

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

**ANDREW JOHN VAN LOON,
Bar No. 029699,**

Respondent.

PDJ 2014-9062

FINAL JUDGMENT AND ORDER

[State Bar No. 14-0510, 14-0799]

FILED NOVEMBER 26, 2014

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on November 14, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Andrew John Van Loon**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that within thirty (30) days from the date of service of this Order, Respondent shall enter into amended terms and conditions of diversion in State Bar File Nos. 13-1668 and 13-2086, extending his original terms and conditions of diversion for an additional year.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing 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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (30) days from the date of service of this Order. 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 26th day of November, 2014

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 26th day of November, 2014.

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by: JAlbright

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SUPREME COURT OF THE STATE OF ARIZONA
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1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

ANDREW JOHN VAN LOON,
Bar No. 029699,

Respondent.

No. PDJ-2014-9062

**REPORT ACCEPTING CONSENT
FOR DISCIPLINE**

[State Bar File No. 14-0510, 14-
0799]

FILED NOVEMBER 26, 2014

An Agreement for Discipline by Consent was filed on November 14, 2014, and submitted under Rule 57(a)(3), of the Rules of the Arizona Supreme Court. A Probable Cause Order was filed on July 21, 2014 and the formal complaint was filed on July 28, 2014. Upon filing such Agreement, the presiding disciplinary judge, "shall accept, reject or recommend modification of the agreement as appropriate."

Under Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to the complainants by letters dated respectively October 22, 2014 and October 23, 2014. They were informed of the opportunity to file written objections. No objections have been received.

The Agreement for Discipline by Consent details a factual basis for the admissions to both counts listed the complaint. Mr. Van Loon conditionally admits

violations of ERs 1.3, 1.4, 1.16(d), 3.2 and 8.4(d). Restitution is not an issue as neither complainant paid Mr. Van Loon anything.

The presumptive sanction is suspension. Aggravating and mitigating factors were listed in the agreement. Great weight was given in mitigation by the State Bar to the fact Mr. Van Loon was recently admitted to the State Bar in 2012 and was dealing with health issues during the misconduct.

The agreement states Mr. Van Loon is on diversion in State Bar File Nos. 13-1668 and 13-2086 for violations of ERs 1.2(a), 1.3, 1.4, 1.16(d), 3.2 and 8.4(d). That order was entered on January 29, 2014. That diversion includes participation in the State Bar's Law Office Management Assistance Program and a practice monitor for one year. These diversion terms were signed in April 2014. As part of this consent agreement, the terms and conditions of his diversion will be extended for an additional year. The parties conditionally agree *A.B.A. Standard 4.42* applies. Mr. Van Loon acted negligently regarding the conduct in the first count and knowingly in the second. Actual harm occurred only to the client in count two.

IT IS ORDERED incorporating by this reference the Agreement for Discipline by Consent and any supporting documents by this reference. The agreed upon sanctions are: reprimand including an extension of his terms of diversion by an additional one year. Respondent also agrees to pay costs associated with the disciplinary proceedings of \$1,200.00.

IT IS ORDERED the Agreement for Discipline by Consent discipline is accepted. A Final Judgment and Order was submitted simultaneously with the Agreement. Costs as submitted are approved for \$1,200.00. The proposed final

judgment and order having been reviewed are approved. Now therefore, the final judgment and order is signed this date.

DATED this 26th day of November, 2014.

William J. O'Neil

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

Copies of the foregoing mailed/emailed this 26th day of November, 2014.

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**BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA**

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

**ANDREW JOHN VAN LOON,
Bar No. 029699,**

Respondent.

PDJ 2014-9062

**AGREEMENT FOR DISCIPLINE BY
CONSENT**

State Bar No. 14-0510, 14-0799

The State Bar of Arizona ("State Bar"), through undersigned Bar Counsel, and Respondent, Andrew John Van Loon ("Respondent"), who is represented in this matter by counsel, Denise M. Quinterri, hereby submit their Tender of Admissions and Agreement for Discipline by Consent, pursuant to Rule 57(a), Ariz. R. Sup. Ct. Respondent voluntarily waives the right to an adjudicatory hearing on the complaint, 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 complainants by letters dated October 22, 2014 and October 23, 2014. 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, ERs 1.3, 1.4, 1.16(d), 3.2, and 8.4(d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: Reprimand. Respondent also agrees to a one-year extension of his diversion in State Bar File Nos. 13-1668 and 13-2086. Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within thirty (30) days from the date of this order, and if costs are not paid within the thirty (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. At all times relevant, Respondent was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October, 30, 2012.

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. 14-0510/ Judicial Referral)

2. On March 13, 2013, Alan Wing (Alan) filed a petition for paternity, child support, and child custody in pro per naming Renee Risner as the respondent (Renee).

3. Renee was originally represented by attorney Gregory A. Malkin. Later, Respondent agreed to take over because Mr. Malkin was allegedly having health issues. On August 22, 2013, Respondent filed a notice of appearance on behalf of Renee.

4. On September 11, 2013, the court entered a Judgment of Paternity ("Judgment"). The Judgment scheduled an evidentiary hearing on Alan's petition for March 17, 2014 and ordered the parties to file a joint prehearing statement and exhibits by March 10, 2014.

5. On September 13, 2013, Respondent filed a motion for temporary orders on the issue of child support.

6. On October 7, 2013, the court entered an order denying Respondent's motion for temporary orders without prejudice because it did not comply with Rule of Family Law Procedure (Rule) 47(A), including because it was not verified.

7. On November 30, 2013, Respondent filed a second motion for temporary orders.

8. On December 9, 2013, the court denied Respondent's second motion for temporary orders without prejudice because it again was not verified, did not comply with Rule 47(A), and did not state that Renee made the disclosures required by Rule 49(C).

9. On January 3, 2014, Respondent filed a third motion for temporary orders.

10. On January 16, 2014, the court scheduled a return hearing regarding the motion for temporary orders for February 6, 2014.

11. Respondent arranged for another attorney to cover the February 6, 2014 hearing as Respondent had another hearing that same day in Maricopa County Superior Court Case No. FC2006-054589. However, prior to the hearing, Renee advised Respondent that she no longer wished for him to represent her.

12. Prior to the hearing on February 6, 2014, Respondent contacted the court and informed it that he no longer intended to represent Renee. The court informed Respondent that he should file a motion to withdraw and, if he did not have his client's consent to withdraw, he should appear for the hearing.

13. Respondent then contacted his client, Renee, who agreed to consent to Respondent's withdrawal and sign a consent for Respondent to withdraw. Renee agreed to sign the consent to withdraw on the morning of February 6, 2014. Renee appeared at Respondent's office on February 6, 2014, where Respondent's assistant had the consent document waiting for her signature. However, Renee refused to sign the consent because the consent had an incorrect address on it.

14. Consequently, Respondent did not file a motion to withdraw and did not attend the hearing on February 6, 2013. Respondent did not have another attorney cover the hearing because he believed Renee was consenting to his withdrawal and that his motion to withdraw with his client's consent would be filed with the court prior to the hearing commencing on February 6, 2013.

15. Because Respondent failed to appear for the hearing, the court entered a minute entry on February 6, 2014, stating: "Counsel called this Division earlier indicating that he no longer wished to represent Respondent in this case. Counsel was advised to file a Motion to Withdraw pursuant to Rule 9, Arizona Rules of Family Law Procedure, and if he does not have his client's written consent, that Counsel did need to appear for the hearing today. The Court has not received a Motion to Withdraw from Counsel and the Division attempted to reach Counsel's office and was told he was not available to speak to the Court."

