

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**SCOTT ALLAN MAASEN,**  
**Bar No. 018073**

Respondent.

**PDJ 2018-9101**

**JUDGMENT OF DISBARMENT**

[State Bar File Nos. 16-3772 & 17-  
0796]

**FILED FEBRUARY 13, 2019**

This matter came for hearing before the hearing panel which rendered its Decision and Order Imposing Sanctions (Decision) on January 24, 2019, ordering disbarment and the payment of costs. The Decision of the hearing panel is final under Rule 58(k), Ariz. R. Sup. Ct. No appeal has been filed pursuant to Rule 59(a), Ariz. R. Sup. Ct., and the time to appeal having expired,

**IT IS ORDERED** Respondent, **SCOTT ALLAN MAASEN, Bar No. 018073**, is disbarred from the State Bar of Arizona and his name is stricken from the roll of lawyers, effective January 24, 2019, as set forth in the Decision. Mr. Maasen 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** Mr. Maasen 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** Mr. Maasen shall pay costs and expenses of the State Bar of Arizona in the amount of \$2,067.36 pursuant to Rule 60(b), Ariz. R. Sup. Ct. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

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

*William J. O'Neil*

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

COPY of the foregoing e-mailed/mailed  
mailed February 13, 2019, to:

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Scott Maasen, #68905-408  
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by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

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

**SCOTT ALLAN MAASEN,**  
**Bar No. 018073**

Respondent.

**PDJ 2018-9101**

**DECISION AND ORDER  
IMPOSING SANCTIONS**

[State Bar Nos. 16-3772 and 17-0796]

**FILED JANUARY 24, 2019**

This matter proceeded to an aggravation/mitigation hearing on January 22, 2019, before a Hearing Panel, composed of volunteer attorney member, Sandra E. Hunter, volunteer public member, Thomas C. Schleifer, and Presiding Disciplinary Judge (“PDJ”) William J. O’Neil. At the end of the hearing the State Bar requested disbarment. Mr. Maasen appeared telephonically. Exhibits 1-13 were admitted.

**PROCEDURAL HISTORY**

The State Bar of Arizona (“SBA”) filed its complaint on November 14, 2018. On November 26, 2018, the complaint was served on Mr. Maasen by certified, delivery restricted mail, and by regular first-class mail, pursuant to Rules 47(c) and 58(a) (2), Ariz. R. Sup. Ct.<sup>1</sup> The PDJ was assigned to the matter. A notice of default was properly issued on December 12, 2018. The default was effective on January 3,

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

2019. A notice of aggravation and mitigation hearing was sent to all parties notifying them the aggravation mitigating hearing was scheduled for January 22, 2019 at 1:00 p.m., at the State Courts Building, 1501 West Washington, Phoenix, Arizona 85007-3231.

### **FINDINGS OF FACT**

The facts listed below are those set forth in the SBA's complaint and were deemed admitted by Mr. Maasen's effective default.<sup>2</sup> The exhibits support those allegations and the State Bar made an offer of proof and had witnesses available to testify telephonically. A Mr. Maasen had the right to appear, to testify and the right to cross-examine witnesses, in each instance only to establish facts related to aggravation and mitigation. Mr. Maasen appeared but elected not to testify or cross examine the sole testifying witness, Julie Holm ("Complainant") who was the complainant and ex-wife of Mr. Maasen.

1. At all times relevant, Mr. Maasen was a lawyer licensed to practice law in the state of Arizona.

2. Mr. Maasen was admitted to practice law in California in 1996 and in Arizona on May 17, 1997.

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<sup>2</sup> Rule 58(d).



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## **II. Mr. Maasen's Bankruptcy Court and Trust Account Violations**

75. In 2009, Mr. Maasen filed for Chapter 11 bankruptcy protection for himself and Maasen Realty Investments, L.L.C. (collectively, Mr. Maasen).

76. The law firm of Aiken, Schenk represented Mr. Maasen until 2015.

77. Mr. Maasen failed to pay his legal bill to Aiken, Schenk of about \$128,000.

78. Aiken, Schenk filed motions with the bankruptcy court to withdraw as counsel for Mr. Maasen and to recognize Mr. Maasen's debt as an administrative claim.

