 1.15 and provides that 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.

The parties further agree aggravating factors 9.22 (b) selfish or dishonest motive 9.22(c) pattern of misconduct, and 9.22(i) substantial experience in the practice of law are present. In mitigation, factors 9.32 (a) absence of prior disciplinary record, 9.32(c) personal or emotional problems, and 9.32(g) character or reputation (character letters were submitted) are present. The PDJ finds the agreed upon sanction fulfills the purposes of attorney discipline. Accordingly,

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

**DATED** this 13<sup>th</sup> day of May 2019.

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

COPY of the foregoing e-mailed/mailed  
on this 13<sup>th</sup> day of May 2019, to:

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

Stephen Montoya  
Montoya Lucero & Pastor PA  
3200 N. Central Avenue, Ste. 2550  
Phoenix, Arizona 85012-2490  
Email: [stephen@montoyalawgroup.com](mailto:stephen@montoyalawgroup.com)

Mark I. Harrison  
Osborn Maledon PA  
2929 N. Central Avenue, Ste. 2100  
Phoenix, Arizona 85012-2765  
Email: [mharrison@omlaw.com](mailto:mharrison@omlaw.com)  
Respondent's Co-Counsel

by: MSmith

Hunter F. Perlmeter, Bar No. 024755  
Senior Bar Counsel  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Telephone (602)340-7278  
Email: LRO@staff.azbar.org

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

APR 19 2019

FILED

BY



Stephen Montoya, Bar No. 011791  
Montoya Lucero & Pastor PA  
3200 N. Central Avenue, Ste. 2550  
Phoenix, Arizona 85012-2490  
Email: stephen@montoyalawgroup.com  
Respondent's Counsel

Mark I. Harrison, Bar No. 001226  
Osborn Maledon PA  
2929 N. Central Avenue, Ste. 2100  
Phoenix, Arizona 85012-2765  
Telephone 602-640-9324  
Email: mharrison@omlaw.com  
Respondent's Counsel

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**AUGUSTINE JIMENEZ  
Bar No. 012208**

Respondent.

**PDJ 2018-9100**

State Bar File Nos. **18-0347**

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Augustine Jimenez III, who is represented in this matter by counsel, Mark I. Harrison and Stephen Montoya, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A formal complaint was filed in this matter on November 9, 2018. Respondent timely answered. 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.

The State Bar is the complainant in this matter, therefore no notice of this agreement is required pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ERs 1.15(a) and 8.4(c) Ariz. R. Sup. Ct and Rule 43, (b)(1)(A), (b)(1)(C), (b)(2)(A), (b)(2)(B), (b)(2)(C), (b)(2)(D), and (b)(5), Ariz. R. Sup. Ct. Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Long-Term Suspension of 18 months. 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 21, 1988.
2. Respondent has no previous record of discipline.

#### **COUNT ONE (File no. 18-0347/ Trust Account)**

3. The State Bar of Arizona (SBA) received an insufficient funds notice on Respondent's client trust account. On January 26, 2018, check number 1283 in the amount of \$2,882.46 attempted to pay against the account when the balance was \$16.81. The bank returned the check, and did not charge an overdraft fee, leaving the account with a balance of \$16.81. In fact, check number 1283 had already been negotiated by the payee, and the attempt to negotiate it a second time was improper.

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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.

4. During the SBA's investigation, Respondent provided trust account statements dating back to April 2015 and provided trust account records recreated through QuickBooks for June 2016 to July 2018. Funds in the amount of \$1,062.21, held in the trust account as of April 1, 2015, could not be identified but Respondent believed they were his funds.

5. The records reveal that beginning on October 31, 2016, Respondent made 50 cash withdrawals from the trust account as "advanced fees" in the total amount \$119,900.00. He made such withdrawals over the period of approximately one year.

6. On October 15, 2017, Respondent reimbursed a portion of the funds in the amount of \$26,695.69 by not disbursing to himself earned fees on behalf of a client.

7. Respondent continued to withdraw funds from the trust account through November 29, 2017, resulting in a total deficit in the trust account of \$125,104.31.

8. Respondent improperly withdrew client funds in various amounts for a period of over a year.

9. Additional instances of negative client balances were found during the period of review. Disbursements on March 26, 2018 in the amount of \$1,200.00 and on April 13, 2018 in the amount of \$1,085.57 were made on behalf of client J.A. At the time, the client did not hold any funds in the trust account, creating a negative client balance of (\$2,285.57). The disbursements were made to two vendors that provided services to the client. All funds, however, had previously been disbursed in a final payment to the client.

