

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

CHARLENE TARVER,
Bar No. 025926

Respondent.

PDJ-2016-9067

**AMENDED FINAL JUDGMENT
AND ORDER**

[State Bar File No. 15-2839]

FILED JANUARY 10, 2017

This matter came for hearing before the Hearing Panel, which rendered its decision on December 5, 2016. An appeal was filed on December 15, 2016, and any assessment of costs shall be determined in accordance with Rule 60(b), Ariz. R. Sup. Ct. By Order of the Hearing Panel filed January 9, 2017, the request for stay of its decision was denied pursuant to Rule 59(c).

Now Therefore,

IT IS ORDERED Ms. Tarver is suspended from the practice of law for six (6) months effective January 4, 2017, as set forth in the Hearing Panel's Decision and Order Imposing Sanctions.

IT IS FURTHER ORDERED Ms. Tarver shall comply with Rule 72, Ariz. R. Sup. Ct., including notice to clients and others.

IT IS FURTHER ORDERED upon reinstatement, Ms. Tarver is placed on probation for two (2) years with the State Bar's Law office Management Assistance Program (LOMAP).

IT IS FURTHER ORDERED as a condition of reinstatement, Ms. Tarver shall complete the State Bar's Trust Account Ethics Enhancement Program (TAEHP).

IT IS FURTHER ORDERED in addition to her annual requirement, Ms. Tarver shall complete nine (9) hours of continuing legal education in the area of ethics

IT IS FURTHER ORDERED under Supreme Court Rule 60(2)(B), the issue of costs shall abide the final order of the Supreme Court. 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 10th day of January, 2017.

William J. O'Neil

William J. O'Neil
Presiding Disciplinary Judge

Copies of the foregoing e-mailed this 10th day of January, 2017, and mailed January 11, 2017, to:

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Respondent

by: AMcQueen

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**CHARLENE TARVER,
Bar No. 025926**

Respondent.

PDJ 2016-9067

**DECISION AND ORDER IMPOSING
SANCTIONS**

[State Bar No. 15-2839]

FILED DECEMBER 5, 2016

On November 7, 2016, the Hearing Panel comprising Sandra E. Hunter, attorney member, Howard M. Weiske, public member, and the presiding disciplinary judge ("PDJ"), William J. O'Neil conducted a hearing pursuant to Rule 58(j), Ariz. R. Sup. Ct. The Panel considered the parties' prehearing memoranda, exhibits and the testimony of James Hicks, Blair Moses, Esq., Steve Little, Esq., Yvette Penar, and Ms. Tarver.¹ The State Bar argues for a six month suspension and probation. Ms. Tarver asserts any ethical rule violations were done negligently and argued for an extended probation period or a reprimand.

I. SANCTION IMPOSED

**SIX MONTH SUSPENSION AND UPON REINSTATEMENT TWO YEARS OF
PROBATION, CONTINUING LEGAL EDUCATION, AND COSTS OF THE
DISCIPLINARY PROCEEDINGS.**

II. PROCEDURAL HISTORY

Probable Cause was found on June 29, 2016 and the formal complaint filed on July 1, 2016 alleging violations of ERs 1.3 (diligence), 1.4 (communication), 1.5

¹ In lieu of testimony, Ms. Tarver moved to submit her recorded statement. The statement however, was not under oath. [Exhibit 34.]

(fees), 1.15 (safekeeping client property) and Rule 43 (trust account). Ms. Tarver filed her answer which included a motion to dismiss on August 1, 2016. [Exhibit 16.] The motion was denied on August 11, 2016. An Initial Case Management Conference was held on August 9, 2016 and scheduling orders were entered. The parties were ordered to “confer, prepare and file a Joint Prehearing Statement” not later than October 11, 2016. The State Bar filed an Individual Prehearing Statement on October 11, 2016. Ms. Tarver filed her individual pre-hearing statement on October 18, 2016. Ms. Tarver did not confer with the State Bar and did not participate in the preparation or filing of the joint prehearing statement or any hearing exhibits. By an October 19, 2016 order of the PDJ, Ms. Tarver was given notice the hearing panel would consider whether Ms. Tarver’s failure to try to jointly prepare a timely joint prehearing statement violated Rule 54(d) (violation of any obligation under these rules in a disciplinary or disability investigation or proceeding).