79. The bankruptcy court granted Aiken, Schenk's motions to withdraw and to recognize Mr. Maasen's debt as an administrative claim, but Mr. Maasen thereafter did not pay any part of his debt to Aiken, Schenk.

80. In late 2016, Aiken, Schenk learned: Mr. Maasen owed Complainant attorney's fees of \$1,527.00; Complainant issued a writ of garnishment against Whisper Rock; Whisper Rock filed an answer to the garnishment admitting it owed Mr. Maasen about \$115,000; Mr. Maasen paid Complainant the \$1,527.00 attorney's fees award; and Whisper Rock was discharged from the garnishment (see para. 34-41, above).

81. Although this was not known to the other parties at the time, as of November 2016 Whisper Rock held approximately \$117,000 of Mr. Maasen's money from the sale of Mr. Maasen's membership in Whisper Rock.

82. The \$117,000 legally was the property of Mr. Maasen's bankruptcy estate.

83. In November 2016, Mr. Maasen had Whisper Rock wire \$104,485.49 to his law firm trust account (IOLTA) at Bank of America.

84. The \$104,485.49 did not belong in whole or in part to a client or third person in connection with a representation.

85. Then, Mr. Maasen issued cashier's checks out of his IOLTA for \$65,000 and \$35,000 payable to his criminal defense attorney Kurt Altman, in connection with the matters described above in Count One.

86. Mr. Maasen kept the balance of the deposit -- \$4,485.49 -- in his IOLTA until March 8, 2017 (see para. 105-107 below).

87. Mr. Maasen did not notify Aiken, Schenk or Complainant of his and his firm's receipt of the funds from Whisper Rock.

88. Aiken, Schenk suspected that Whisper Rock gave Mr. Maasen \$115,000.

89. On December 2, 2016, Aiken, Schenk filed an Application for an OSC asking the bankruptcy court to compel Mr. Maasen to account for the money and, if he received it, to pay it all to Aiken, Schenk.

90. The bankruptcy court held a hearing on December 15, 2016.

91. Mr. Maasen provided an accounting, and admitted, that the approximately \$117,000 of funds at issue are property of the bankruptcy estate.

92. Mr. Maasen admitted to the bankruptcy court and other parties that he disbursed \$100,000 to Kurt Altman without prior court authorization.

93. Mr. Maasen falsely told the bankruptcy court and other parties that he disbursed \$4,485.49 to an unidentified "Expert."

94. Mr. Maasen told the bankruptcy court and other parties that Whisper Rock retained \$12,514.41.

95. The court ordered Mr. Maasen to identify the "expert" by the close of business that day so Aiken, Schenk could include that name in the ensuing court order.

96. Mr. Maasen failed to comply with the bankruptcy court's order to identify the expert by the close of business on December 15, 2016.

97. The bankruptcy court ordered Mr. Altman, Whisper Rock, and "Expert" to freeze the funds in their possession pending further court order.

98. The bankruptcy court set a hearing for January 31, 2017, to determine the appropriate remedy for Mr. Maasen's failure to identify "Expert."

99. Mr. Maasen failed to appear for the January 31, 2017 hearing.

100. Mr. Maasen failed to identify "Expert."

101. Complainant appeared at the January 31, 2017 hearing, and asserted that she may have a senior interest in the funds.

102. The bankruptcy court ordered Mr. Altman, Whisper Rock, and "Expert" to pay the money in their possession to the Aiken, Schenk trust account.

103. The bankruptcy court also established a procedure for Complainant to assert her claim to the money.

104. Mr. Altman sent Aiken, Schenk a cashier's check for \$100,000 on February 3, 2017.

105. Mr. Maasen issued a cashier's check out of his IOLTA for \$4,485.49 payable to Aiken, Schenk on March 8, 2017.

106. Contrary to his earlier representation to the bankruptcy court and other parties, Mr. Maasen did not pay to or deposit with an expert \$4,485.49 from the funds he received from Whisper Rock and that he deposited into his IOLTA.

107. Mr. Maasen has neither identified the purported “expert” nor corrected his false statement that he paid \$4,485.49 to an expert.

108. None of the foregoing disbursements from Mr. Maasen’s IOLTA was by electronic transfer or sequentially prenumbered checks.

