

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

ANDREW P. LAHSER,
Bar No. 022544

Respondent.

PDJ 2016-9051

FINAL JUDGMENT AND ORDER

[State Bar File No. 15-1725]

FILED MAY 20, 2016

The Presiding Disciplinary Judge having reviewed the Agreement for Discipline by Consent filed on May 18, 2016, accepted the proposed agreement under Rule 57(a), Ariz. R. Sup. Ct.

Accordingly:

IT IS ORDERED Respondent, **Andrew P. Lahser**, is suspended for six (6) months and one (1) day. A period of suspension of over six (6) months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective thirty (30) days from this order.

IT IS FURTHER ORDERED Mr. Lahser shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

NON-COMPLIANCE LANGUAGE

If Mr. Lahser fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, under Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend a sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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

IT IS FURTHER ORDERED Mr. Lahser shall pay the costs and expenses of the State Bar of Arizona for \$ 1,200.00, within thirty (30) days from the date this order. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings

DATED this 20th day of May, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

///

Copies of the foregoing mailed/e-mailed
this 20th day of May, 2016, to:

Shauna R. Miller
Senior Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Tyler Abrahams
Broening Oberg Woods & Wilson PC
PO Box 20527
1122 East Jefferson
Phoenix, Arizona 85036-0527
Email: tma@bowwlaw.com
Respondent's Counsel

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

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

ANDREW P. LAHSER,
Bar No. 022544

Respondent.

No. PDJ-2016-9051

**DECISION AND ORDER
ACCEPTING DISCIPLINE BY
CONSENT**

[State Bar File No. 15-1725]

FILED MAY 20, 2016

An Agreement for Discipline by Consent (Agreement) was filed on May 18, 2016, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. The Agreement was reached before the authorization to file a formal complaint. An Order of Probable Cause issued on March 25, 2016. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate".

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.

Under Rule 53(b)(3), Ariz. R. Sup. Ct., no notice of this Agreement and the opportunity file a written objection within five days was provided to the complainant(s) by letter on April 6, 2016. No objection was received.

The Agreement details a factual basis for the admissions to the charge in the Agreement. Mr. Lahser conditionally admits he violated Supreme Court Rule 42, ER 1.2 (scope of representation) ER 1.3 (diligence), ER 1.4 (communication), ER 1.5 (fees), ER 1.15(a) (safekeeping property) and ER 1.16(d) (termination of representation). The parties stipulate to a sanction of a six month and one day suspension and the payment of costs and expenses of the disciplinary proceeding for \$1,200.00 within thirty (30) days from the final judgment and order.

Mr. Lahser's most serious misconduct was his serious breach of his fiduciary duty in handling his client's funds. He further failed to adequately communicate and diligently represent his client.

The parties agree that *Standard 4.1, Failure to Preserve the Client's Property*, of the American Bar Association's *Standards for Imposing Lawyer Sanctions (Standards)* applies to Mr. Lahser's violation of ER 1.15(a). *Standard 4.12 (suspension)* is the presumptive sanction and provides:

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.

Mr. Lahser conditionally admits he violated his duty to his client by failing to place his client's funds in the trust account. His failure put the client's funds at risk and caused potential harm to his client.

The parties further agree aggravating factor 9.22(d) (multiple offenses) and mitigating factors and 9.32(l) (remorse) are supported by the record.

The Presiding Disciplinary Judge finds the proposed sanction of suspension meets the objectives of attorney discipline and the Agreement is therefore accepted.

IT IS ORDERED incorporating by this reference the Agreement and any supporting documents by this reference. The agreed upon sanctions are: six (6) month and one (1) day suspension and the payment of costs and expenses of the disciplinary proceeding for \$1,200.00 to be paid within thirty (30) days from this order.

IT IS FURTHER ORDERED the Agreement is accepted. Costs as submitted are approved for \$1,200.00. Now therefore, a final judgment and order is signed this date. Mr. Lahser is suspended effective thirty (30) days from this order and costs are imposed.

