

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

RAY C. BROWN
Bar No. 001064

Respondent.

PDJ-2016-9121-PV

**ORDER DECLINING ANY
ADDITIONAL SANCTION AND
FINDING PROBATION
COMPLETED**

FILED DECEMBER 7, 2016

On October 6, 2014, the hearing panel reprimanded Mr. Brown, ordered him to pay Gerald Molumby \$10,189 with interest, and placed him on two years of probation. He was ordered to complete 6 hours of continuing legal education in the fundamentals of the Civil and Family Law Procedure. Mr. Brown appealed. The term of probation of Mr. Brown was not stayed. The Supreme Court affirmed the decision by its Order of February 10, 2015.

On November 8, 2016, the State Bar of Arizona gave notice pursuant to Rule 60(a)(5)(C), Ariz. R. Sup. Ct., of the alleged material non-compliance with the terms of probation imposed upon Mr. Brown. Under that Rule, Mr. Brown had ten (10) days to respond. No response was filed by Mr. Brown. Under Rule 60(a)(5)¹, the State Bar must prove a violation by a preponderance of the evidence.

The notice alleges Mr. Brown has failed to pay the restitution and the costs. Mr. Brown submitted to the State Bar that his client told bar counsel he did not want restitution from Mr. Brown as he considered him a friend. The State Bar requests suspension with a term of probation of two years.

The matter was set for hearing on December 7, 2016. Senior Bar Counsel Craig D. Henley appeared on behalf of the State Bar. Mr. Brown represented himself. The record reflects no Statement of Costs was ever submitted and this court is unaware of any costs awarded. The Bar limits its allegation to failing to pay restitution. Both parties agree there has been no interest by the client, Mr. Molumby, in the restitution.

¹ All Rule references are to the Rules of the Arizona Supreme Court.

The Court finds the term of probation terminated prior to filing the petition. Further, the restitution was not stated by the hearing panel as a term of probation.

Now Therefore,

IT IS ORDERED finding the term of probation has been completed and no additional sanction should be imposed.

DATED this 7th day of December 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

COPY of the foregoing e-mailed this 7th day of December, 2016, and mailed December 8, 2016, to:

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