109. On February 16, 2016, Mr. Maasen deposited \$100,000 received by wire from Gemini Consulting Group, Inc., into his IOLTA.

110. Mr. Maasen described the February 16, 2016 deposit as a “Bridge Loan.”

111. The February 16, 2016 “Bridge Loan” deposit did not belong in whole or in part to a client or third person in connection with a representation.

112. Mr. Maasen transferred \$100,000 out of his IOLTA the same day to a checking account ending in 9819.

113. Mr. Maasen’s above-described transfer of \$100,000 out of his IOLTA to a checking account ending in 9819 did not belong in whole or part to a client or third person in connection with a representation.

### **III. Mr. Maasen’s Failure to Respond to or Cooperate With the State Bar**

114. On July 6, 2017, the State Bar sent Mr. Maasen a standard screening investigation letter asking that he respond to the charges by July 26, 2017.

115. The State Bar sent its July 6, 2017 letter to Mr. Maasen at his street and email addresses of record with the State Bar.

116. Mr. Maasen received and read the email containing the State Bar's July 6, 2017 letter on July 6, 2017.

117. Mr. Maasen did not respond to the State Bar's screening investigation letter by July 26, 2017.

118. On August 7, 2017, the State Bar sent a standard reminder letter to Mr. Maasen asking that he respond to Complainant's charges within ten days (August 17, 2017).

119. The State Bar sent its August 7, 2017 letter to Mr. Maasen at his street and email addresses of record with the State Bar.

120. Mr. Maasen received and read the email containing the State Bar's August 7, 2017 letter on August 7, 2017.

121. On August 16, 2017, Mr. Maasen contacted the State Bar and asked for an extension by which to respond to the charges.

122. The State Bar agreed to an extension until September 5, 2017.

123. Mr. Maasen did not respond to the State Bar's request for information relating to Complainant's charge, either by September 5, 2017, or at all.

124. Mr. Maasen failed to cooperate in the State Bar's investigation, either by September 5, 2017, or at all.

125. By experience, Mr. Maasen was aware of his duty to respond to bar charges and cooperate in a bar investigation. For example:

- a. In State Bar File No. 16-0527, Mr. Maasen in 2017 was reprimanded for violating ERs 1.16(d), 8.1(b), and Rule 54(d); [Exs. 8-9.]
- b. In State Bar File No. 16-0138, Mr. Maasen in 2016 was admonished and placed on probation (LOMAP for two years and fee arbitration) for violating ERs 1.3, 1.4, 1.5(a), and 3.2. [Ex. 6.]
- c. In State Bar File No. 16-0606, Mr. Maasen in 2016 was admonished and placed on probation (LOMAP for two years and fee arbitration) for violating ERs 1.4, 1.5(a), 1.15(d), and 1.16(d); [Ex. 7.]
- d. In State Bar File No. 15-1787, Mr. Maasen in 2016 was admonished and placed on probation (LOMAP for two years and fee arbitration) for violating ERs 1.2, 1.3, 1.4, 1.5(a), and 1.15(d); [Ex. 5.]
- e. In State Bar File No. 15-1775, Mr. Maasen in 2016 was reprimanded and placed on probation (LOMAP for two years and fee arbitration) for violating ERs 1.3, 1.4, 1.5(a), and 8.4(d); [Ex. 3-4.]

## CONCLUSIONS OF LAW

Based upon the facts deemed admitted and the evidence presented at the aggravation/mitigation hearing, the Hearing Panel finds by clear and convincing evidence that Mr. Maasen violated the following ethical rules: Rule 42, ERs 1.15(a), (b), (d), and (e); 3.1; 3.3(a) and (c); 3.4(a), (c), and (d); 4.1(a); 4.4(a); 8.1(b); 8.4(b), (c), and (d); and Rule 43(a) and (b); and Rule 54(c),(d), and (g).

## ABA STANDARDS ANALYSIS

Sanctions are determined in accordance with the American Bar Association's *Standards for Imposing Lawyer Sanctions* ("Standards"). Rule 58(d) and (k). Pursuant to the *Standards*, the following factors are considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. *Standard* 3.0.