10. On two occasions Respondent failed to disburse the correct amount of funds owed for costs. It was determined that Respondent was owed an additional \$41.20 on behalf of Gant and an additional \$23.32 on behalf of Gonzalez.

11. Beginning in April 2016, client Trujillo held funds in the trust account in the amount of \$1,034.82. The funds represented earned fees that had not been previously disbursed.

12. After all adjustments were completed by Respondent with the help of his CPA, he held excess personal funds in the trust account in the total amount of \$6,113.77.

13. Upon review of Respondent's recreated trust account records, it was determined that not all of the individual ledger and general ledger entries record

the actual name of the payor for funds received and deposited into the trust account, or the actual name of the payee for funds disbursed.

14. Respondent's reconciliations for February through June 2018 were not proper three-way reconciliations in that they were two-way reconciliations that do not reflect the total of all client ledgers. Respondent did provide a complete three-way reconciliation for July 2018 showing that the trust account had been properly reconciled.

15. In addition, not all of Respondent's deposit records reflect the name of the client on whose behalf the funds were deposited.

16. All of the disbursements that were made by Respondent from his trust account as "advanced fees" were completed by way of cash withdrawal.

17. Respondent also withdrew by cash to pay earned fees and costs on three occasions.

18. When Respondent was made aware of the deficit in his trust account and realized that some of the previous withdrawals from the trust account were not earned fees, he deposited his own monies into the account to remedy the arrearage.

19. No client was harmed by Respondent's admitted misconduct.

### **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 violated Rule 42, ERs 1.15(a) and 8.4(c). Such conduct also violated Rule 43, (b)(1)(A); (b)(1)(C); (b)(2)(A); (b)(2)(B); (b)(2)(C); (b)(2)(D) and (b)(5).

#### **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, as set forth above, the following sanctions are appropriate: suspension of 18 months. 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. 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* 4.12 is the appropriate *Standard* given the facts and circumstances of this matter. *Standard* 4.12 provides that Suspension is generally appropriate when a lawyer knows or should have known that he is dealing improperly with client property and causes injury or potential injury to a client.

**The duty violated**

As described above, Respondent's conduct violated his duty to his clients and the profession.

**The lawyer's mental state**

For purposes of this agreement the parties agree that Respondent should have known 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 potential harm to Respondent's clients and actual harm to the profession.

**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 9.22(b):* dishonesty (Respondent should have known he was removing funds from his trust account that he had not earned)

*Standard 9.22(c):* a pattern of misconduct (approximately 50 cash withdrawals from Respondent's trust account over a period of more than one year)

*Standard 9.22(i):* substantial experience in the practice of law (Respondent was admitted to practice in 1988).

**In mitigation:**

*Standard 9.32(a)*: absence of prior discipline (Respondent has never received discipline).

*Standard 9.32(c)*: personal or emotional problems (Respondent was dealing with the effects of prostate cancer, depression, impending divorce, and the death of his mother during the period involving the conduct at issue) medical records will be provided separately under seal as Exhibit B by the parties' stipulation.

*Standard 9.32 (g)*: character or reputation (See letters supporting Respondent's character) attached as Exhibit C.

### **Discussion**

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

The parties have conditionally agreed that a greater or lesser sanction would not be appropriate under the facts and circumstances of this matter. Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of 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 that the objectives of discipline will be met by the imposition of the proposed sanction of a suspension of 18 months and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit D.

DATED this 19<sup>th</sup> day of April 2019

STATE BAR OF ARIZONA



Hunter F. Perlmeter  
Senior Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. [I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement. I understand these duties may include notification of clients, return of property and other rules pertaining to suspension.]**

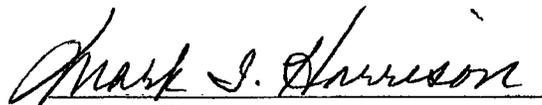
DATED this \_\_\_\_\_ day of April, 2019.



Augustine Jimenez III  
Respondent

DATED this 19<sup>th</sup> day of April, 2019.

Osborn Maledon PA



Mark I. Harrison  
Counsel for Respondent

Montoya Lucero & Pastor PA



Stephen Montoya  
Counsel for Respondent

Approved as to form and content

\_\_\_\_\_  
Maret Vessella  
Chief Bar Counsel

---

Augustine Jimenez III  
Respondent

**DATED** this \_\_\_\_\_ day of April, 2019.

Osborn Maledon PA

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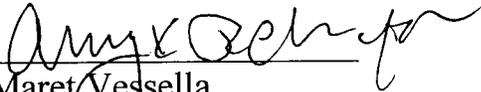
Mark I. Harrison  
Counsel for Respondent

Montoya Lucero & Pastor PA

---

Stephen Montoya  
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 19<sup>th</sup> day of April, 2019.

