

SUPREME COURT OF ARIZONA

In the Matter of a Suspended)	Arizona Supreme Court
Member of the State Bar of)	No. SB-16-0013-AP
Arizona)	
)	Office of the Presiding
PARKER EVAN BORNMANN,)	Disciplinary Judge
Attorney No. 24909)	No. PDJ20159125
)	
Respondent.)	FILED 07/13/2016
_____)		

O R D E R

Pursuant to Rule 59, Rules of the Supreme Court, Respondent Parker Evan Bornmann appealed the Presiding Disciplinary Judge's "Order Finding Non-compliance with Terms of Probation and Imposition of Additional Sanction of Suspension" and "Final Judgment and Order." Specifically, Respondent appeals the restitution provisions of the Presiding Disciplinary Judge's orders. Upon consideration of the parties' briefs and the record in this matter,

IT IS ORDERED that the Court accepts the Presiding Disciplinary Judge's determinations as to the Respondent's violation of his probationary terms.

IT IS FURTHER ORDERED that, with respect to additional sanctions imposed for Respondent's probationary violations, the Court affirms the orders of the Presiding Disciplinary Judge imposing 18 additional months of suspension, consecutive to the present suspension imposed, and the orders of restitution.

IT IS FURTHER ORDERED that, with respect to restitution orders for amounts of money originally made subject to arbitration with former clients in the underlying disciplinary matter, the Court affirms the Presiding Disciplinary Judge's Final Judgment and Order.

IT IS FURTHER ORDERED that Respondent be assessed costs and expenses of the disciplinary proceedings as provided in Rule 60(b)(2)(B).

DATED this 13th day of July, 2016.

_____/S/
SCOTT BALES
Chief Justice

TO:

Parker Evan Bornmann

David L Sandweiss

Amanda McQueen

Sandra Montoya

Maret Vessella

Don Lewis

Beth Stephenson

Mary Pieper

Netz Tuvera

Raziel Atienza

Lexis Nexis

BEFORE THE PRESIDING DISCIPLINARY JUDGE

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

**PARKER EVAN BORNMANN,
Bar No. 024909**

Respondent.

PDJ 2015-9125

FINAL JUDGMENT AND ORDER

[State Bar No. 12-3006-N]

FILED JANUARY 13, 2016

The Presiding Disciplinary Judge (PDJ) having conducted an evidentiary hearing issued an "Order Finding Non-Compliance with Terms of Probation and Imposition of Additional Sanction of Suspension" filed January 5, 2016, for violating the terms and conditions the probation of Mr. Bornmann in PDJ-2014-9069. Those terms are incorporated by this reference. As time has expired for appeal,

IT IS ORDERED extending Mr. Bornmann's suspension by eighteen (18) months, consecutive to his present suspension, effective the date of this order.

IT IS FURTHER ORDERED Mr. Bornmann shall pay restitution to the following clients, or third-party payor of fees for clients, each of which are reduced to a restitution order, effective immediately:

<u>State Bar File No.</u>	<u>Name</u>	<u>Amount</u>
12-3006	De La Luz	\$1,200.00
13-0685	Kain	\$3,000.00
13-0868	Benson	\$1,550.00
13-1078	Mazurkewicz	\$1,200.00
13-1618	Fickensher	\$ 900.00
13-1817	Nowak	\$1,750.00
13-1854	Hampton	\$2,500.00
13-2394	Campos-Fuller	\$2,000.00

14-0232	Potter	\$2,500.00
14-0431	Murrieta	\$2,000.00
14-0451	Krah	\$3,500.00
14-0470	Griffin	\$3,000.00
14-0593	Uthe	\$1,800.00
14-1190	Smith	\$3,000.00
14-1314	Diaz	\$1,881.00
14-2279	Rivero	\$1,500.00
14-2338	Stokely-Glidden	\$1,195.00
14-2593	Tellez	\$2,500.00

IT IS FURTHER ORDERED Mr. Bornmann shall immediately take the steps necessary to adhere to and comply with the written business plan referred to in this court's "Final Judgment and Order" in PDJ 2014-9069, filed December 31, 2014, as more fully described in paragraphs, c, d, and e, of that judgment and order, the terms of which are incorporated herein by this reference.