DATED this 20th day of May, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/e-mailed
this 20th day of May, 2016 to:

Shauna R. Miller
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Tyler Abrahams
Broening Oberg Woods & Wilson PC
PO Box 20527
1122 East Jefferson
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Respondent's Counsel

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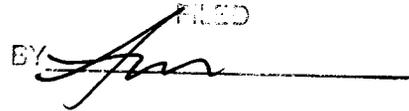
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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAY 18 2016

Tyler Abrahams, Bar No. 024931
Broening Oberg Woods & Wilson PC
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1122 East Jefferson
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Telephone 602-271-7700
Email: tma@bowlaw.com
Respondent's Counsel

FILED
BY 

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**ANDREW P. LAHSER,
Bar No. 022544,**

Respondent.

PDJ 2016-9051
[State Bar File No. 15-1725]

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

The State Bar of Arizona, through undersigned Bar Counsel, and Respondent, Andrew P. Lahser, who is represented in this matter by counsel, Tyler Abrahams, hereby submit their Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on March 25, 2016, but no formal complaint has been filed in this matter. 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.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainant(s) by letter on April 6, 2016. Complainants have been notified of the opportunity to file a written objection to the agreement with the State Bar within five (5) business days of bar counsel's notice.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.2 (Scope of Representation), ER 1.3 (Diligence), 1.4 (Communication), ER 1.5 (Fees), 1.15(a) (Safekeeping Property), and 1.16(d) (Termination of Representation). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: suspension of six months and one day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona. 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 licensed to practice law in Arizona on February, 10, 2004. At all relevant times, Respondent was an active member of the State Bar of Arizona.

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.

COUNT ONE (File no. 15-1725/Hoffman)

2. Respondent represented Mindset Marketing Solutions, LLC and Michael Weintraub ("Healthy Offers") in a patent application and trademark matter. Healthy Offers paid Respondent a \$1,000 flat fee for a prior art search in 2009. Respondent performed the search and secured the results, but he failed to file an information disclosure statement disclosing the search results. If this were to proceed to hearing, Respondent would testify that he accepts responsibility for his lack of diligence and communication, but the oversight in disclosure was correctable, and it caused no harm since it had no impact on Healthy Offers' patent application. For purposes of this agreement, the State Bar does not contest the proffered testimony.

3. Respondent received a notice of missing parts dated January 22, 2010, regarding Healthy Offers' regular patent application, because Respondent failed to pay the filing fee. Respondent did not report the notice to Healthy Offers. Respondent paid the fee on July 22, 2010, which delayed examination of the application for seven months. Respondent recognizes that in this respect he offered less than diligent and full communication with the client, which violates ERs 1.2, ER 1.3 and ER 1.4. Respondent also recognizes that his failure to timely pay the filing fee violated ER 1.15(a) and (c). If this matter were to proceed to hearing, Respondent would testify that he advised Healthy Offers about the importance of delaying prosecution of a patent for as long as possible. The benefits to delaying prosecution of the patent include (a) maintaining trade secret status during development, (b) freeing the client's limited capital for commercialization of the product rather than fees and costs, and (c) preserving resources until after the product is proven commercially viable. Healthy Offers was advised of these benefits and was in agreement with this approach during

this time. For purposes of this agreement, the State Bar does not contest the proffered testimony.

4. Respondent later billed Healthy Offers a \$1,000 flat fee for the same application services plus \$3,585 for the PTO² fees. Respondent charged for extra claims fees based on ten independent claims and 108 total claims, causing an overcharge to the client of approximately \$3,058. . If this matter were to proceed to hearing, Respondent would testify that he did not detect the error until later when he was notified by the USPTO. Because he did not detect the error at the time he billed the client, Respondent billed the client based on the work he performed rather than what he filed. This resulted in a larger fee to the client than the filing would reflect. Respondent resolved this billing error by way of full and complete settlement agreement. Respondent would further testify that this error was not born of fraud or deceit, but acknowledges that he violated ERs 1.3, 1.4, 1.5, and 8.4(c). The State Bar agrees for purposes of this agreement Respondent acted negligently, therefore there is no violation of ER 8.4(c).