16. In the same minute entry, the court ordered Respondent to appear on March 17, 2014 "regardless of whether he has withdrawn and show good cause as to why he should not be sanctioned for his failure to appear today."

17. In the same minute entry, the court also denied Respondent's petition for temporary orders stating that it would address the child support issue at the evidentiary hearing scheduled for March 17, 2014.

18. Finally, in the same minute entry, the court admonished Respondent stating "if he wishes to withdraw, he needs to file a Motion to Withdraw that complies with and provides all the information required by Rule 9 A.2. . . . [He] cannot simply file a Motion to Withdraw, he is Counsel of Record until the Order is granted."

19. The court forwarded this minute entry to the State Bar.

20. Even though he was still counsel of record on March 10, 2014, Respondent failed to file any exhibits or the prehearing statement required by the court's Judgment by March 10, 2014. Instead, Respondent filed a prehearing statement on March 15, 2014.

21. Respondent appeared for the show cause hearing on March 17, 2014.

22. On the same date as the show cause hearing, the court sent a letter to the State Bar and wrote the following: "When I asked him [Respondent] why [he] did not appear at the February 6, 2014, return hearing, he stated that he had a calendar conflict and initially arranged for another lawyer to cover the return hearing in my court for him but that his client subsequently asked him to withdraw. Mr. Van Loon further stated that, at the time, he was unaware that, under the Family Law Rules Court, [he had to file] a motion to withdraw. I then asked Mr. Van Loon whether he was present today to act as . . . [Renee's] counsel or whether he simply was appearing to show cause. . . . Mr. Van Loon responded by stating that he wished to withdraw. . . . Although Mr. Van Loon still had not yet filed a motion to withdraw, I asked . . . [Renee] whether she wished to consent to Mr. Van Loon's withdrawal today. . . . [She] stated that she had understood that Mr. Van Loon was going to act as her attorney today, which I construed to be an objection I was unable to proceed with today's evidentiary hearing because neither party had submitted any exhibits. . . . Consequently, I continued today's trial to April 17, 2014."

23. In its letter to the State Bar, the court also addressed sanctioning Respondent: "At the conclusion of today's proceeding, I began to address the issue of whether I should sanction Mr. Van Loon for his failure to appear at the February 6, 2014, return hearing. Mr. Van Loon politely interrupted me and asked for the opportunity to address the Court. After I granted his request, Mr. Van Loon stated that he has 'performance issues due to a decline in health' and, as a result, is in the process of 'temporarily' closing down his law practice. He also apologized. . . . I

then reminded Mr. Van Loon that he will need to make appropriate arrangements for . . . [Renee] and file a proper motion to withdraw. Last, as a sanction, I ordered that Mr. Van Loon not charge . . . [Renee] for the preparation of the motion to withdraw that Mr. Van Loon previously prepared but never filed, for the preparation of the untimely pretrial statement . . ., or for preparing or attending today's proceeding. Mr. Van Loon replied by stating that . . . [Renee] has not been charged."

24. In its letter, the court concluded: "Assuming Mr. Van Loon's comments to me today were true (which I believe they were), I believe this matter might best be addressed through diversion rather than discipline."

25. The court's aforementioned sanction is summarized in a minute entry.

COUNT TWO (File No. 14-0799/Cox)

26. On September 6, 2011, Roger Cox's (Cox) wife filed a petition for dissolution of marriage with minor children. Attorney Gregory A. Malkin represented the Complainant. In February of 2013, the court approved of a consent decree providing for Cox to pay child support in the amount of \$694 per month.

27. On April 11, 2013, Cox paid Mr. Malkin's office \$500.00 toward modifying his child support. An invoice relating to this payment reflects a balance due of \$420, although it is not clear whether that amount was for the modification work or for other legal services. The invoice also states: "Modification of child support uncontested. . . 700² if contested. . . 81 dollar filing fee and process serving not included."

² The amount may be "1700" for a contested modification. The invoice is difficult to read at that spot.

28. Respondent agreed to handle the modification petition because Mr. Malkin was allegedly having health issues. Cox did not pay Respondent for handling the modification petition.

29. On May 14, 2013, Respondent emailed Cox and wrote: "I know that we are doing a petition for modification that needs to be filed soon. Let me know how I can help you."

30. On June 22, 2013, Respondent forwarded Cox a draft petition to modify and asked if it was factually correct. Cox replied the next day and wrote that he did not believe that they had to file a petition "unless it was disputed." Cox further wrote: "I was also under the impression that based on the new information. . . you would be able to calculate what the new modified support rate would be and I don't see that anywhere either. I'm confused."

31. Respondent replied, asking Cox if the petition to modify was contested or not.

32. On June 24, 2013, Cox emailed Respondent: "Here is my frustration. Greg had discussed with me early on that I needed to prepare in April for modification so it could take effect in June since my son's 18th birthday was in May. I did as he asked of me only to experience a delay and not by my fault. The reality however is that I have an added expense to me because of the delay and now it looks like I'll experience it again in July. . . . I'm not that familiar with you and your experience in this type of law. . . . If this is something your uncomfortable with[,] please let me know . . . [and] and I'll go elsewhere, otherwise I'll need some advise [sic] moving forward."

33. On July 8, 2013, Cox informed Respondent that his ex-wife became unemployed and asked what impact this would have on his petition to modify. Complainant wrote: "Please advise what you think Please, . . . run the calculation and let me know that too."

34. Respondent did not respond to Cox's July 8 inquiry and, therefore, on July 24, 2013, Cox wrote to Respondent: "I'm resending this message originally sent June 28 [sic] without reply. I realize you 'inherited' me as a client but are you representing me . . . ? . . . I need to know what my options are . . . but not getting a response from you is costing me monthly."

35. On July 29, 2013, Respondent replied and wrote: "We should move ahead with a modification using what you believe is your wife's earning potential. . . . We will . . . run a new calculation."

36. On July 29, 2013 and August 5, 2013, Cox followed up with Respondent regarding calculating child support figures. Cox's correspondence provided three different salaries for Cox.

37. On August 6, 2013, Respondent replied that that he would get the "worksheet to you as soon as my schedule permits." Respondent also indicated that Mr. Malkin had agreed to assist Respondent in getting caught up.

38. On August 8, 2013, Cox advised Respondent that he wanted the new child support figures effective for "Sept 1 support."

39. On August 15, 2013, Cox advised Respondent that his pay had changed again, asking Respondent to "run the numbers", and stating "I'm getting concerned that [the] modification will [not] be done for [my] September check since . . . I

haven't seen anything as far as run numbers or heard if paperwork is being completed for filing."

40. On August 21, 2013, Respondent informed Cox of his estimated child support payment.

41. On August 27, 2013, Respondent filed a petition to modify child support for Cox. On page 3, paragraph 4, the petition requests that the court "Order that there be a resolution management conference to hear this matter, if this Court deems it necessary;". Respondent paid the \$84 filing fee on behalf of Cox.

42. On September 20, 2013, Cox wrote to Respondent: ". . . I'm both confused and concerned. I'm confused because I'm not sure what I'm suppose[d] to expect from the court. Am I suppose[d] to be receiving a final modification showing what I'm to pay from this point forward or a date to answer and show cause for modification? I'm concerned because it's been a month since we met and I signed papers and yet I still haven't seen anything in the mail. . . . [If] I could get some insight please. . . ."