A final case management conference was held on October 19, 2016 and the hearing date of November 7, 2016 confirmed. The State Bar filed their individual prehearing memorandum on October 31, 2016 and Ms. Tarver filed her prehearing memorandum on November 1, 2016. The State Bar filed a Motion to Strike Respondent’s Prehearing Memorandum on November 4, 2016. No response was filed. Notwithstanding, the Motion is denied. The Hearing Panel makes the following findings of fact:

III. FINDINGS OF FACT

Ms. Tarver is a lawyer licensed to practice law in Arizona having been first admitted on April 24, 2008. In File No. PDJ 2015-9004, Ms. Tarver was reprimanded. She was placed on two (2) years of probation with the State Bar’s Law Office

Management Assistance program (LOMAP) which required the use of a practice monitor. Ms. Tarver was ordered to pay restitution to her two former clients and costs of the disciplinary proceedings. See Order filed January 29, 2015. The restitution amounts were \$5,660.00 and \$2,500.00, plus interest. Based on a documented financial hardship, Ms. Tarver was permitted to make minimal separate monthly restitution payments to each client until the restitution was paid in full. [Exhibits 24; and 25.] Ms. Tarver's terms of probation mandated Ms. Tarver implement changes to her fee agreement as advised by Mr. Little. [Exhibit 26, Bates 261.]

As a condition of the terms of probation in PDJ-2015-9004, Bar Counsel Steve Little, conducted a LOMAP assessment of Ms. Tarver's office on April 27, 2015. [Hearing Testimony of Mr. Little and Ms. Tarver.] During that assessment, Mr. Little discussed with Ms. Tarver her need to place advanced funds into her client trust account and properly memorialize those actions as reflected in his LOMAP Assessment Report dated April 29, 2015. Through his review and assessment, Mr. Little found Ms. Tarver's current fee agreements called for an advanced fee but which stated she billed at an hourly fee.

However, Ms. Tarver continued to treat the advance deposits as earned upon receipt fees and continued to fail to place those fees into her client trust account. Ms. Tarver took notes during the assessment with Mr. Little. [Hearing Testimony of Mr. Little; and Exhibit 1, Bates No. SBA002.] Ms. Tarver failed in her first quarterly report as she attached no updated and rule compliant fee agreement. We find she submitted no fee agreement as she had not implemented the required changes to make her fee agreements rule compliant. Mr. Little forwarded Ms. Tarver samples of rule compliant

fee agreements, but she did not correct her agreements. [Hearing Testimony of Mr. Little; and Exhibit 37.]

File No. 15-2839/Hicks

Ms. Tarver agreed to represent Complainant, James Hicks, to establish a strategy before taking corporate action on a government grant on behalf of his company, RighTrac. Mr. Hicks is the company President and CEO. He testified he first met Ms. Tarver at a social function. [Hearing Testimony of Mr. Hicks.] The initial consultation regarding legal representation occurred on September 25, 2015. At that time, Ms. Tarver requested \$5,000 in legal fees and \$350.00 for the initial consultation. [Exhibit 16, Bates No. SBA041.] During the consultation, Mr. Hicks emphasized to Ms. Tarver that his legal needs were time sensitive and he needed prompt legal advice. Mr. Hicks paid the \$350.00 consultation fee and informed Ms. Tarver he could only pay \$2,500.00 for the representation. Ms. Tarver agreed to accept \$2,500 and assured Mr. Hicks she would call him within two days to discuss the matter. Ms. Tarver however, did not call Mr. Hicks. On September 28, 2015, Mr. Hicks went to Ms. Tarver's office and paid the \$2,500 in person. Ms. Tarver was meeting with another client but came out to speak with Mr. Hicks. Mr. Hicks received no receipt or any confirmatory writing explaining the fee arrangement nor any engagement letter setting forth the representation and the rate or basis for the fee to be charged as required by ER 1.5. [Hearing Testimony of Mr. Hicks and Ms. Tarver.]

Upon receipt of the \$2,500, Ms. Tarver placed none of the fee into her client trust account as required by Supreme Court Rule 43. [Hearing Testimony of Ms. Tarver and Mr. Little.] Ms. Tarver was on notice regarding the handling her client trust account as she had been advised by Mr. Little approximately five months earlier based on his

LOMAP assessment in PDJ-2015-9004. [Hearing Testimony of Mr. Little.] Ms. Tarver testified she had prepared a fee agreement and left it inside her file for Mr. Hicks at the desk of her receptionist just in case Mr. Hicks came to the office. We find the testimony of Ms. Tarver not credible. She had made no call to Mr. Hicks, had no expectation of his coming in and failed to submit to the State Bar a rule compliant fee Agreement with her quarterly report due at this same time.

