

FILED

AUG 26 2013

DISCIPLINARY BOARD

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

MARK DUNCAN BANTZ,
Lawyer (Bar No. 7790).

Proceeding No. 13#00045

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND HEARING OFFICER'S
RECOMMENDATION

In accordance with Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC),
the undersigned Hearing Officer held a default hearing on August 9, 2013.

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW
REGARDING CHARGED VIOLATIONS**

1. The Formal Complaint charged Mark Duncan Bantz with misconduct as set forth therein.
2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the Formal Complaint is admitted and established.
3. Under ELC 10.6(a)(4), the Hearing Officer concludes that the violation charged in the Formal Complaint is admitted and established as follows: By failing to respond to the requests for documents and information related to Mr. Dye's grievance, by failing to cooperate

1 with the Association's investigation, and by failing to appear for his deposition, Respondent
2 violated RPC 8.4(l).

3 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**
4 **REGARDING RECOMMENDED SANCTION**

5 4. Respondent knowingly failed to respond to the Associations requests for his
6 written response to Mr. Dye's grievance, knowingly failed to cooperate with the Association's
7 investigation, and knowingly failed to appear for his deposition, all with the intent to impede the
8 Association's investigation and conceal his own misconduct regarding his failure to provide Mr.
9 Dye with his funds.

10 5. There was serious potential injury to the lawyer discipline system which depends
11 on lawyer cooperation and honesty to function. There was also injury to the Association in the
12 form of increased effort and costs.

13 6. American Bar Association's Standards for Imposing Lawyer Sanctions ("ABA
14 Standards") (1991 ed. & Feb. 1992 Supp.) 7.1 applies to this case: :

15 7.1 **Disbarment is generally appropriate when a lawyer knowingly**
16 **engages in conduct that is a violation of a duty owed as a professional**
17 **with the intent to obtain a benefit for the lawyer or another, and**
18 **causes serious or potentially serious injury to a client, the public, or**
19 **the legal system.**

20 7. The presumptive sanction is disbarment.

21 8. The following aggravating factors set forth in Section 9.22 of the ABA Standards
22 apply in this case:

- 23 (a) prior disciplinary offenses [In 2000, Mr. Bantz's license was suspended
24 for six months for failing to diligently represent a client and communicate
with a client in an asylum matter. In 2002, Mr. Bantz's license was
suspended for two years for taking fees in three matters, not doing any
work, not returning the fees, and eventually discharging the obligations in
bankruptcy];
- (b) dishonest or selfish motive [Respondent's refusal to cooperate was for the
purpose of concealing the apparent conversion of client funds];

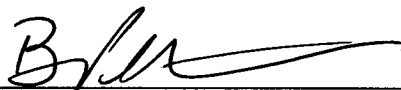
1 (i) substantial experience in the practice of law [Mr. Bantz was admitted to
2 practice in Washington in 1977].

3 9. No mitigating factors apply in this matter.

4 **RECOMMENDATION**

5 10. Based on the ABA Standards and the applicable aggravating and mitigating
6 factors, the Hearing Officer recommends that Respondent Mark Duncan Bantz be disbarred.

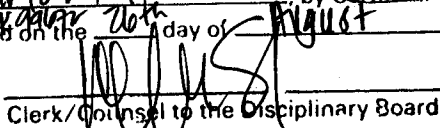
7 DATED this 23rd day of August, 2013.

8 

9 Barbara Ann Peterson,
10 Hearing Officer #12199

11 **CERTIFICATE OF SERVICE**

12 I certify that I caused a copy of the FOF, COL, HOS Recommendation
13 to be delivered to the Office of Disciplinary Counsel and to be mailed
14 to MARK BANTZ, Respondent/Respondent's Counsel
15 at 31150 Cedar PO Box 1472, by certified first class mail
16 Seattle, WA 98147 on the 20th day of AUGUST, 2013
17 postage prepaid on the 20th day of AUGUST, 2013

18 
19 Clerk/Counsel to the Disciplinary Board