5. In the same application, Respondent received a first office action dated October 25, 2011 (art rejection and formalities), but failed to file a response on Healthy Offers' behalf. This caused the application to become abandoned in 2012. Respondent never reported the abandonment to Healthy Offers. If this matter were to proceed to hearing, Respondent would testify that he does not recall receiving the first office action and, therefore, did not inform the client about it. Whether this is attributable to a calendaring error or other systemic failure, Respondent accepts

² Patent and Trademark Office.

responsibility for the failure. For purposes of this agreement, the State Bar does not contest the proffered testimony.

6. On July 9, 2012, Respondent filed a Petition for Revival in the non-provisional application, along with additional claims filed in the form of an amendment. Respondent's Petition for Revival was granted, but Respondent received an Office Action mailed on November 6, 2012, providing Notice of Non-Compliant Amendment where he had constructively elected another invention and, thus, the additional claims were not entered. Respondent did not inform his client about the non-compliant amendment, the abandonment, the petition, or the revival of the nonprovisional application until January 2013, at which time he advised his client about the original filing error, the steps he had taken to correct the original filing error, the abandonment of the application, and his efforts to revive the application. For purposes of this agreement, the State Bar does not contest the proffered testimony.

7. Respondent also recommended that Healthy Offers file a continuation application. Respondent told Healthy Offers he would file the continuation application and charge only PTO fees. Healthy Offers approved and Respondent filed the continuation application on March 15, 2013.

8. In the regular patent application, Respondent received a third office action dated June 19, 2013, which said that his March 2013 response was also non-compliant. Respondent did not report to Healthy Offers this new notice of noncompliance. Instead, on July 23, 2013, Respondent told Healthy Offers, "We are still waiting for action." If this matter were to proceed to hearing, Respondent would testify that he does not specifically recall receiving the third office action in or around June 2013. Respondent agrees that his failure to timely update the client as to the

status of his application shows a lack of diligence and communication. For purposes of this agreement, the State Bar does not contest the proffered testimony.

9. On May 13, 2013, the PTO sent a notice to Respondent telling him he needed to file "missing parts" because Respondent had filed the continuation application without submitting any fees. On July 23, 2013, Respondent billed Healthy Offers \$3,440 for the continuation, supported by a calculation listing PTO charges for a prioritized examination, four independent claims, 29 total claims, and a late-filed oath or declaration. The continuation application, however, had not been filed with a request for a prioritized examination, and it had only three independent claims and 21 total claims. Healthy Offers paid Respondent the \$3,440 on August 21, 2013. Respondent failed to put the money in his trust account. If this matter were to proceed to hearing, Respondent would testify that by the time he was prepared to file the prioritized application, his law practice was in financial distress and he no longer had the filing fees at his disposal. Respondent acknowledges that his handling of client funds violated ER 1.15, but he has made restitution to Healthy Offers in a negotiated settlement agreement. For purposes of this agreement, the State Bar does not contest the proffered testimony.

10. Even after receiving Healthy Offers' payment for the continuation application, Respondent never responded to the notice to file missing parts and never paid any money to the PTO.

11. On October 29, 2013, Respondent told Healthy Offers, "From memory, there is no action from the Patent Office yet," despite having received the third office action dated June 19, 2013. Respondent responded to that notice of non-compliant amendment in December 2013, still without telling Healthy Offers.

12. Because Respondent failed to respond to the notice to file missing parts, the continuation application "went abandoned" in January 2014. Respondent never reported the abandonment of the continuation application to Healthy Offers. Respondent agrees that the appropriate practice would have been to check on the status shortly after the client's inquiry and provide the information to the client. Respondent regrets not informing the client and acknowledges that his failure to do so was inappropriate.