On October 5, 2015, Mr. Hicks emailed Ms. Tarver regarding her lack of communication on his time sensitive matter and requested a refund of the \$2,500 within three working days. [Answer; and Exhibit 30.] Ms. Tarver called Mr. Hicks that same day stating that she still needed to perform "due diligence." Ms. Tarver did not give Mr. Hicks an accounting of the work she had performed despite his demand for one and did not explain what she meant by "due diligence." [Hearing Testimony of Mr. Hicks.]

Ms. Tarver requested documents from Mr. Hicks on October 8, 2016. Mr. Hicks believed the requested documents were irrelevant to the representation but he reluctantly provided the documents to her. [Exhibit 16, Bates No. SBA068; and Hearing Testimony of Mr. Hicks.]

Mr. Hicks again emailed Ms. Tarver on October 15, 2016, as she continued to fail to communicate with him. He demanded his fees be refunded, renewing his request of October 5, 2015. He stated: "[a]gain, I repeat my October 5, 2015 request that you refund the September 28, 2015, \$2,500 retainer within three working days. [Exhibit 16, Bates No. SBA064.]. Ms. Tarver failed to respond to Mr. Hicks' October 15, 2016 email. [Hearing Testimony of Ms. Tarver and Mr. Hicks.] Because Ms. Tarver failed to place Mr. Hicks' funds into her client trust account, she did not have the funds

to refund the advance fee paid Mr. Hicks as she had spent the money. [Hearing Testimony of Ms. Tarver.]

Mr. Hicks contacted the State Bar of Arizona on November 12, 2015 for assistance. [Exhibit 3, Bates No. SBA011.]. In response, bar counsel, Blair Moses contacted Mr. Hicks. [Testimony of Blair Moses.] On November 15, 2016, Ms. Tarver called Mr. Hicks and again stated the need to perform “due diligence” before offering any legal advice and that she believed no refund was due. [Hearing Testimony of Ms. Tarver and Mr. Hicks.]

Mr. Hicks offered to settle the refund request for \$2,000 despite receiving no advice or communication from Ms. Tarver. Ms. Tarver agreed to refund the \$2,000 “within a couple of days,” however, Ms. Tarver failed to issue a refund within a couple of days as agreed. [Hearing Testimony of Mr. Hicks.] Ms. Tarver maintains she did not agree to the refund within a couple of days. [Hearing Testimony of Ms. Tarver.] We find the testimony of Mr. Hicks credible.

Further, on November 16, 2015, Ms. Tarver and Ms. Moses discussed a date certain when the Mr. Hicks’ refund would be paid. Ms. Moses asked Ms. Tarver why a portion of Mr. Hicks’ fee was not placed in her client trust account. Ms. Tarver avoided the question. Instead she stated she was not feeling well, and asked if she could call Ms. Moses back later. [Hearing Testimony of Ms. Moses and Ms. Tarver.]

On November 17, 2015, Ms. Tarver called Ms. Moses and admitted she failed to place the fee from Mr. Hicks in her client trust account. She stated she placed Mr. Hick’s fees into her operating account and subsequently exhausted those funds. [Hearing Testimony of Ms. Moses.]. Ms. Moses asked Ms. Tarver about the Hicks fee agreement. Ms. Tarver told Ms. Moses she had not provided Mr. Hicks with a fee

agreement but that she intended the \$2,500.00 to be an advance fee against which she planned to bill at an hourly rate. [Answer; Hearing Testimony of Ms. Moses; and Exhibit 16, Bates No. SBA038.]