43. Respondent replied on the same date and informed Cox that "[w]e are waiting on a hearing date and/or summary ruling. Unfortunately, what I can do at this time is limited as we need to wait upon the court for any further action."

44. Cox responded on the same date and wrote: "So, what you're saying is the court could go either way, either make the change in support . . . or set a court date which I'm paying the higher amount until resolved? Geez this is killing me! I've already gone 4 months more than I can afford and looking at a 5th. I just don't understand why this has gone on for so long. . . . Obviously[,] I'm getting frustrated."

45. Respondent replied that he "would imagine that the court would resolve at least the issue regarding the child turning 18 without a dispute at the first hearing."

46. On October 3, 2013, Cox emailed Respondent: "I know the legal system is slow but I signed papers the 3rd week of August and it's not [sic] October and still nothing from the court and yet another month of paying for a son who is living with me and at reduced wages since February. . . . Is this normal or have I fallen through a crack somewhere." Cox also asked for legal advice about a retirement plan, an annuity and an IRA.

47. Respondent replied and wrote the following: "Regarding getting a court date scheduled, there is not too much I can do. However, I will try to make the court issue an order to show cause to see if we can get this done sooner rather than later."

48. Respondent never followed-up with the court regarding scheduling a hearing on Cox's petition to modify because, in his experience, the court scheduled these types of hearings on its own initiative and Respondent attributed the delay to the court's calendar.

49. On October 31, 2013, Cox emailed Respondent the following: "I just wrote Mary yet another check for child support for an amount I shouldn't have to pay! My son turned 18 in May, [and] I lost my job in February with significant pay reduction. I signed the paperwork in your office on August 24th. . . . Can you see why I'm becoming impatient in this matter? I've been waiting for some relief in this matter for over 6 months! Are we progressing?"

50. On November 20, 2013, Respondent advised Cox that "your petition is with the process server."

51. On December 6, 2013, Cox emailed Respondent asking if the petition was served and stating: "Again[,] I don't understand why this is taking so long? . . . Please give me a hint of what should be happening and what I should expect to give me a better understanding of the process. This has gotten past the point of ridiculous!"

52. Respondent replied that he would update Cox after he receives confirmation of service.

53. Cox then asked Respondent whether "it is possible that whatever the new amount [is] it's retroactive to June since my son's birthday was in May when he turned 18? Is there any kind of recourse that can be done. . . . to resolve the difference."

54. Respondent responded: "I would need to look at the terms of the divorce decree to see what can be done with that before giving you a more definitive answer."

55. Respondent did not provide Cox a more definitive answer.

56. On December 8, 2013, the process server served the petition on Cox's ex-wife. Respondent paid the \$50 service fee on behalf of Cox.

57. On December 30, 2013, Cox emailed Respondent and asked whether Respondent served the ex-wife with a copy of the worksheet that was supposed to be attached to the petition and stating "[p]lease help me to understand why this has taken as long as it has and why I'm hearing that there are problems yet prolonging a final outcome!"

58. Respondent replied "I will check to see if there was an omission on the Petition but I am fairly certain there was a copy sent out to her and filed with the court. If there was not, I will file a notice of errata and rectify this oversight asap."

59. In fact, there was no child support worksheet attached to the petition to modify and Respondent never corrected this omission.

60. On January 30, 2014, Cox emailed Respondent: "You said that you were going to check to see if the paperwork Mary was served [with] was complete and you would send her the worksheet. . . . You also said you were going to 'reach out' to her about an out of court settlement. Has any of this happened? . . . Have I slipped in some crack? There has to be something wrong somewhere."

61. Respondent did not reply to this email.

62. On March 3, 2014, the court issued a "notice of intent to dismiss" if no action was taken on the petition by May 2, 2014.

63. Cox left messages with Respondent's receptionist on March 10, 2014, March 20, 2014, and March 24, 2014. Respondent did not return these messages.

64. On April 2, 2014, Cox filed a motion with the court "requesting a court date" on the petition. In the motion, Cox wrote: "I am making this request personally even though the motion was filed by my attorney, Andrew Van Loon[,], who has since abandoned me. My motion is thus now set for dismissal due to lack of activity."

65. On the same date, the court entered an order to appear regarding the petition, scheduling a hearing for May 5, 2014.

66. On April 30, 2014, Respondent emailed Cox advising him that he was having health issues. Respondent also wrote: "You have a hearing set for May 5

which can be moved should you wish. I am happy to continue to work with you on this matter and will accompany you to the hearing should you wish to still work with me." Respondent also explained that he had not received the March 3, 2014, "notice of intent to dismiss" from the court, and that he believed this was because the court did not have him listed as attorney of record on the case.

67. On May 2, 2014, Cox replied and wrote: "I'm sorry to hear of your health issues but let me point out some [of] the facts First, you haven't been available over the last few weeks but rather the last several months. This is the first message I've received from you this year. The last message I received from you was December 30, 2013. Secondly, as far as the court date set for Monday, May 5th. . . I set the date through the court system myself after questioning you why a date had not been set. Your response has been repeatedly to blame the court . . . being backed up and a date will eventually come. When I contacted the courts and found that you had not asked for a court date. . . [,] I tried to contact you repeatedly March 10, March 20 and lastly March 24 with no response After initiating this action over a year ago in April of 2013[,], there is no chance I'm going to ask for a continuance or postpone this set court date. . . . I am not an attorney so I have to question, why I as a layperson was able to petition and secure a court date the same day I petitioned? . . . This action has costed [sic] me money and with your lack of communication for 2014 [sic]. I have been abandoned!"

68. Respondent responded on the same day: "In my experience, a court date was set in a petition to modify even when the opposing party had not been served in these types of actions. I am sorry that this has turned out the way it has. Definitely not my intentions. I will call this weekend. I will need you to gather your

paychecks and possibly your bank statements. . . . Again, sorry that my health has inconvenienced you.”

69. On May 4, 2014, Respondent emailed Cox: “Just a reminder, please bring copies of your paycheck stubs”

70. Cox responded: “I’m not expecting you nor do I wish to have you represent me at tomorrow’s proceedings. I’m the one who finally had to petition for this hearing date and you’ve drug this proceeding to where it’s now over 12 months since I initiated this action.”

71. Respondent replied: “I will file a motion to withdraw immediately.” Respondent filed his motion to withdraw on May 5, 2014.

72. On the same date, the court entered an order reducing Cox’s child support to approximately \$600.00 per month.

CONDITIONAL ADMISSIONS

Respondent’s admissions are being tendered in exchange for the form of discipline stated below and is 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 1.3, 1.4, 1.16(d), 3.2, and 8.4(d).

CONDITIONAL DISMISSALS

The State Bar has conditionally agreed to dismiss the ER 3.2 allegation in Count One and the ER 1.2 and 1.16(a) allegations in Count Two because of evidentiary issues.

RESTITUTION

Restitution is not an issue in this matter. Renee did not pay Respondent anything for his services. Respondent took over the work from attorney Malkin when Mr. Malkin was allegedly having health issues. Similarly, Complainant Cox did not pay Respondent for the work that Respondent performed for him. Additionally, Respondent paid \$134 in costs on behalf of Cox, that have not been reimbursed to Respondent.