### **(1) Duties violated:**

Mr. Maasen violated the following duties:

To the public--ERs 1.15, 8.1, and 8.4(b) and (c); and Rules 43 and 54(g);

To the legal system--ERs 3.1, 3.3, 3.4, 4.1, 4.4, and 8.4(d); and Rule 54(c);

and to the legal profession-- ER 8.1 and Rule 54(d).

### **(2) Mental State:**

Count One – Mr. Maasen pled guilty to Count Four of the Superseding Indictment. In that count, Mr. Maasen was charged with “knowingly” and

“fraudulently” concealing assets from his bankruptcy creditors and trustee. “Knowingly” is self-explanatory; “fraudulently” denotes an intentional mental state.

Count Two – Mr. Maasen intentionally used his legal acumen to disobey court orders, and procedural and evidentiary requirements, in his divorce case in order to evade his responsibilities to his Daughters and former spouse.

**(3) Actual or Potential Injury:**

Count One – “[A] lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.” [Preamble, 3, to Arizona Rules of Professional Conduct] Fraud has a purpose to deceive. “[W]e cannot ask the public to voluntarily comply with the legal system if we, as lawyers, reject its fairness and application to ourselves.” *In re Grimes*, 414 Mich. 483, 326 N.W.2d 380 (1982) (cited in *Standards*, Commentary to *Standard 5.11*).

Count Two – Mr. Maasen caused serious injury to the public and the legal system in his relentless attempts to foil his former spouse’s efforts to collect from him what the law provides, which required persistent court attention.

The relevant *Standards* are:

*Standard 5.11* Disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of

controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

*Standard 6.11* Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

*Standard 6.21* Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

*Standard 7.1* Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

#### **(4) Aggravating and Mitigating Factors:**

Based on the foregoing analysis, the Hearing Panel determined disbarment is the presumptive sanction. The Hearing Panel finds the following aggravating factors are present in this matter:

*Standard 9.22--*

- (a) prior disciplinary offenses;
- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;

- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
- (g) refusal to acknowledge wrongful nature of conduct;
- (i) substantial experience in the practice of law;
- (j) indifference to making restitution; and
- (k) illegal conduct.

Mr. Maasen offered no mitigation. Notwithstanding, the Hearing Panel finds the following mitigating factor applies:

*Standard 9.32—*

- (k) imposition of other penalties or sanctions.

The Hearing Panel finds the sole mitigating factor does not outweigh the aggravating factors, therefore, disbarment is appropriate.

### **CONCLUSION**

The Supreme Court “has long held that ‘the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.’” *In re Alcorn*, 202 Ariz. 62 at 74, 41 P.3d 600 at 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). Other purposes and goals of lawyer discipline and regulation are to deter future misconduct, *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993), protect and instill public confidence in the integrity of individual members of the SBA, *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994), and foster confidence in the self-regulatory process, *In re Hoover*, 161 Ariz. 529, 779 P.2d 1268 (1989).

The public, the profession and the administration of justice require protection from Mr. Maasen. His disbarment will achieve those aims, deter others from committing similar offenses, and instill confidence in lawyers who refrain from that behavior. Finally, Mr. Maasen's disbarment will foster confidence in the SBA's self-regulatory process; his default proves his disdain for and refusal to participate in that process.

The Hearing Panel orders:

1. Mr. Maasen be disbarred from the practice of law effective immediately.
2. Mr. Maasen shall pay all costs and expenses incurred by the SBA and approved by the Presiding Disciplinary Judge.

A final judgment and order will follow.

**DATED** this 24th day of January 2019.

*Signature on File*

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

*Signature on File*

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**Sandra E. Hunter, Volunteer Attorney Member**

*Signature on File*

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**Thomas C. Schleifer, Volunteer Public Member**

Copy of the foregoing e-mailed  
this 24th day of January, 2019, and  
mailed January 25, 2019, to:

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State Bar of Arizona  
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Phoenix, Arizona 85016-6266

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Email: [jlbenefit@gmail.com](mailto:jlbenefit@gmail.com)

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Telephone (602)340-7250  
Email: LRO@staff.azbar.org

OFFICE OF THE  
PRESIDING DISCIPLINARY JUDGE  
SUPREME COURT OF ARIZONA

NOV 14 2018

FILED  
BY 

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A  
SUSPENDED MEMBER OF THE  
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**SCOTT ALLAN MAASEN,  
Bar No. 018073,**

Respondent.