On November 18, 2015, Mr. Hicks emailed Ms. Tarver regarding the overdue \$2,000.00 refund. Once again, Ms. Tarver failed to respond to Mr. Hicks' email. [Exhibit 8, Bates No. SBA026.] Mr. Hicks complained of Ms. Tarver's failures to the State Bar on November 19, 2016 and filed a written bar charge. [Exhibit 3.] Thereafter, Ms. Tarver sent Mr. Hicks a \$1,000 certified check to Mr. Hicks dated November 20, 2015. Mr. Hicks received the refund check on November 24, 2015 and successfully cashed the check. [Exhibit 8, Bates No. SBA024; and Exhibit 2, Bates No. SBA006.] On November 20, 2015, Ms. Tarver emailed Mr. Hicks and stated she would send a second refund check for \$1,000 the following week. [Exhibit 8, Bates No. SBA025.] Ms. Tarver, however, failed to send a check to Hicks the following week, ending on November 27, 2015. [Hearing Testimony of Mr. Hicks and Ms. Tarver.]

Ultimately, on December 7, 2015, Ms. Tarver mailed the second check, which she dated December 1, 2015, to Mr. Hicks for \$1,000. [Exhibit 8, Bates No. SBA025.] Mr. Hicks received the check on December 9, 2015. [Exhibit 2, Bates No. SBA004-005). Mr. Hicks took the check to the bank and the bank on which the check was written by Ms. Tarver refused to cash the check. Mr. Hicks returned to the bank a few days later and successfully cashed the check. [Hearing Testimony of Mr. Hicks.]

Ms. Tarver admits she did not provide Mr. Hicks with a fee agreement and testified Mr. Hicks never mentioned that time was of the essence. She admits there was some conversation with Mr. Little regarding her IOLTA account but recalls no discussion about placing unearned fees in the IOLTA account. She stated she was not

initially aware that Mr. Hicks wanted a refund. She testified she only gives clients an accounting of their fees if requested, and blames her failures on a misunderstanding of the rules. [Hearing Testimony of Ms. Tarver.] Her testimony is impeached by her motion to dismiss. Ms. Tarver stated in her motion, "Upon being notified of the error with her Client Agreement and IOLTA account operations..." [Exhibit 16, Bates No. 046.] Ms. Tarver was on notice her fee agreements and the handling of her trust account was improper well before being retained by Mr. Hicks.

IV. CONCLUSIONS OF LAW

The Hearing Panel finds clear and convincing evidence Ms. Tarver violated Rule 42, Ariz. R. Sup. Ct., specifically ERs 1.3 (diligence), 1.4 (communication), 1.5 (fee agreement), 1.15 (safekeeping property), and Rule 43(a) (duty to deposit client funds in trust).

ABA STANDARDS ANALYSIS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* ("*Standards*") are a "useful tool in determining the proper sanction." *In re Cardenas*, 164 Ariz. 149, 152, 791 P.2d 1032, 1035 (1990). In imposing a sanction, the following factors should be considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors.

Standard 4.0, Violations of Duties owed Clients applies to Ms. Tarver's violation of ER 1.15. *Standard 4.12* provides:

Suspension is generally appropriate when a lawyer knows or should know that she is dealing improperly with client property and causes injury or potential injury to a client.

Ms. Tarver knowingly failed to safeguard client property. She knew her manner of handling fees was not rule compliant. We conclude her need for monies preceded her properly implementing changes to her fee agreement and therefore prepared no agreement for Mr. Hicks.

In conjunction with her LOMAP assessment in PDJ 2015-9004, Ms. Tarver was advised by Steve Little in April of 2015 and on notice of her obligation to place unearned fees in her client trust account. Ms. Tarver knew or should have known she was dealing improperly with client property and by failing to place the unearned fees in trust, caused injury or potential injury to clients.

Standard 7.0, Violations of Duties Owed As A Professional, applies to Ms. Tarver's violations of ER 1.5 and Rule 43 and provides:

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Standard 8.2, Prior Discipline Orders, applies to Ms. Tarver's violations of ERs 1.3, 1.4 and 1.5 and provides:

Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

Ms. Tarver was previously reprimanded effective January 29, 2015 for violating ERs 1.3, 1.4, 1.5, 3.1, 8.4(d) and Rule 54(d). The Hearing Panel finds the presumptive sanction is suspension.

Probable cause was independently found by the Attorney Discipline Probable Cause Committee and Ms. Tarver's position that her probation should have been

extended or this new matter be treated as a noncompliance issue is not reasonable. [Exhibits 14 and 15.] Ms. Tarver admits her fee agreements ignored the rules and that she had discussions with Mr. Little on how to revise them. Her position that the LOMAP assessment and discussions with Mr. Little did not address fee agreements is rejected. Her testimony she has no recollection of any discussion regarding her client trust account is not credible and troubling.