13. In the regular patent application, Respondent received a fourth office action dated March 25, 2014, which said that his December 2013 response was also non-compliant, which he did not report to Healthy Offers. If this matter were to proceed to hearing, Respondent would testify that by the time he had an opportunity to discuss the notice with Healthy Offers, he learned that the client had hired successor counsel. Over several weeks, Respondent provided days of his time, unpaid, helping his client transition to new counsel by providing full disclosure and cooperation, including explanation of his filing error to successor counsel. Respondent acknowledges that he was not diligent in advising Healthy Offers regarding the fourth office action. For purposes of this agreement, the State Bar does not contest the proffered testimony.

14. In 2014, just before Healthy Offers hired successor counsel, Respondent was paid \$1,075 to file a trademark application on "Micro Neighborhood." Respondent never filed the application. If this matter were to proceed to hearing, Respondent would testify that once he learned of successor counsel, he did not file the trademark application due to confusion over whether Healthy Offers was still his client.

Ultimately, he handed the completed trademark work product over to successor counsel to complete the filing and Respondent returned all the fees paid for this work.

15. If this matter were to proceed to hearing, Respondent would testify that no judicial proceedings were affected by his actions. His conduct caused no harm since it had no adverse impact on Healthy Offers' patent application. In fact, it is correctable even today without adverse consequence to Healthy Offers. For purposes of this agreement, the State Bar does not contest the proffered testimony.

16. Respondent and Healthy Offers, with the help of successor counsel, negotiated a settlement agreement through which Respondent compensated Healthy Offers for the money Respondent had commingled. However, Respondent said that he could not pay cash, so Healthy Offer had to accept restitution "by accepting certain goods (and a small amount of cash)."

17. Respondent closed his trust account at the time he filed for bankruptcy in September 2015. When he closed the account, it did not contain unearned client funds, and he does not owe any clients, past or present, a refund of fees or costs.

18. Prior to closure of the IOLTA account, Respondent used the account to hold unearned attorneys' fees. However, the majority of his practice involved fee agreements stating that all flat fees were earned upon receipt. Respondent's usual practice was to deposit his flat fee receipts directly into his operating account, regardless of whether a portion of that flat fee included filing fees or other costs. Respondent acknowledges that his failure to distinguish between legal fees earned upon receipt and costs advanced by the clients violated ER 1.15, and he sincerely regrets the error. For purposes of this agreement, the State Bar does not contest the proffered testimony.

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, Ariz. R. Sup. Ct., specifically ERs 1.2 (Scope of Representation), ER 1.3 (Diligence), 1.4 (Communication), ER 1.5 (Fees), 1.15(a) and (c), (Safekeeping Property), and 1.16(d) (Termination of Representation).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss the alleged violation of 8.4(c) and 8.4 (d) (Misconduct).

RESTITUTION

Restitution is not an issue in this matter. Respondent has prepared an accounting of funds (fees and costs) received from Healthy Offers, an accounting of costs paid on behalf of Healthy Offers, and an approximation of time spent on work for Healthy Offers. [Exhibit B] In total, Healthy Offers paid Respondent \$21,880.00, inclusive of attorneys' fees and costs. In total, Respondent paid \$4,042.00 in costs to the USPTO on behalf of Healthy Offers.

In advance of a settlement agreement between Respondent and Healthy Offers, Healthy Offers accepted a refund of \$1,075.00. In the settlement agreement, Healthy Offers accepted cash and property that Healthy Offers valued at \$10,300.

Based on his review of the file, Respondent estimates that performing the patent search took two days, and that preparing the original application took one month of work (40 hours per week for four weeks). Respondent estimates that

preparation of the follow up application took two to three weeks of work, and that preparation of the new claims required two weeks of work. Respondent estimates that work in two unrelated trademark matters for Healthy Offers took about three days' work.