Copy of the foregoing emailed  
this 19<sup>th</sup> 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](mailto:officepdj@courts.az.gov)

Copy of the foregoing mailed/emailed  
this 19<sup>th</sup> day of April, 2019, to:

Stephen Montoya  
Montoya Lucero & Pastor PA  
3200 N. Central Avenue, Ste. 2550  
Phoenix, Arizona 85012-2490  
Email: [stephen@montoyalawgroup.com](mailto:stephen@montoyalawgroup.com)  
Respondent's Counsel

Mark I. Harrison  
Osborn Maledon PA  
2929 N. Central Aveune, Ste 2100  
Phoenix, Arizona 85012-2765  
Email: [mharrison@omlaw.com](mailto:mharrison@omlaw.com)  
Respondent's Counsel

Copy of the foregoing hand-delivered  
this 19<sup>th</sup> day of April, 2019, to:

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

by: Margaret Leade  
HFP/mg

**EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,  
Augustine Jimenez, Bar No. 012208, Respondent

File No. 18-0347

### 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

|                                      |                                                    |           |
|--------------------------------------|----------------------------------------------------|-----------|
| 03/01/19                             | JD Reporting, Inc. Deposition of Augustine Jimenez | \$ 542.50 |
| Total for staff investigator charges |                                                    | \$ 542.50 |

TOTAL COSTS AND EXPENSES INCURRED \$ 1,742.50

**EXHIBIT B**

**EXHIBIT C**



DEPARTMENT OF THE NAVY

NAVAL LEGAL SERVICE COMMAND  
200 STOVALL STREET  
ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

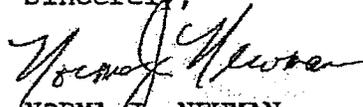
13 Feb 92

LT Augustine Jimenez III, JAGC, USNR  
14009th St.  
Phoenix, Arizona 85032

Dear LT Jimenez:

Enclosed is your certificate and citation along with your  
Navy Achievement Medal, for your recently approved award.  
Congratulations..

Sincerely,

  
NORMA J. NEWMAN  
Awards Coordinator

Encl: :

- (1) Certificate/Citation
- (2) Medal

RES000127JIMENEZ



DEPARTMENT OF THE NAVY

NAVAL LEGAL SERVICE COMMAND  
200 STOVALL STREET  
ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

The Secretary of the Navy takes pleasure in presenting the  
NAVY ACHIEVEMENT MEDAL to,

LIEUTENANT AUGUSTINE JIMENEZ, III  
JUDGE ADVOCATE GENERAL'S CORPS  
UNITED STATES NAVAL RESERVE

for service as set forth in the following  
CITATION:

For professional achievement in the superior performance of his duties while assigned as Personal Representation Attorney, Trial Counsel, Command Services Attorney and Command Training Officer, from 19 July 1989 to 31 January 1992, at Naval Legal Service Office, San Diego. Lieutenant Jimenez consistently displayed exceptional competence, sound judgment, and depth of professional knowledge in the execution of his responsibilities. A superb litigator, he appeared as counsel for the Respondent at 25 administrative discharge boards, and disposed of over 114 cases including 30 General Courts-Martial as a Trial Counsel. Although a junior lieutenant, Lieutenant Jimenez was assigned as the Assistant Trial Department Head for eleven months because of his leadership qualities. He provided peerless Command Services advice and assistance to a multitude of client commands with no lawyer assigned. As the Training Officer, Lieutenant Jimenez revitalized and revamped a training program which drew accolades from an Inspector General assessment team. His monumental achievements contributed significantly to effective mission accomplishment by his command. Through his initiative, leadership, professionalism, and exceptional devotion to duty, Lieutenant Jimenez reflected great credit upon himself and upheld the highest traditions of the U.S. Naval Service.