Aggravating and Mitigating Factors

The Hearing Panel finds the following aggravating factors are present:

- *Standard 9.22(a)*: prior disciplinary offenses. A reprimand, probation (LOMAP), and restitution was imposed in 2015. Restitution was delayed by 18 months and made in payment because Ms. Tarver spent those fees ultimately deemed unearned. [Exhibit 23-25.]
- *Standard 9.22(b)*: dishonest or selfish motive. Ms. Tarver selfishly placed unearned funds into her operating account and spent them rather than safekeeping them in trust due to her own financial hardship. As a result she could not timely issue a refund forcing her client to contact the State Bar.
- *Standard 9.22(d)*: multiple offenses. Ms. Tarver violated all of the ERs listed above in the conclusions of law.
- *Standard 9.22(g)*: refusal to acknowledge wrongful nature of conduct. Ms. Tarver asserts her representation of Mr. Hicks was appropriate and blames the State Bar for her failure to comply with ethical and IOLTA rules.
- *Standard 9.22(e)*: bad faith obstruction of the disciplinary proceeding intent by intentionally failing to comply with rules or orders of the disciplinary agency. Ms. Tarver failed to comply with multiple orders entered by the court during the pendency

of this disciplinary matter. Ms. Tarver ignored the initial case management orders by failing to consult with opposing counsel to prepare the required joint prehearing statement, failed to timely file a prehearing statement and untimely submitted her hearing exhibits to the State Bar all in violation of the Court's order. She did not explain her violations of those orders.

In her individual prehearing statement, Ms. Tarver asserts mitigating factors 9.32(b) (absence of selfish or dishonest motive) and 9.32(d) (timely good faith effort to make restitution or to rectify consequences of misconduct) are present. The Hearing Panel however, finds no mitigating factors present on this record.

V. CONCLUSION

The Supreme Court "has long held that `the objective of disciplinary proceedings is to protect the public, the profession and the administration of justice and not to punish the offender.'" *Alcorn*, 202 Ariz. 62, 74, 41 P.3d 600, 612 (2002) (quoting *In re Kastensmith*, 101 Ariz. 291, 294, 419 P.2d 75, 78 (1966)). It is also the purpose of lawyer discipline to deter future misconduct. *In re Fioramonti*, 176 Ariz. 182, 859 P.2d 1315 (1993). It is also a goal of lawyer regulation to protect and instill public confidence in the integrity of individual members of the SBA. *Matter of Horwitz*, 180 Ariz. 20, 881 P.2d 352 (1994). Based on the above mentioned findings of facts, conclusions of law, application of the *Standards* including aggravating and mitigating factors, and the goals of the attorney discipline system, the Hearing Panel Orders:

1. Ms. Tarver is suspended from the practice of law for six (6) months effective thirty (30) days from this order.
2. Upon reinstatement, Ms. Tarver shall be placed on probation for two (2) years with the State Bar's Office Management Assistance Program (LOMAP).

3. As a condition of reinstatement, Ms. Tarver shall complete the State Bar's Trust Account Ethics Enhancement Program (TAEHP).
4. Besides her annual requirement, Ms. Tarver shall complete nine (9) hours of continuing legal education in the area of ethics.
5. Ms. Tarver shall pay all costs and expenses incurred by the State Bar in these proceedings. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office with these disciplinary proceedings.

DATED this 5th day of December, 2016.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Howard M. Weiske

Howard M. Weiske, Volunteer Public Member

Sandra E. Hunter

Sandra E. Hunter, Volunteer Attorney Member

Copy of the foregoing emailed/mailed
this 5th day of December, 2016 to:

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OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

JUL 1 2016

FILED
BY 

**BEFORE THE PRESIDING DISCIPLINARY
JUDGE**

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

**CHARLENE TARVER,
Bar No. 025926,**

Respondent.

PDJ 2016-9067

COMPLAINT

[State Bar No. 15-2839]

Complaint is made against Respondent as follows:

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 April 24, 2008.
2. By order dated, January 29, 2015, in PDJ 2015-9004, Respondent received a Reprimand and was placed on probation for misconduct in PDJ 2015-9004.
3. On April 27, 2015, Senior Bar Counsel, Steve Little, met with Respondent for a scheduled LOMAP assessment as part of her probation. During the visit Mr. Little specifically discussed the need to place advanced funds into her trust account.