Respondent's total compensation for this work was \$6,463.00, which constitutes the difference between what Respondent received from Healthy Offers and what Respondent paid out in USPTO costs, plus the refund and settlement to Healthy Offers. In light of this accounting, and in light of bar counsel's review of the accounting, the State Bar does not believe that restitution is appropriate under these specific facts.

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: suspension of six months and one day. Any probation term will be determined if or when Respondent is reinstated to the practice of law.

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 *Standards 4.1* is the appropriate *Standard* given the facts and circumstances of this matter. *Standard 4.12*: 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 comments to *Standard 4.12* state in part that, "Because lawyers who commingle client's funds with their own subject the client's funds to the claims of creditors, commingling is a serious violation for which a period of suspension is appropriate even in cases when the client does not suffer a loss."

The duty violated

As described above, Respondent's conduct violated his duty to his client.

The lawyer's mental state

For purposes of this agreement the parties agree that Respondent should have known that failing to place his client's funds in the trust account put those funds at risk.

The extent of the actual or potential injury

For purposes of this agreement, the parties agree that there was potential harm to the client.

The *Standards* do not account for multiple charges of misconduct. The ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations. Other violations should be considered in aggravation. *ABA Standards for Imposing Lawyer Sanctions, Theoretical Framework* at 7.

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(d): multiple offenses. Respondent's lack of diligence led to multiple instances where the USPTO issued a notice of missing parts. Respondent failed to tell his client at various times that he made errors in filing the patent applications.

Standard 9.22(i): Respondent was admitted on February 10, 2004.

As noted above, other violations should be considered in aggravation, so Respondent's violation of ERs 1.2, 1.3, 1.4, 1.5, and 1.16(d) are aggravating factors.

In mitigation:

Standard 9.32(a): absence of prior disciplinary record.

Standard 9.32(l) remorse. Respondent is remorseful for his mistakes. He is not looking to excuse his conduct. Respondent gained very little, if anything, by spending hundreds of hours of uncompensated attorney time revising the patents in order to correct his filing errors. These actions were taken for the benefit of the client.

Respondent is closing his law practice and has stopped taking new clients. To that end, he has begun referring his existing clients to new counsel and will conclude his

practice as soon as practicable. Respondent is seeking employment, and his wife has begun working again to replace the lost income.

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. This agreement was based on the following: Respondent's handling of his client's funds is a serious breach of his fiduciary duty. But for the fact that his conduct was more akin to gross negligence than knowing misappropriation, Respondent would face a long term suspension or even disbarment. Given that client money went missing for a period of time, Respondent should be required to show rehabilitation prior to being reinstated. The parties believe that the appropriate sanction then is a six month and one day suspension.

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 six months and one day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit C.

DATED this 17th day of May 2016

STATE BAR OF ARIZONA



Shauna R. Miller
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 May, 2016.

Andrew P. Lahser
Respondent

DATED this _____ day of May, 2016.

Broening Oberg Woods & Wilson PC

Tyler Abrahams
Counsel for Respondent

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 six months and one day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit C.

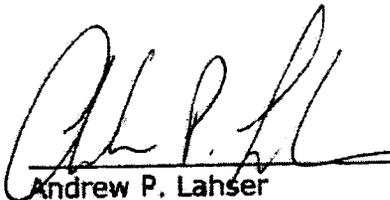
DATED this _____ day of May 2016

STATE BAR OF ARIZONA

Shauna R. Miller
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 17th day of May, 2016.



Andrew P. Lahser
Respondent

DATED this 17 day of May, 2016.

Broening Oberg Woods & Wilson PC



Tyler Abrahams
Counsel for Respondent

Approved as to form and content

Maret Vessella

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 18th day of May, 2016.