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: Reprimand. Additionally, Respondent is currently on diversion in State Bar File Nos. 13-1668 and 13-2086 for violating ERs 1.2(a), 1.3, 1.4, 1.16(d), 3.2, and 8.4(d). The order of diversion was entered on January 29, 2014. This diversion includes participation in the State Bar's Law Office Management Assistance Program ("LOMAP") and a practice monitor for one year. The terms and conditions of Respondent's diversion were signed in April of 2014. As part of this Agreement for Discipline by Consent, Respondent agrees to extend his terms and conditions of diversion for one year.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the above 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 thirty (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.

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 conditionally agree that *Standard 4.42* is the appropriate *Standard* given the facts and circumstances of this matter.³ *Standard 4.42* provides: "Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer

³ Although the parties conditionally agree that *Standard 4.42* applies, Respondent believes that he has an argument that *Standard 4.43* or *Standard 4.4* could apply.

engages in a pattern of neglect and causes injury or potential injury to a client. While some of Respondent's conduct was negligent, the parties conditionally agree that some of Respondent's conduct was knowing, including his failure to communicate with Complainant Cox and his failure to request a hearing date for Complainant Cox.

The duty violated

As described above, Respondent's conduct violated his duty to his client and the legal system.

The lawyer's mental state

For purposes of this agreement, the parties conditionally agree that Respondent acted negligently in failing to file a motion to withdraw or attend the court hearing in Count One because Respondent believed his client would sign a consent to withdraw, that Respondent acted knowingly in failing to communicate with Complainant Cox and request a hearing date for Complainant Cox, and 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 actual harm to Complainant Cox in that his child support was not modified for approximately ten months after he instructed Respondent to file the petition.

Aggravating and mitigating circumstances

The parties conditionally agree that 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 9.32(c) and (d): A pattern of misconduct and multiple offenses. In State Bar File Numbers 13-1668 and 13-2086, Respondent was diverted for communication and diligence issues.

In mitigation:

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

Standard 9.32(b): Absence of a dishonest or selfish motive.

Standard 9.32(c): Personal or emotional problems. Attached as Exhibit "B" are documents showing that Respondent, who previously suffered from thyroid cancer, is currently suffering from a recurrence of this cancer. Included in Exhibit "B" are blood test results from December 30, 2013 which Respondent understood as indicating the return of his thyroid cancer. The blood test results show an elevated thyroglobulin level which is consistent with persistent thyroid cancer. *Compare* December 30, 2013 test results and September 23, 2014 letter discussing relevance of thyroglobulin levels, which are both attached as Exhibit "B". By December of 2013, Respondent states that he had a "pretty good idea" that his cancer had returned. Prior to obtaining the December 2013 blood test results, Respondent states that he was experiencing symptoms including physical weakness, clouded thinking, frequent headaches, increased susceptibility to illness, excessive sleeping, and lack of energy which impacted his representation of Renee and Complainant Cox. After the December 2013 results, Respondent also suffered depression in relation to the fact that it appeared the cancer had returned.

Standard 9.32(e): Full and free disclosure to disciplinary board or cooperative attitude toward proceedings.

Standard 9.32(f): Inexperience in the practice of law. Respondent was admitted to practice law in Arizona on October 30, 2012.

Standard 9.32(g): Character or reputation. Attached as Exhibit "C" are character letters.

Standard 9.32(k): Imposition of other penalties or sanctions. In State Bar File No. 14-0510 (Count One), the court admonished Respondent in a public Minute Entry and later sanctioned Respondent and ordered him not to charge his client for rendering certain legal services to her.

Discussion

Although the parties conditionally agree that the presumptive sanction is suspension, the parties have conditionally agreed that a lesser sanction of a reprimand would be appropriate under the facts and circumstances of this matter. The State Bar's agreement was based on the following: Respondent's lack of communication with Complainant Cox is concerning to the State Bar, but the State Bar believes that Respondent's extension of his diversion should address these communication issues, including through both LOMAP and his practice monitor. Although Respondent was ordered to diversion prior to the State Bar receiving the bar charges in this matter, Respondent did not actually begin his diversion until April 2014. Respondent has also informed the State Bar that he has taken steps to increase his responsiveness to clients including by hiring a paralegal in January of 2014, commencing the use of an answering service around the same time, and hiring another attorney to assist him starting in March of 2014. Additionally, the State Bar gives great weight to the fact that Respondent was recently admitted to the State Bar in 2012 and was dealing with health issues at the time of the

misconduct. Respondent's agreement was based on the following: a reprimand is within the range of sanctions that could reasonably result from a hearing and Respondent wishes to put this behind him and focus on his health.

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 Reprimand and the imposition of costs and expenses. A proposed form order is attached hereto as Exhibit "D."

DATED this 14th day of November, 2014.

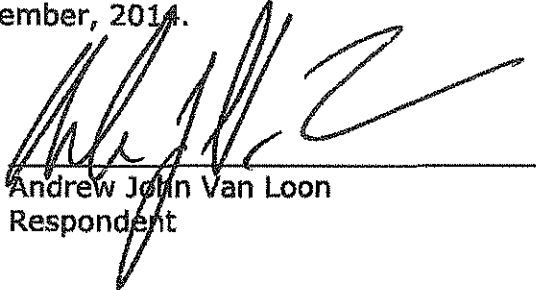
State Bar of Arizona



Nicole S. Kasetta
Staff Bar Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this 14th day of November, 2014.



Andrew John Van Loon
Respondent

DATED this _____ day of November, 2014.

The Law Office of Denise M. Quinterri PLLC

Denise M. Quinterri
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 _____ day of November, 2014

Copies of the foregoing mailed/emailed
this _____ day of November, 2014 to:

Denise M. Quinterri
The Law Office of Denise M Quinterri PLLC
4802 East Ray Road, Suite 23-419
Phoenix, AZ 85044-6417
dmq@azethicslaw.com
Respondent's Counsel

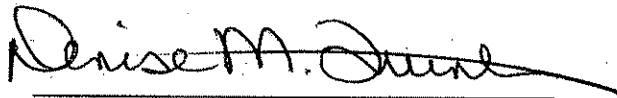
This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of November, 2014.

Andrew John Van Loon
Respondent

DATED this 13th day of November, 2014.

The Law Office of Denise M. Quinterri PLLC



Denise M. Quinterri
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 _____ day of November, 2014

Copies of the foregoing mailed/emailed
this _____ day of November, 2014 to:

Denise M. Quinterri
The Law Office of Denise M Quinterri PLLC
4802 East Ray Road, Suite 23-419
Phoenix, AZ 85044-6417
dmg@azethicslaw.com
Respondent's Counsel

This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation.

DATED this _____ day of November, 2014.

Andrew John Van Loon
Respondent

DATED this _____ day of November, 2014.