DATED this 13th day of January, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 13th day of January, 2016, to:

Parker Evan Bornmann
1731 West Baseline Road, Suite 101
Mesa, Arizona 85202-5730
Email: evan.bornmann@gmail.com
Respondent

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

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

by: AMcQueen

**BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY
JUDGE**

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

**PARKER EVAN BORNMANN,
Bar No. 024909**

Respondent.

PDJ-2015-9125

**ORDER FINDING NON-
COMPLIANCE WITH TERMS OF
PROBATION AND IMPOSITION
OF ADDITIONAL SANCTION OF
SUSPENSION**

[State Bar No. 12-3006-N]

FILED JANUARY 5, 2016

Under Rule 60(a)(5)(C), a Notice of Non-Compliance ("Notice") was filed by bar counsel on December 15, 2015. On December 24, 2015, the PDJ ordered setting a hearing. No response was filed by Mr. Bornmann. On January 4, 2016, the hearing was on the notice was held. Senior Bar Counsel, David L. Sandweiss appeared on behalf of the State Bar of Arizona. Parker Evan Bornmann appeared *pro per*. Mr. Bornmann was reminded of his right to have an attorney represent him.

Mr. Bornmann admitted he had breached his probation and stated the allegations in the notice were true. Mr. Bornmann was ordered to pay restitution or provide proof of payment to nine former clients. He certified he paid Mr. Borling in full, yet failed to provide proof of that payment. He also certified he paid Mr. Hansen in full, yet failed to provide proof of that payment either. Mr. Bornmann acknowledged he paid these individuals prior to his Agreement for Discipline for Consent being filed. No other listed client has been paid.

He was also obligated to participate in fee arbitration in eighteen (18) other matters. He has not filed for arbitration in any, despite his prior statement some of those were entirely defensible. At the hearing he stated his belief that under the arbitration rules if he didn't pay those arbitration awards in full, he might receive other sanctions. As a result he intentionally did not participate in fee arbitration.

Mr. Bornmann had to adhere to and comply with the written business plan he submitted to the State Bar. He acknowledged he declined to communicate with the State Bar except on two occasions, both of which were in the attachments to the Notice. He was to continue to contract with Lynda Shely, he failed to do so and did not contract with a successor, although the agreement permitted him to do so.

The State Bar requested disbarment.

The PDJ questioned Mr. Bornmann regarding his finances. Mr. Bornmann had no documents to present at the hearing regarding his income, debts or living expenses. He certified he received \$4,500 per month with no taxes withheld. He stated he had the usual living expenses and rent on the home he is living in of \$878.00. He pays utilities on that home. He has a truck payment of \$437.00 and insurance of \$130.00. He has two credit card bills he jointly pays \$75.00 towards each month. He is paying \$50.00 a month towards a new tire, and pays to care for his dog. He commutes to work at a fuel cost of \$500.00 per month. He has not filed his taxes for 2014 but has filed an extension. He has paid no estimated taxes for either 2014 or 2015. He also has a student loan in default.

These stated payments total \$2,070.00 and he also pays his utilities. He lives alone and has no children.

Mr. Bornmann stated he would reduce his own personal costs and take up a second job. There was no explanation why he had not already taken those steps. When asked if there was a reason for his failings, he stated he had been "railroaded." He stated if it made the court happy, he will "own up" to his prior clients.

Based on the certifications of Mr. Bornmann, the PDJ finds he could make payments towards his obligations but chose not to. The time has passed for fee arbitration. The fees sought by those clients are reduced to restitution awards. They shall be paid prior to any application for reinstatement being filed.

IT IS ORDERED extending the suspension of Parker Evan Bornmann by eighteen (18) months.

IT IS FURTHER ORDERED directing the State Bar of prepare a judgment consistent with these findings that detail the restitution orders for each client and his continuing obligations to adhere to his business plan.

DATED this 5th day of January, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 5th day of January, 2016, to:

David L. Sandweiss
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: lro@staff.azbar.org

Parker Evan Bornmann
1731 W. Baseline Rd., Ste. 101
Mesa, AZ 85202-5730
Email: evan.bornmann@gmail.com
Respondent

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

by: [AMcQueen](#)