Copy of the foregoing emailed
this 18th day of May, 2016, 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/emailed
this 18th day of May, 2016, to:

Tyler Abrahams
Broening Oberg Woods & Wilson PC
PO Box 20527
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Email: tma@bowwlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 18th day of May, 2016, to:

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

by:

Aimee Berg
SRM: aib

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Member of the State Bar of Arizona,
ANDREW P. LAHSER Bar No. 022544, Respondent

File No. 15-1725

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

Total for staff investigator charges \$ 00.00

TOTAL COSTS AND EXPENSES INCURRED **\$1,200.00**

EXHIBIT B

	Date	Amount		
Weintraub Payments				
Patent Search	November 2008	\$1000.00		
Original Patent Drafting	December 2008	\$9610.00		
GEOMEDICAL Trademark	February 2009	\$1000.00		
Patent Continuation in Part filed as Provisional	July 2009	\$4610.00		
Utility Patent	July 2010	\$4585.00		
Micro Neighborhood	March 2014	\$1075.00		
Total Payments to Lahser from Weintraub		<u>\$21880.00</u>		
Restitution		Agreement Value	Purchase Price	KBB/Ebay Value
Cash (refunded prior to settlement)		\$1075.00	\$1075.00	\$1075.00
MacBook Pro Computer with upgraded memory and hard drives			\$1800.00	\$1000.00
Chrysler 300			\$25,841.00	\$11500.00
Office Furniture			\$4000.00	\$1500.00
Settlement Value		\$10300.00		
Total Value from Lahser to Weintraub		<u>\$11375.00</u>		<u>\$15075.00</u>
Payments to USPTO by Lahser for Weintraub				
Provisional Filing Fee	January 2009	\$110.00		
Provisional Filing Fee	January 2009	\$110.00		
Utility Filing fees	December 2009	\$1392.00		
Response to Office Action	December 2013	\$1500.00		
Amendment/Petition	July 2012	\$930.00		
Total Payments to USPTO		<u>\$4042.00</u>		
Net (Billings less Restitution less USPTO Costs)		\$6463.00		

EXHIBIT C

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

ANDREW P. LAHSER,
Bar No. 022544,

Respondent.

PDJ 2016-_____

FINAL JUDGMENT AND ORDER

[State Bar No. 15-1725]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on _____, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Andrew P. Lahser**, is hereby suspended for six months and one day. A period of suspension of more than six months will require proof of rehabilitation and compliance with other requirements prior to being reinstated to the practice of law in Arizona 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 Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof, is received by the State Bar of Arizona, Bar Counsel

shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

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 \$ 1,200.00, within 30 days from the date of service 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 May, 2016

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 May, 2016.

Copies of the foregoing mailed/mailed
this _____ day of May, 2016, to:

Tyler Abrahams
Broening Oberg Woods & Wilson PC
PO Box 20527
1122 East Jefferson
Phoenix, Arizona 85036-0527
Email: tma@bowwlaw.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this _____ day of May, 2016, to:

Shauna R. Miller
Senior Bar Counsel - Litigation
State Bar of Arizona
4201 N 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

Copy of the foregoing hand-delivered
this _____ day of May, 2016 to:

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

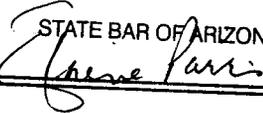
by: _____

FILED

MAR 25 2016

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

STATE BAR OF ARIZONA



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

No. 15-1725

**ANDREW P. LAHSER
Bar No. 022544**

PROBABLE CAUSE ORDER

Respondent.

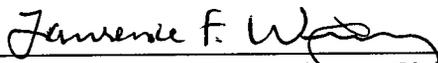
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on March 11, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation and Respondent's Response.

By a vote of 9-0-0, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-1725.

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 24 day of March, 2016.



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

Original filed this 25th day
of March, 2016, with:

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

Copy mailed this 28th day
of March, 2016, to:

Tyler Abrahams
Broening Oberg Woods & Wilson, PC
P.O. Box 20527
1122 E. Jefferson Street
Phoenix, Arizona 85036-0527
Respondent's Counsel

Copy emailed this 28th day
of March, 2016, 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

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by: James Bno