For the Secretary of the Navy,

W. L. SCHACHTE, JR.  
RADM, JAGC, U.S. Navy  
Commander, Naval Legal Service Command

RES000128JIMENEZ



## COMMANDING OFFICER NAVAL LEGAL SERVICE OFFICE SAN DIEGO

Takes pleasure in commending

LT AUGUSTINE JIMENEZ, III, JAGC, USNR

for services as set forth in the following citation

For exceptional performance of duty as trial counsel, Naval Legal Service Office, San Diego, from 01 July 1990 through 30 September 1990. LT Jimenez has proven himself to be a superb leader and extraordinarily effective trial counsel. Throughout the past quarter, the Trial Department labored under a rising influx of cases while suffering through a heavy turnover of experienced counsel, including a gapped department head billet. LT Jimenez served during this period as Acting Senior Trial Counsel and responded to the challenge magnificently. Tops in productivity and trial advocacy abilities, he lead the way in performance. His fellow trial counsel openly acknowledged his leadership and praised his unselfish and enthusiastic training efforts to help them improve their trial skills. LT Jimenez continues to handle the command's most difficult cases, always exemplifying the highest standards of professionalism and rapport with commands, military judges, and defense counsel alike. By his superior performance and devotion to duty, LT Jimenez deserves recognition as Naval Legal Service Office, San Diego's Trial Counsel of the Quarter for the Third Quarter of 1990.

A handwritten signature in cursive script that reads "A. C. Rudy, Jr.".

A. C. RUDY, JR.  
Captain, JAGC, U.S. Navy  
Commanding Officer

RES000129JIMENEZ



DEPARTMENT OF THE NAVY  
NAVAL LEGAL SERVICE OFFICE  
BOX 138, NAVAL STATION  
SAN DIEGO, CALIFORNIA 92136-3138

IN REPLY REFER TO:

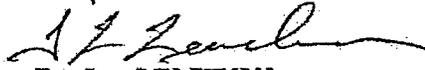
1650  
Ser 011/00737  
26 DEC 1991

FIRST ENDORSEMENT on CO, USS JASON (AR 8) ltr 5100 Ser 02/01255  
of 27 Nov 91

From: Commanding Officer, Naval Legal Service Office, San Diego  
To: LT Augustine Jimenez, III, JAGC, USNR

Subj: LETTER OF APPRECIATION

1. Delivered with congratulations on a job well done.

  
T. L. LEACHMAN  
Acting

Copy to:  
CO, USS JASON (AR 8)

---

Augie:  
Congrats! You  
make us look  
great!  
Thanks,  
Tom  
Good job Augie  
CJ

RES000130JIMENEZ



DEPARTMENT OF THE NAVY

USS JASON (AR - 8)  
FLEET POST OFFICE  
SAN FRANCISCO 96644 - 2560

5100  
Ser 02/01255  
27 NOV 1991

From: Commanding Officer, USS JASON (AR 8)  
To: LT Augustine Jimenez, III, USN  
Via: Commanding Officer, Naval Legal Service Office, San Diego  
Subj: LETTER OF APPRECIATION

1. It is with sincere appreciation that I extend my gratitude to you for your services during JASON's Safety Stand-down on 10 October 1991. Your presentation on "Legal Aspects of Safety" was an integral part of the afternoon. Your concentration on Line of Duty investigations clarified a frequently misunderstood part of our military justice system. Your public speaking style was the best of the day. Your candor and down to earth approach to an otherwise difficult topic was highly effective.

2. JASON's mission readiness can be directly attributed to her crew's safety and well being. Your part in that objective does not go unrecognized. Your support of the fleet is gratefully acknowledged and is in keeping with the highest traditions of the Naval Service.

  
S. R. CLEAL

RES000131JIMENEZ  
5

**EXHIBIT D**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**AUGUSTINE JIMENEZ  
Bar No. 012208**

Respondent.

**PDJ 2018-9100**

**FINAL JUDGMENT AND  
ORDER**

[State Bar No. 18-0347]

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, **Augustine Jimenez III**, is Suspended for 18 months for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order or \_\_\_\_\_.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72 Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1742.50, within thirty (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/emailed  
this \_\_\_\_\_ day of April, 2019, to:

Stephen Montoya  
Montoya Lucero & Pastor PA  
3200 N. Central Avenue, Ste. 2550  
Phoenix, Arizona 85012-2490  
Email: [stephen@montoyalawgroup.com](mailto:stephen@montoyalawgroup.com)

Mark I Harrison  
Osborn Maledon PA  
2929 N. Central Avenue, Ste. 2100  
Phoenix, Arizona 85012-2765  
Email: [mharrison@omlaw.com](mailto:mharrison@omlaw.com)  
Respondent's Counsel

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

Hunter F. Perlmeter  
Senior 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)

Copy of the foregoing hand-delivered  
this \_\_\_\_ day of April, 2019 to:

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

by: \_\_\_\_\_