The Law Office of Denise M. Quinterri PLLC

Denise M. Quinterri
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 14th day of November, 2014

Copies of the foregoing mailed/emailed
this 14th day of November, 2014 to:

Denise M. Quinterri
The Law Office of Denise M Quinterri PLLC
4802 East Ray Road, Suite 23-419
Phoenix, AZ 85044-6417
dmq@azethicslaw.com
Respondent's Counsel

Copy of the foregoing emailed
this 14th day of November, 2014 to:

William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
Email: officepdj@courts.az.gov

Copy of the foregoing hand-delivered
this 14th day of November, 2014, to:

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

by: Jackie Deventer
NSK: jld

EXHIBIT A

Statement of Costs and Expenses

In the Matter of a Current Member of the State Bar of Arizona,
Andrew John Van Loon, Bar No. 029699, Respondent

File No(s). 14-0510 and 14-0799

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

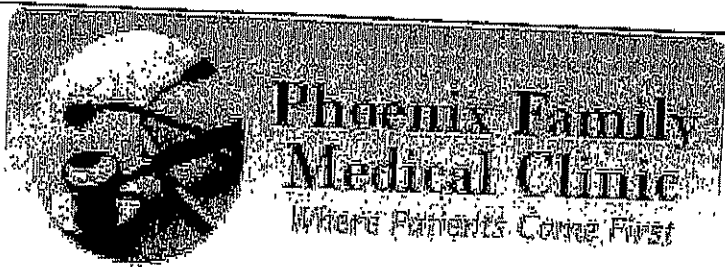
Total for staff investigator charges \$ 0.00

TOTAL COSTS AND EXPENSES INCURRED \$1,200.00


Sandra E. Montoya
Lawyer Regulation Records Manager

10-27-14
Date

EXHIBIT B



1108 W INDIAN SCHOOL RD STE B
 PHOENIX, AZ 85013
 TEL: 602-773-5600
 FAX: 602-773-5601
 WWW.PHOENIXFAMILYMEDICAL.COM

To: Andrew	From: Medical Records
Fax: 602-391-2151	Pages: 3 pages w/ cover
Phone:	Date: 12-30-2013
Re:	cc:

Comments:

(most parent labs)

For further questions please
 call your PCO @ 602-773-5600

thx Deborah

CONFIDENTIAL: This fax message, including any attachments, is for the sole use of the intended recipient(s) to which it is addressed and may contain confidential, privileged or proprietary information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, you are not authorized to read, print, retain a copy, or disseminate this message, attachments or any part of them. If you have received this message in error, please notify the sender immediately and destroy the original message, attachments and all copies thereof.

PATIENT INFORMATION
VAN LOON, ANDREW

REPORT STATUS	Final
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Sonora Quest Laboratories, LLC
 CLIENT SERVICE 602.655.5006

DOB: 08/28/1986 Age: 27
 SEX: M Fasting: N

ORDERING PHYSICIAN
ORTIZ, JOSEPH NAPOLEON

SPECIMEN INFORMATION
 SPECIMEN: G26935210
 REQUISITION: 120650006185
 LAB REF NO: 120650006185

ID: VANLOONAN86
 PHONE: 5704174704

CLIENT INFORMATION
 12065
 PHOENIX FAMILY MEDICAL CLINIC
 PHOENIX CLINICA FAMILIAR
 1108 W. INDIAN SCHOOL RD., STE
 PHOENIX, AZ 85013

COLLECTED: 12/24/2013 11:04
 RECEIVED: 12/24/2013 16:09
 REPORTED: 12/24/2013 18:58

Test Name	In Range	Out of Range	Reference Range	Lab
CBC W/DIFF, W/PLT				PAZ
WBC	9.1		4.0-11.0 k/mm3	
RBC	4.89		4.30-6.00 m/mm3	
HEMOGLOBIN	15.3		13.0-18.0 g/dL	
HEMATOCRIT	44.1		40.0-53.0 %	
MCV	90		78-100 fL	
MCH	31.3		27.0-34.0 pg	
MCHC	34.7		31.0-37.0 g/dL	
RDW (cv)	13.6		12.1-18.2 %	
RDW (sd)	44.5		36.0-55.0 fL	
PLATELET COUNT	242		130-450 k/mm3	
MPV	10.0		7.5-14.0 fL	
SEGMENTED NEUTROPHILS	52		40-85 %	
LYMPHOCYTES	32		10-45 %	
MONOCYTES	13		3-15 %	
EOSINOPHILS	3		0-7 %	
BASOPHILS	0		0-2 %	
ABSOLUTE NEUTROPHIL	4.7		1.6-9.3 k/uL	
ABSOLUTE LYMPHOCYTE	2.9		0.6-5.5 k/uL	
ABSOLUTE MONOCYTE	1.2		0.1-1.6 k/uL	
ABSOLUTE EOSINOPHIL	0.3		0.0-0.7 k/uL	
ABSOLUTE BASOPHIL	0.0		0.0-0.2 k/uL	
DIFFERENTIAL TYPE	Automated			
COMPREHENSIVE METABOLIC PANEL				PAZ
GLUCOSE	93		65-99 mg/dL	
			Glucose reference range reflects fasting state.	
UREA NITROGEN (BUN)	17		8-25 mg/dL	
CREATININE	0.94		0.60-1.50 mg/dL	
GFR ESTIMATED	111		>60 mL/min/1.73m2	
			In African Americans, the calculated eGFR should be multiplied by 1.16.	
BUN/CREAT RATIO	18.1		10.0-28.0	
SODIUM	140		135-145 mmol/L	
POTASSIUM		3.3 L	3.5-5.2 mmol/L	
CHLORIDE	98		96-110 mmol/L	
CARBON DIOXIDE (CO2)	29		19-31 mmol/L	
ANION GAP	13		4-18	
PROTEIN, TOTAL	6.7		6.0-8.0 g/dL	
ALBUMIN	4.2		3.3-4.9 g/dL	
GLOBULIN	2.5		2.0-3.7 g/dL	
ALB/GLOB RATIO	1.7		1.0-2.0	
CALCIUM	9.0		8.7-10.5 mg/dL	
ALKALINE PHOSPHATASE	73		40-129 IU/L	

PATIENT INFORMATION
VAN LOON, ANDREW

REPORT STATUS Final

Sonora Quest Laboratories, LLC

ORDERING PHYSICIAN
ORTIZ, JOSEPH NAPOLEON

COLLECTED: 12/24/2013 11:04
REPORTED: 12/24/2013 18:58

DOB: 08/28/1986 Age: 27
SEX: M Fasting: N
ID: VANLOONVAN86

Test Name	In Range	Out of Range	Reference Range	Lab
COMPREHENSIVE METABOLIC PANEL (Continued)				
ALT	40		5-60 IU/L	
AST	30		10-50 IU/L	
BILIRUBIN, TOTAL	0.6		0.2-1.3 mg/dL	
TSH, HIGH SENSITIVITY				PAZ
TSH		<0.01 L	0.45-4.50 mIU/L	
T4 FREE NON-DIALYSIS		2.3 H	0.8-1.7 ng/dL	PAZ
THYROID ANTIBODY PROFILE				
THYROID ANTIBODY PROFILE				
MICROSOMAL TPO-AB	<10		<35 IU/mL	PAZ
THYROID ANTIBODY PROFILE				
THYROGLOBULIN ANTIBODIES				
	<20		<41 IU/mL	PAZ
T3 FREE NON-DIALYSIS	4.3		2.0-4.8 pg/mL	PAZ

Performing Laboratory Information:

PAZ Sonora Quest Laboratories 1155 W. Washington Tempe AZ 85281



Internal Medicine
500 W Thomas Road, Suite 900
Phoenix, AZ, 85013
PHONE: (602) 406-3540
FAX: (602) 406-7186

MRN
9039917

Encounter Date
06/05/2014 1:15PM

Patient Information
ANDREW VAN LOON
2530 N 3RD ST APT 7
PHOENIX, AZ 85004
28 years old
DOB - 08/28/1986

Chief Complaint
Thyroid cancer.

