



Certified True Copy Of The Origine

Dated This 17th Day of Dec, 2009

Trial Court Administrator

By: LeAnn Hernandez

FILED
2009 DEC 17 10 15
CLERK OF COURT
COOS COUNTY OREGON

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CIRCUIT COURT OF OREGON
COOS COUNTY

IN THE MATTER OF:
JAMES G. KNOLLMILLER,
Respondent.

Case No. 09CV1008
ASSURANCE OF VOLUNTARY
COMPLIANCE

1.

James G. Knollmiller is an Arizona attorney who has drafted living trusts and other estate planning documents for clients residing in Oregon, and is respondent herein. This agreement is between respondent and the Oregon Department of Justice (DOJ) acting pursuant to ORS 646.632.

PROCEDURE

2.

This Assurance of Voluntary Compliance (AVC) is a settlement of a disputed matter. It shall not be considered an admission of a violation for any purpose. Respondent explicitly and specifically denies any legal or ethical wrongdoing whatsoever. Respondent represents he has cooperated in good faith with the DOJ and has made a full and fair disclosure in response to the DOJ's inquiry.

3.

Respondent acknowledges a notice from the State of Oregon pursuant to ORS 646.632(2) of the alleged unlawful trade practice and the relief to be sought.

4.

Respondent understands and agrees this AVC applies to respondent, respondent's principals, officers, directors, agents, employees, representatives, successors and assigns, jointly

1 and severally, while acting personally, or through any corporation or other business entities,
2 whose acts, practices or policies are directed, formulated or controlled by respondent.

3 5.

4 Respondent and respondent's attorney agree and understand that following acceptance of
5 the AVC by DOJ, DOJ may communicate directly with respondent for the purpose of executing
6 and enforcing the terms of this agreement and resolving future complaints.

7 6.

8 Respondent understands and agrees that if this AVC is accepted by DOJ, it will be
9 submitted to the Circuit Court of the State of Oregon for Coos County for approval, and, if
10 approved, will be filed with the court pursuant to ORS 646.632(2).

11 7.

12 Respondent waives any further notice of submission to and filing with the court of this
13 AVC. Respondent agrees to accept service of a conformed or court certified copy by prepaid
14 first class mail sent to the address following respondent's signature or to respondent's attorney.

15 8.

16 If monies which are ordered to be paid in the future in this AVC are not paid when due,
17 DOJ thereafter may convert the AVC to a money judgment under ORS 646.632(2) without
18 notice to respondent. Respondent agrees a copy of the money judgment may be sent to
19 respondent, first class mail to the address following respondent's signature or to respondent's
20 attorney. If DOJ is required to convert the AVC to a money judgment in the future it may take
21 an additional \$250.00 for attorney's fees.

22 9.

23 Respondent understands that, in addition to any other sanctions which may be imposed
24 under this AVC or under the law, violation of any of the terms of this AVC may result in
25 contempt of court proceedings, civil penalties of up to \$25,000 for each violation, and such
26

1 further relief as the court may deem appropriate. ORS 646.632(4), ORS 646.642(1) and ORS
2 646.642(2).

3 10.

4 The parties acknowledge that no other promises, representations or agreements of any
5 nature have been made or entered into by the parties. The parties further acknowledge that this
6 AVC constitutes a single and entire agreement that is not severable or divisible, except that if
7 any provision herein is found to be legally insufficient or unenforceable, the remaining
8 provisions shall continue in full force and effect.

9 **REMEDIES**

10 11.

11 Respondent shall obey Oregon's Unlawful Trade Practices Act, ORS 646.605 to ORS
12 646.656.

13 12.

14 Respondent shall not represent or imply that DOJ acquiesces or approves of respondent's
15 past business practices, current efforts to reform its practices, or any future practices which
16 respondent may adopt or consider adopting. DOJ's decision to settle this matter or to otherwise
17 unilaterally limit current or future enforcement action does not constitute approval or imply
18 authorization for any past, present, or future business practice.

19 13.

20 Upon execution of this AVC respondent shall pay the sum of \$5500.00 for deposit to the
21 Department of Justice Account established pursuant to ORS 180.095 to be used by DOJ as
22 provided by law.

23 14.