**PDJ 2018-9101**

**COMPLAINT**

State Bar Nos. 16-3772 and 17-0796

For its complaint against Respondent the State Bar of Arizona alleges:

1. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona.
2. Respondent was admitted to practice law in California in 1996 and in Arizona on May 17, 1997.

**COUNT ONE (File no. 16-3772/State Bar of Arizona)**

2. On November 8, 2016, Respondent was indicted on 12 federal felony counts generally relating to his commission of bankruptcy fraud and conspiracy with his father and wife (co-defendants) to commit bankruptcy fraud.

3. The United States filed a superseding indictment on March 1, 2017.

4. On April 13, 2018, Respondent signed a plea agreement by which he pled guilty to Count 4, Concealment of Assets in Bankruptcy, a violation of 18 U.S.C. §152(1), a Class D felony.

5. Among other violations, Respondent failed to comply with laws of the United States, and federal court rules, requiring that he list all of his assets on his bankruptcy schedules.

6. Respondent violated Rule 42, Ariz. R. Sup. Ct., ERs 3.4 and 8.4, and Rule 54, Ariz. R. Sup. Ct.

**COUNT TWO (File no. 17-0796/Julie Holm)**

**I. Respondent's Conduct in his Divorce Case**

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## **II. Respondent's Bankruptcy Court and Trust Account Violations**

75. In 2009, Respondent filed for Chapter 11 bankruptcy protection for himself and Maasen Realty Investments, L.L.C. (collectively, Respondent).

76. The law firm of Aiken, Schenk represented Respondent until 2015.

77. Respondent failed to pay his legal bill to Aiken, Schenk of about \$128,000.

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82. The \$117,000 legally was the property of Respondent's bankruptcy estate.

83. In November 2016, Respondent had Whisper Rock wire \$104,485.49 to his law firm trust account (IOLTA) at Bank of America.

84. The \$104,485.49 did not belong in whole or in part to a client or third person in connection with a representation.

85. Then, Respondent issued cashier's checks out of his IOLTA for \$65,000 and \$35,000 payable to his criminal defense attorney Kurt Altman, in connection with the matters described above in Count One.

86. Respondent kept the balance of the deposit -- \$4,485.49 -- in his IOLTA until March 8, 2017 (see para. 105-107 below).

87. Respondent did not notify Aiken, Schenk or Complainant of his and his firm's receipt of the funds from Whisper Rock.

88. Aiken, Schenk suspected that Whisper Rock gave Respondent \$115,000.

89. On December 2, 2016, Aiken, Schenk filed an Application for an OSC asking the bankruptcy court to compel Respondent to account for the money and, if he received it, to pay it all to Aiken, Schenk.

90. The bankruptcy court held a hearing on December 15, 2016.

91. Respondent provided an accounting, and admitted, that the approximately \$117,000 of funds at issue are property of the bankruptcy estate.

92. Respondent admitted to the bankruptcy court and other parties that he disbursed \$100,000 to Kurt Altman without prior court authorization.

93. Respondent falsely told the bankruptcy court and other parties that he disbursed \$4,485.49 to an unidentified "Expert."

94. Respondent told the bankruptcy court and other parties that Whisper Rock retained \$12,514.41.

95. The court ordered Respondent to identify the "expert" by the close of business that day so Aiken, Schenk could include that name in the ensuing court order.

96. Respondent failed to comply with the bankruptcy court's order to identify the expert by the close of business on December 15, 2016.

97. The bankruptcy court ordered Mr. Altman, Whisper Rock, and "Expert" to freeze the funds in their possession pending further court order.

98. The bankruptcy court set a hearing for January 31, 2017, to determine the appropriate remedy for Respondent's failure to identify "Expert."

99. Respondent failed to appear for the January 31, 2017 hearing.

100. Respondent failed to identify “Expert.”

101. Complainant appeared at the January 31, 2017 hearing, and asserted that she may have a senior interest in the funds.

102. The bankruptcy court ordered Mr. Altman, Whisper Rock, and “Expert” to pay the money in their possession to the Aiken, Schenk trust account.