History of Present Illness

Additional Comments: Referral source : Dr. Napoleon Ortiz.

Patient is a 27 year old male who presents with a h/o thyroid cancer for which he had Thyroidectomy performed 3 years ago and was operated by Dr. Terry in Pennsylvania. He describes tumor as golf ball size with vascular invasion which is might be still present post recent follow up he had. Patient was treated and further evaluated with I-123 and 2 whole body scans. He reports a biopsy attempt but states being unable to have a decent sample taken. Patient had an US done on 3/14/14 which shows a 1.4 X 0.4 X 0.6 mm benign appearing lymph node with echogenic hilar fat along with a 6 mm round hypoechoic, hypovascular mass in right thyroid bed. He is currently on 300 mcg of Levothyroxine. His lab work from 12/2013 shows TSH levels of less than 0.01 and free T3 of 2.3. He is c/o some skin bruising being developed easily in the recent past along with some recent weight gain despite no changes being made to diet. He has not been able to exercise regularly though recently.

Review of Systems

Constitutional: fatigue, but no fever, no chills, no unexplained weight loss, no night sweats, not feeling poorly (malaise), no recent weight gain. Insomnia, weight gain

Eyes: no blurred vision, no vision loss.

ENT: no odynophagia, no dysphagia.

Cardiovascular: no chest pain, no edema, no palpitations.

Respiratory: no shortness of breath, no cough, no shortness of breath during exertion.

Gastrointestinal: no abdominal pain, no nausea, no vomiting, no diarrhea, no constipation.

Genitourinary: no dysuria, no frequency.

Musculoskeletal: arthralgias, but no myalgias.

Integumentary: easy bruising, but no rash, no skin lesions.

Neurological: Depression, anxiety, but no dizziness, no headache.

Endocrine: Increased appetite, but no easy bruising, no muscle weakness.

Active Problems

Post-surgical hypothyroidism (244.0) (E89.0)

Past Medical History
Problems

Patient: **ANDREW VAN LOON**
Encounter: **06/05/2014 1:15PM MRN: 9039917**

- History of Benign essential hypertension (401.1)
- History of depression (V11.8)
- History of Myalgia (729.1)

Surgical History
Problems

- History of Thyroid Surgery Total Thyroidectomy
- History of Tonsillectomy

Family History
Problems

- Family history of Hashimoto thyroiditis (V18.19)
- Family history of hypertension (V17.49)
- Family history of hypothyroidism (V18.19)
- Family history of lymphoma (V18.7)

Social History
Problems

- Never smoker

Allergies

Medication

- No Known Drug Allergies

Current Meds

Unlinked

- Adderall 30 MG Oral Tablet; TAKE 1 TABLET DAILY AS DIRECTED;
Therapy: (Recorded:04Jun2014) to Recorded
- Cymbalta 60 MG Oral Capsule Delayed Release Particles; TAKE 1 CAPSULE DAILY;
Therapy: (Recorded:04Jun2014) to Recorded
- Fioricet 50-325-40 MG TABS; TAKE 1 TABLET 3 TIMES DAILY AS NEEDED;
Therapy: (Recorded:04Jun2014) to Recorded
- Lactulose 10 GM/15ML Oral Solution;
Therapy: (Recorded:04Jun2014) to Recorded
- Levothyroxine Sodium 200 MCG Oral Tablet;
Therapy: (Recorded:05Jun2014) to Recorded
- Liothyronine Sodium 5 MCG Oral Tablet;
Therapy: (Recorded:04Jun2014) to Recorded
- Lisinopril 20 MG Oral Tablet; TAKE 1 TABLET TWICE DAILY;
Therapy: (Recorded:04Jun2014) to Recorded
- Omeprazole 20 MG Oral Capsule Delayed Release;
Therapy: (Recorded:04Jun2014) to Recorded
- Xanax 0.25 MG Oral Tablet; TAKE 1 TABLET Twice daily PRN anxiety No driving on medication;
Therapy: (Recorded:04Jun2014) to Recorded

Vitals

	Recorded by: Barber, Janice at 05Jun2014 01:37PM
Temperature	98.6 F
Heart Rate	120
Respiration	18
Blood Pressure	132 / 86

Anna R. Boron MD

Patient: **ANDREW VAN LOON**
Encounter: **06/05/2014 1:15PM MRN: 9039917**

Height	5 ft 9 in
Weight	244 lb 3.2 oz
BMI Calculated	36.06
BSA Calculated	2.25

Physical Exam

Constitutional: alert, patient is in no acute distress, nontoxic appearing
Eyes: the conjunctiva exhibited no abnormalities, no proptosis and extraocular movements were intact.
HENT: head is atraumatic, head is normocephalic.
Neck: normal in appearance, no nodules felt on palpation, lymphadenopathy, thyroid surgically absent
Pulmonary: nonlabored, normal respiratory rhythm and effort, lungs clear to auscultation bilaterally, but no wheezing, no rales, no rhonchi.
Cardiovascular: regular rhythm and rate and normal S1 and S2, but no murmurs present, no gallops and no rubs.
Gastrointestinal: normal bowel sounds, nondistended.
Musculoskeletal: no muscle atrophy and muscular strength preserved bilaterally.
Skin: normal skin color and pigmentation, normal skin turgor.
Neurological: nonfocal exam, normal gait.
Psychiatric: patient's insight and judgement were good, the affect was normal, the mood was normal.

Counseling

The patient was counseled regarding instructions for management and impressions.

Assessment

Assessed

- Malignant neoplasm of thyroid gland (193)
- Obesity (278.00)
- Iatrogenic hypothyroidism (244.3)

Plan

Malignant neoplasm of thyroid gland

- THYROGLOBULIN w THYROGLOB AB Status: Active Requested for: 05Jun2014

Post-surgical hypothyroidism

- Start: Start: Liothyronine Sodium 25 MCG Oral Tablet; TAKE 1 TABLET BY MOUTH DAILY
- Start: Start: Synthroid 200 MCG Oral Tablet (Levothyroxine Sodium); TAKE 1 TABLET DAILY AS DIRECTED
- T4 FREE and TSH hs (Profie) Status: Active Requested for: 05Jun2014

Additional Comments: Thyroid Cancer - Advised lab testing including TFT's, antibodies and if elevated on suppression then this could show recurrent cancer symptoms or lymph nodes. Patient will be further tested with Thyrogen and whole body scan. His US was performed today to examine lymph nodes - one benign LN identified in the right level III, right thyroid bed with either scar tissues vs. recurrent disease .

Bruising of the skin - Patient was given information on possible causes of bruising including increased cortisol levels. will test 24 hrs U coll for cortisol

Iatrogenic hypothyroidism - will transition pt to LT3 25 mcg and LT4 200 mcg

Obesity - will address once thyroid evaluation completed, information on antiinflammatory diet was provided

Return to clinic post scan.