COUNT ONE (File no. 15-2839/Hicks)

4. On September 25, 2015, Complainant James Hicks, on behalf of his company, participated in an initial consultation with Respondent. Respondent charged him \$350 for the meeting.

5. Hicks's company hired Respondent on September 28, 2015, to establish a plan and strategy in advance of taking corporate action concerning an EPA grant. When he hired Respondent, Hicks indicated that time was of the essence and her advice was needed quickly.

6. At Respondent's direction, Hicks paid \$2,500 at the start of the representation, but was not provided with any receipt or confirmatory writing explaining the fee agreement [or an engagement letter setting forth the scope of the representation and the rate or basis for the fee to be charged]. Respondent indicated that she would call Hicks within a couple of days to discuss the case, but failed to do so.

7. On October 5, 2015, Hicks emailed Respondent complaining of her failure to contact him and requesting the refund of the \$2,500.

8. Respondent responded the same day by phone indicating that she still needed to do "due diligence." She did not indicate that she had done any work on the matter and did not explain what she meant by due diligence.

9. On October 6, 2015, Respondent emailed Hicks requesting internal documents that were irrelevant to the task Respondent had been hired to perform.

10. On October 8, 2015, Respondent requested more documents unrelated to the advice being sought.

11. On October 15, 2015, Hicks emailed Respondent regarding her lack of communication and advice in light of the time sensitive nature of the representation and reiterated the refund request originally made on October 5, 2015.

12. Respondent failed to refund the money resulting in Hicks's decision to contact the State Bar.

13. After Hicks contacted the State Bar, on November 12, 2015, Respondent called Hicks and reiterated her need to do due diligence before offering advice. She indicated that she did not believe Hicks was entitled to the return of the \$2,500 he had paid.

14. Respondent called again on November 15, 2015. During the call Hicks offered to take a refund of \$2,000. Respondent agreed.

15. On November 18, 2015, Hicks sent Respondent a follow-up email inquiring about the status of the refund, but Respondent failed to promptly respond.

16. On November 19, 2015, Hicks filed the subject bar charge complaining of Respondent's failure to issue a refund.

17. During the intake process, ACAP counsel asked Respondent about the nature of her fee arrangement with Hicks. Respondent indicated that the \$2,500 she received was an advance fee against which she had planned to bill at an hourly rate.

18. ACAP counsel asked Respondent why she had failed to refund the money requested by Complainant. Respondent admitted that she had never placed the money into her trust account and instead placed it into her operating account and spent it.

19. After speaking with ACAP counsel, Respondent sent a check for \$1,000 to Hicks on November 20, 2015, followed by a check for \$1,000 on December 1, 2015.

RULE VIOLATIONS

20. As a result of the above actions Respondent violated Rule 42, Ariz. R. Sup. Ct. ERs 1.3, 1.4, 1.5, 1.15, and Rule 43(a).

DATED this 15th day of July, 2016.

STATE BAR OF ARIZONA



Hunter F. Perlmeter
Staff Bar Counsel - Litigation

Original filed with the Disciplinary Clerk of the Office of the Presiding Disciplinary Judge of the Supreme Court of Arizona this 15th day of July, 2016.

by: Jalisse Stone
HFP/sib

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

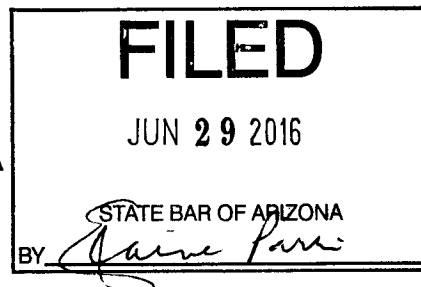
**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

**CHARLENE TARVER
Bar No. 025926**

Respondent.

No. 15-2839

PROBABLE CAUSE ORDER



The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee") reviewed this matter on June 10, 2016, pursuant to Rules 50 and 55, Ariz. R. Sup. Ct., for consideration of the State Bar's Report of Investigation and Recommendation.

By a vote of 7-0-3¹, the Committee finds probable cause exists to file a complaint against Respondent in File No. 15-2839.

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 29 day of June 2016.

Lawrence F. Winthrop

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

¹ Committee member Daisy Flores, Ella G. Johnson, and Jeff G. Pollitt did not participate in this matter.

Original filed this 29th day
of June, 2016, with:

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