103. The bankruptcy court also established a procedure for Complainant to assert her claim to the money.

104. Mr. Altman sent Aiken, Schenk a cashier’s check for \$100,000 on February 3, 2017.

105. Respondent issued a cashier’s check out of his IOLTA for \$4,485.49 payable to Aiken, Schenk on March 8, 2017.

106. Contrary to his earlier representation to the bankruptcy court and other parties, Respondent did not pay to or deposit with an expert \$4,485.49 from the funds he received from Whisper Rock and that he deposited into his IOLTA.

107. Respondent has neither identified the purported “expert” nor corrected his false statement that he paid \$4,485.49 to an expert.

108. None of the foregoing disbursements from Respondent’s IOLTA was by electronic transfer or sequentially prenumbered checks.

109. On February 16, 2016, Respondent deposited \$100,000 received by wire from Gemini Consulting Group, Inc., into his IOLTA.

110. Respondent described the February 16, 2016 deposit as a “Bridge Loan.”

111. The February 16, 2016 “Bridge Loan” deposit did not belong in whole or in part to a client or third person in connection with a representation.

112. Respondent transferred \$100,000 out of his IOLTA the same day to a checking account ending in 9819.

113. Respondent’s above-described transfer of \$100,000 out of his IOLTA to a checking account ending in 9819 did not belong in whole or part to a client or third person in connection with a representation.

### **III. Respondent’s Failure to Respond to or Cooperate With the State Bar**

114. On July 6, 2017, the State Bar sent Respondent a standard screening investigation letter asking that he respond to the charges by July 26, 2017.

115. The State Bar sent its July 6, 2017 letter to Respondent at his street and email addresses of record with the State Bar.

116. Respondent received and read the email containing the State Bar’s July 6, 2017 letter on July 6, 2017.

117. Respondent did not respond to the State Bar's screening investigation letter by July 26, 2017.

118. On August 7, 2017, the State Bar sent a standard reminder letter to Respondent asking that he respond to Complainant's charges within ten days (August 17, 2017).

119. The State Bar sent its August 7, 2017 letter to Respondent at his street and email addresses of record with the State Bar.

120. Respondent received and read the email containing the State Bar's August 7, 2017 letter on August 7, 2017.

121. On August 16, 2017, Respondent contacted the State Bar and asked for an extension by which to respond to the charges.

122. The State Bar agreed to an extension, to September 5, 2017.

123. Respondent did not respond to the State Bar's request for information relating to Complainant's charge, either by September 5, 2017, or at all.

124. Respondent failed to cooperate in the State Bar's investigation, either by September 5, 2017, or at all.

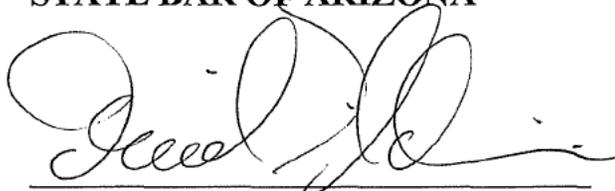
125. By experience, Respondent was aware of his duty to respond to bar charges and cooperate in a bar investigation. For example:

- a. In State Bar matter no. 16-0527, in 2017, Respondent was reprimanded for violating ERs 1.16(d), 8.1(b), and Rule 54(d);
- b. In State Bar matter no. 16-0138, in 2016, Respondent was admonished and placed on probation (LOMAP for two years and fee arbitration) for violating ERs 1.3, 1.4, 1.5(a), and 3.2;
- c. In State Bar matter no. 16-0606, in 2016 Respondent was admonished and placed on probation (LOMAP for two years and fee arbitration for violating ERs 1.4, 1.5(a), 1.15(d), and 1.16(d);
- d. In State Bar matter no. 15-1787, in 2016 Respondent was admonished and placed on probation (LOMAP for two years and fee arbitration) for violating ERs 1.2, 1.3, 1.4, 1.5(a), and 1.15(d);
- e. In State Bar matter no. 15-1775, in 2016 Respondent was reprimanded and placed on probation (LOMAP for two years and fee arbitration for violating ERs 1.3, 1.4, 1.5(a), and 8.4(d);
- f. Respondent received many other charges dating back to the year 2000 (many of which were dismissed).