Signatures

Electronically signed by : Anna Boron, MD; Jun 5 2014 11:30PM UMST (Attending)

Anna R. Boron MD

GEISINGER
HEALTH SYSTEM

Geisinger Health System
Endocrinology Baltimore Drive, Wilkes Barre
675 Baltimore Drive
Wilkes Barre, PA 18702
570-808-1000
570-808-7698 (Fax)

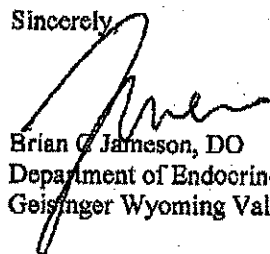
9/15/2014

Re: Andrew J VanLoon
Po Box 41024
Phoenix AZ 85080-1024

To Whom It May Concern:

Andrew J VanLoon is a patient who was followed by this office for papillary thyroid carcinoma from the time of diagnosis in June of 2010 until he moved from the area in 2012. He has a challenging case of a more aggressive variant of PTC which did not incorporate iodine well. After his initial therapy, he had a low level of suggested persistent disease activity, which we could not localize. Thankfully, this remained stable. Further complicating his case was his completion of law school, preparation for the BAR exam, and relocating across the country to establish his own law practice. As such, we tolerated a higher than normal amount of thyroid hormone replacement, as this can suppress cancer activity, and it was unknown how soon he could establish for further care, and we did not wish to jeopardize his finishing school or passing his exam. As he is now more stable, he is desiring to take the time necessary for himself to fully characterize his present disease and bring his hormone replacement to desired levels. This may take several months, particularly if surgical attention and recovery is required. Please allow him this time. Please feel free to contact me if I can be of assistance or provide further insight into his case.

Sincerely,



Brian G. Jameson, DO
Department of Endocrinology
Geisinger Wyoming Valley



350 West Thomas Road
Phoenix, AZ 85013
602 406 3000 Telephone

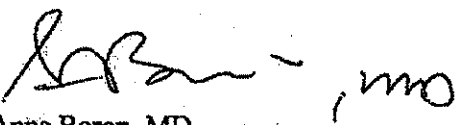
Endocrinology
500 W Thomas Rd Suite 900
Phoenix AZ 85007

9/23/14

To Whom it May Concern:

Mr. Andrew Van Loon has been under my care since June 2014 for evaluation and treatment of malignant neoplasm of the thyroid gland, papillary thyroid cancer, oncocytic variant.

He received his initial care with Dr. Brian Jameson, Geisinger Health System. Since transferred to my care, he underwent whole body scan which was negative, however his thyroglobulin remain elevated at 10, which is consistent with persistent thyroid cancer. He is currently on suppressive therapy with thyroid hormone. His condition is life-long. He will need to continue follow up appointments for evaluation and treatment as needed. Possible future intervention may include imaging studies, biopsy, surgery, radiation and chemotherapy as needed.


Anna Boron, MD
Associate Professor Creighton University.
Endocrinology Department
St Joseph Hospital Medical Center.
602-406-6184.

St. Joseph's Hospital
and Medical Center

Barton Neurological
Institute

St. Joseph's Foundation

Barton Neurological
Foundation

Huger Mercy
Living Center

A Member of Catholic Healthcare West

EXHIBIT C

C/O Denise M. Quinterri
4802 E. Ray Rd. Ste. 23-419
Phoenix, Arizona 85044

Dear Members of the Hearing Panel:

I am writing on behalf of Andrew Van Loon.

I have been an attorney for eight (8) years. I have practiced many types of civil litigation, family law and done a little criminal defense work.

I have known Andrew Van Loon for approximately one (1) year. I met him through the suggestion of another attorney. Andrew was referred to me because of my experience with personal injury cases. Andrew was a relatively new attorney and it was my understanding that he had just inherited a good sized practice from his boss, Gregory Malkin. According to Andrew, Mr. Malkin had health issues and stopped practicing, essentially leaving him to run the office without a senior partner. Andrew realized at that time that he did not have the ability or experience to continue to handle all of those personal injury cases, which was why he contacted me to co-counsel. I have always found him to be a good person and attorney who wanted to do the best for his clients, but was placed in an unusual situation due to the condition of his supervising attorney and boss. From what I could tell Andrew was attempting to make sure none of the clients were left without counsel, and had to take on a very large workload.

I started as an associate and became a partner after one (1) year in my first firm, and am now a partner in my second firm. I have had the opportunity to oversee a multitude of associates and I believe Andrew was doing his best to handle a large workload. I understand that there are two complaints about Andrew. I do not believe he would have let any of those cases fall by the waste side intentionally, and it is my understanding he had health issues as well. He probably should have gotten more help from other attorneys for the other cases, but I don't believe he intentionally neglected any of them. That does not seem like something he would do based upon the fact that he reached out to me for help on at least some of the personal injury cases he inherited.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Ryan Skiver
AZ Bar #024552

The Honorable Carlos Mendoza (Retired)
325 North 11th Street, Phoenix, AZ 85006
Phone: (602) 446-2588

September 19, 2014

C/o Denise M. Quinterri
4802 East Ray Road, Suite 23-419
Phoenix, AZ 85044

Dear Members of the Hearing Panel:

I am writing on behalf Andrew J. Van Loon.

I have been a Judicial Officer since 1997 and elected Justice of the Peace twice serving in the Downtown Justice Court in Maricopa County for approximately 11 years (1997 to 2008) where I have dealt with at least hundreds of different attorneys in my capacity as a member of the judiciary. I currently manage a specialized contracting company based out of Phoenix, AZ.

I have known Andrew for approximately 2 to 3 years. I met him while he worked for Gregory Malkin as his associate attorney. I have been his client for some of the time when he worked with Gregory Malkin and while he started his own practice after Malkin left the practice of law. It is my opinion that Andrew is a kind, honest, hardworking, and generous individual. Out of all of the attorneys I have encountered in my lifetime and as my career as a justice of the peace, I would say that Andrew is one of the more talented, honest, and trustworthy attorneys I have encountered which is why I decided to retain him as my attorney for my personal affairs.

What really made me understand Andrew's character was his actions when he agreed to assume Malkin's practice following Malkin's departure from the practice of law. He took on many cases, without pay or expectation of compensation, to make the event easier for Malkin's existing clients while starting his own law practice. He honored Malkin's fee agreements when he could have simply walked away. Most of these clients had already paid Malkin in full. He sacrificed his own comfort and financial wellbeing to assist people he didn't know, who he had never met, and to whom he owed no loyalty. I should know as I was one of these clients. He decided to help me when he was not obligated to do so and agreed to honor the fee agreement I had with Malkin.

I understand that there are two complaints about Andrew. Based on my experience with Andrew, I believe that, if true, the allegations are out of character for Andrew. He would never intentionally harm a client or do anything that would be detrimental to his clients. During the past year or so that I have known Andrew, he had suffered a serious decline in health which is apparent from his physical appearance and demeanor. I believe that the stress from assuming Malkin's cases and his underlying medical conditions caused his health to fail and resulting in his reduction to his practice. Even so, he had done the best he could under the circumstances and worked as hard as he could with the situation. Having known him since he worked with Malkin, I believe that he did not know his health would affect him in the way that it did.

The Honorable Carlos Mendoza (Retired)
325 North 11th Street, Phoenix, AZ 85006
Phone: (602) 446-2588

I am familiar with the allegations against Andrew. This does not change my opinion of him. I believe that he is an honest, hardworking, and generous individual. He is an excellent lawyer and will go on to do great things in his future legal career.

Sincerely,



Carlos Mendoza

Perry Bennett
P.O. Box 67834 Phoenix, AZ 85082
Email: Perry@Myfmus.com Phone: (602) 435-3881

September 14, 2014

To Whom It May Concern:

I am writing this letter in support of Andrew Van Loon. I have known Andrew first as his client and after that as a friend. I have known him for approximately two and a half years.