24 A. At time of his signing this AVC, respondent shall pay the amount of \$1925.00
25 directly to the Oregon consumers for whom he drafted living trusts and other estate planning
26 documents, via his Oregon attorney's client trust account. The four Oregon consumers and the

1 amounts to be paid by respondent are: Hunter (\$400); Bell (\$400); Foster (\$700); and Russell
2 (\$425). These amounts are what respondent was to be paid for his part in working on their
3 living trusts and other estate planning documents. This does not include the Proffitts, who
4 respondent represents received a full refund on their trust/estate planning documents in the total
5 amount of \$1595.00 including \$430 from Consolidated Financial LLC/David Fedosky and
6 \$1165 from Legacy Plans, Inc. d/b/a The Estate Planning System and/or Don Deasy.

7
8 15.

9 Effective immediately upon execution by respondent of this AVC, respondent agrees to
10 adhere to each of the following requirements:

11 A. Upon his signing the AVC respondent will immediately write to the five
12 Oregonians (with a plain notation he has sent a conformed copy of the letter to Senior Assistant
13 Attorney General Thomas K. Elden at Oregon DOJ) who respondent claims to have represented
14 and refer to the representation as previously terminated and indicate they may wish to seek the
15 advice of an Oregon attorney regarding their estate planning needs. Respondent will further
16 indicate he has provided them money to partially reimburse them for the money collected by
17 David V. Fedosky and his company Consolidated Financial, LLC and The Estate Planning
18 System, in addition to the amount already refunded to them by Consolidated Financial, LLC;
19 and The Estate Planning System (if any). Respondent will explain to the five Oregonians the
20 reason for the amount of his payment to them as set out in this AVC including when writing to
21 the Proffitts that they have been fully reimbursed. Mr. Knollmiller may indicate in the letter
22 that initial generic drafts of trusts and other estate planning documents were reviewed by local
23 Oregon counsel, and that the final versions of the trusts were prepared based on comments
24 suggested by the local Oregon counsel when he reviewed generic documents.

25 B. Respondent agrees not to engage in the practice of law in Oregon, unless
26 authorized by the Oregon Rules of Professional Conduct, or other state or federal law.

1 C. Respondent agrees to, upon notification, accept service by mail of any subpoena
2 (or subpoena duces tecum) for an Oregon trial or hearing or deposition issued by the Oregon
3 Department of Justice if it sues Legacy Plans, Inc. d/b/a The Estate Planning System and/or Don
4 Deasy, and will cooperate fully and truthfully in response to such subpoena including if
5 necessary testimony by phone or at the State's expense to fly to Oregon to testify.,

6 D. Respondent represents he has provided to his Oregon attorney true copies of
7 various documents sought by the Oregon Department of Justice in its investigation of Legacy
8 Plans, Inc. d/b/a The Estate Planning System and that the State may take possession of such
9 documents.

10
11 **APPROVAL BY COURT**

12 APPROVED FOR FILING and SO ORDERED this 17th day of

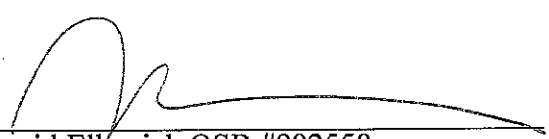
13 November, 2009.
14 *December*

15 
16 _____
17 Circuit Court Judge Richard L. Barron

18 **REVIEW BY RESPONDENT'S ATTORNEY**

19 Approved as to form.

20 Dated this 18th day of November, 2009.

21 
22 _____
23 David Elkanich OSB #992558
24 Attorney for Respondent

25 ///
26 ///
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RESPONDENT'S SIGNATURE AND ACKNOWLEDGMENT

Respondent has read and understands this agreement and each of its terms. Respondent agrees to each and every term.

Individual Respondent

James G. Knollmiller
James G. Knollmiller

JAMES G. KNOLLMILLER
Print Name

1745 S ALMA SCHOOL RD #130
Address MESA, AZ 85210

SUBSCRIBED AND SWORN to before me this 10th day of November, 2009

Jeanine Farr
Notary Public for Arizona

ACCEPTANCE OF DOJ



Accepted this 11 day of December, 2009.

JOHN R. KROGER
Attorney General

Thomas K. Elden

Thomas K. Elden #79036
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Department of Justice
Of Attorneys for Plaintiff
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