126. Respondent violated Rule 42, Ariz. R. Sup. Ct., ERs 1.15, 3.1, 3.3, 3.4, 4.1, 4.4, 8.1, and 8.4; Rule 43, Ariz. R. Sup. Ct.; and Rule 54, Ariz. R. Sup. Ct.

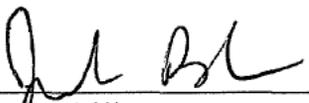
DATED this 14<sup>th</sup> day of November, 2018.

**STATE BAR OF ARIZONA**



David L. Sandweiss  
Senior Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 14<sup>th</sup> day of November, 2018.

by:   
JLS:jlb

**FILED**

AUG 30 2018

BY *H. Lebrun*

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**

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

**SCOTT ALLAN MAASEN  
Bar No. 018073**

Respondent.

No. 17-0796

**PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on August 10, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 6-0-3<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 17-0796.

**IT IS THEREFORE ORDERED** pursuant to Rules 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar Counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 27 day of August, 2018.

*Lawrence F. Winthrop*  
Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause Committee  
of the Supreme Court of Arizona

<sup>1</sup> Committee members Jeffrey Pollitt, Charles Muchmore and Brent Vermeer did not participate in this matter.

Original filed this 30<sup>th</sup> day  
of August, 2018, with:

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

Copy mailed this 31<sup>st</sup> day  
of August, 2018, to:

Scott Allan Maasen  
Maasen Law Firm  
8707 E. Vista Bonita Dr, Ste 230  
Scottsdale, AZ 85255-3214  
Respondent

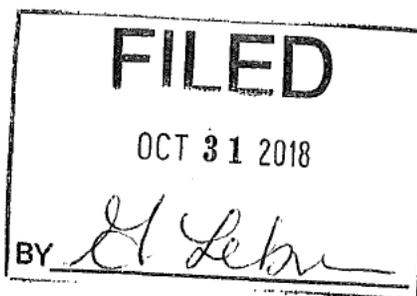
Copy emailed this 31<sup>st</sup> day  
of August, 2018, to:

Attorney Discipline Probable Cause Committee  
of the Supreme Court of Arizona  
1501 West Washington Street, Suite 104  
Phoenix, Arizona 85007  
E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

by:   
/DLS/jlb

**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



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

**SCOTT ALLAN MAASEN  
Bar No. 018073**

Respondent.

No. 16-3772

**PROBABLE CAUSE ORDER**

The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on October 12, 2018, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 5-0-4<sup>1</sup>, the Committee finds probable cause exists to file a complaint against Respondent in File No. 16-3772.

**IT IS THEREFORE ORDERED** pursuant to Rule 55(c) and 58(a), Ariz. R. Sup. Ct., authorizing the State Bar counsel to prepare and file a complaint with the Disciplinary Clerk.

Parties may not file motions for reconsideration of this Order.

**DATED** this 30 day of October, 2018.

A handwritten signature in black ink that reads "Lawrence F. Winthrop". The signature is written in a cursive style and is positioned above a horizontal line.

Judge Lawrence F. Winthrop, Chair  
Attorney Discipline Probable Cause  
Committee of the Supreme Court of Arizona

<sup>1</sup> Committee members Jeffrey Pollitt, Ben Harrison, Charles Muchmore and Walt Davis did not participate in this matter.

Original filed this 31st day  
of October, 2018, with:

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

Copy mailed this 31st day  
of October, 2018, to:

Scott Allan Maasen  
8707 E. Vista Bonita Dr, Ste 230  
Scottsdale, AZ85255-3214  
Respondent

10914 E. Skinner Dr.  
Scottsdale, AZ 85262  
Alternate Address for Respondent

Copy mailed this 31st day  
of October, 2018, to:

Attorney Discipline Probable Cause Committee  
Of the Supreme Court of Arizona  
1501 West Washington Street, Suite 104  
Phoenix, Arizona 85007  
E-mail: [ProbableCauseComm@courts.az.gov](mailto:ProbableCauseComm@courts.az.gov)

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 N. 24<sup>th</sup> St., Suite 100  
Phoenix, Arizona 85016-6266  
E-mail: [LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

By: 