I first got to meet him after I was injured at my previous employer. I had my ankle shattered after I was attacked by a fellow employee. I had no idea what to do and not knowing really any attorneys I felt comfortable with I called Andrew. He helped me without getting paid, set me up with an attorney that specialized in worker's compensation, and saw to it that I was taken care of right.

Also, Andrew was my attorney when I had a family law issue. He assisted me throughout this unpleasant period of time in my life without charging me lots of money, without ignoring me, or without making the situation more difficult that it was in the first place.

Since he helped me with my legal issues, I have referred him others who have received excellent legal care. Andrew is the only attorney I will recommend to others or use myself. He did not charge some of the people I sent him and because he said that "they needed the help more than he needs the money." Andrew is a good person and is devoted to helping people.

I know that Andrew has 2 complaints against him and this does not change my opinion of him as a person or as an attorney. I have witnessed Andrew suffer a decline in health since the time I first met him and feel that this had affected his practice despite his best efforts. It was visible and apparent to me even before I found out the extent of his health issues.

Specifically, I found him unconscious on his kitchen floor one night when I was at his apartment and drove him to the emergency room. I was a very scary experience for me knowing that he has cancer and high blood pressure. Despite his health scare, he was back to work within a week and even asked me to contact his paralegal when he was in the emergency room with an IV in his arm after he regained full consciousness. I remember that because I thought he had a stroke or something because one side of his face was drooping, and was happy to hear him speak coherently. Not too many people would think about work when they are in the emergency room with an IV in their arm.

Andrew is a good person and an excellent attorney. He helps people because he truly believes that it is the right thing to do. I have read the complaint and it does not change my opinion about Andrew.

Sincerely,



Perry Bennett

Gregory A. Malkin, Esq.

9635 South Central Avenue, Phoenix, AZ 85042

Phone: (602) 696-0193

September 22, 2014

C/o Denise M. Quinterri
4802 East Ray Road, Suite 23-419
Phoenix, AZ 85044

Dear Members of the Hearing Panel:

I am writing on behalf Andrew J. Van Loon.

I am a licensed attorney in the state of Arizona since May 2008. I employed Andrew from the summer of 2012 until about April of 2013. Following that, Andrew assumed my case load and practice when I left the practice of law due to health reasons. We have remained cordial since my departure from the practice of law.

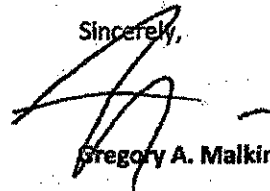
I have known Andrew since we met in the summer of 2012. He had applied to work with my firm and I had hired him to work as a law clerk pending his bar results. I had the opportunity to observe Andrew through work, as his employer, and socially as my friend. I have found him to be an honest, generous, and hardworking individual. He is a competent attorney and is an honest and decent individual to know.

I knew Andrew was an honest individual one day when I gave him a payment in cash of a few hundred dollars. I had thought I had counted it out correctly but I had in-fact given him too much money by \$20 or so. He had counted out the money and informed me that I had given him too much and gave the overage back. There are not too many people I know that would do such a thing especially when starting out in the practice of law and on a tight budget.

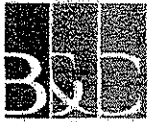
I know about the two complaints against Andrew. Based upon my experiences with him as his employer, his colleague, and his friend, I believe that these allegations are out of character for him and certainly do not reflect his worth as an attorney. I have observed Andrew over the past two years. He had excellent work ethic while working for me. He regularly worked six day weeks and would even come in on Sundays if necessary.

I am familiar with the allegations against Andrew. Even if completely true as presented, this does not change my opinion of Andrew. I believe that he is a good, hardworking, and honest individual. Although he experienced health issues following my departure from the practice of law, I knew that he had worked as hard as he could to serve the needs of his clients. I believe that he will help many people in the course of his legal career.

Sincerely,



Gregory A. Malkin



BURCH & CRACCHIOLO

Jake D. Curtis
Direct Line: 602.234.8760
Direct Fax: 602.850.9760
jcurtis@bcattorneys.com

September 24, 2014

VIA EMAIL

Denise M. Quinterri
4802 E. Ray Rd. Ste. 23-419
Phoenix, Arizona 85044
dmg@azethicslaw.com

Re: Andrew VanLoon Disciplinary Proceeding

Dear Panel Members:

I would like to offer a character reference for Andrew Van Loon.

I am a shareholder at Burch & Cracchiolo, P.A. and have been an attorney for 14 years practicing primarily in complex commercial litigation. I first met Andrew when we represented separate defendants in a civil lawsuit. Andrew was a freshly-minted attorney at the time. However, I found him to be genuinely interested in becoming a good lawyer and over the last year Andrew has regularly contacted me for advice about how to handle his cases and manage his practice. Andrew recognizes when a particular matter is outside of his expertise and has contacted me on several occasions to find a lawyer knowledgeable in that particular area to either refer the matter to or to act as co-counsel.

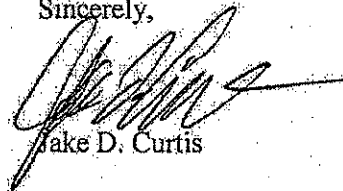
In all my dealings with Andrew, I've found him to be sincere and honest. I know a little about the significant health problems Andrew has overcome in the past and currently faces, I've been impressed with his attitude and his work ethic in spite of these challenges.

I have also had occasion to interact with Andrew's prior supervising attorney, Gregory Malkin. My impression of Mr. Malkin is that he was not the best mentor for Andrew and may have neglected his responsibility to appropriately supervise and train Andrew.

I am familiar with the allegations of ethical violations levied against Andrew. To the extent these allegations are found to be true, I believe Andrew is the type of person who will learn from these mistakes and avoid them in the future.

If I can be of any further assistance, don't hesitate to contact me.

Sincerely,



Jake D. Curtis

Burch & Cracchiolo, P.A.
702 E. Osborn Rd., Suite 200 • Phoenix, AZ 85014
Main: 602.274.7611 • Fax: 602.234.0341

BCATTORNEYS.COM

September 24, 2014
Page | 2

IDC:jlw
Cc: Andrew VanLoon



EXHIBIT D

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

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

**Andrew John Van Loon,
Bar No. 029699,**

Respondent.

PDJ 2014-9062

FINAL JUDGMENT AND ORDER

[State Bar No. 14-0510, 14-0799]

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on November____, 2014, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Andrew John Van Loon**, is hereby reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, within thirty (30) days from the date of service of this Order, Respondent shall enter into amended terms and conditions of diversion in State Bar File Nos. 13-1668 and 13-2086 extending his original terms and conditions of diversion for an additional year.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing 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 Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00, within thirty (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 thirty (30) days from the date of service of this Order.

DATED this _____ day of October, 2014

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 November, 2014.

Copies of the foregoing mailed/mailed
this _____ day of November, 2014.

Denise M. Quinterri
The Law Office of Denise M Quinterri PLLC

4802 E Ray Rd Ste 23-419
Phoenix, AZ 85044-6417
Email: dmq@azethicslaw.com
Respondent's Counsel

Copy of the foregoing emailed/hand-delivered
this ____ day of November, 2014 to:

Nicole S. Kaseta
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 October, 2014 to:

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

by: _____