



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF	§	
DANIEL F. AYERS	§	CAUSE NO. 50073
STATE BAR CARD NO. 00796149	§	

JUDGMENT OF DISBARMENT

On the 20th day of April 2012, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Daniel F. Ayers, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Daniel F. Ayers, State Bar Card Number 00796149, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about March 10, 2010, Daniel Ayers was charged by Indictment with Count One – Conspiracy to Commit Mail and Wire Fraud, in violation of 18 U.S.C. § 1349, Counts Two through Thirteen – Mail Fraud, in violation of 18 U.S.C. § 1341 and 2, Count Fourteen – Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1957 and 2, Count Fifteen – Laundering of

Monetary Instruments, in violation of 18 U.S.C. § 1957 and 2, and Count Sixteen – Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1957 and 2, in Case No. 4:10CR57, styled *United States of America v. John Barry*(1), *Allyson Barry* (2), *Joy Beckner* (3), *Sheri Brower* (4), *Julie Hanley* (5), *Elaine Powers* (6), *Michelle Strickland* (7), *Shannon Jensen* (8), *Frank Field* (9), *Rita Hunter* (10), *Andrea Tannahill* (11), *Azza Bassiouny* (12), *Tim Dreslinski* (13), *Jared Gowans* (14), *Chris Howard* (15), *Kamilla Kirch* (16), *Patty Peery* (17), *Allison Ridgeway a/k/a Allison Raymond a/k/a Allison Hutsell* (18), *Liz Smittle* (19), *Daniel Ayers* (20), *Debbie Fernie* (21), *Anthony Flores* (22), *Elizabeth Altizer* (23), *Pamela Ford* (24), *Joshua Melton* (25), *William Doug Mitchell* (26), *William Barry* (27), *Christopher Feagan* (28), *Debbie Friedman* (29), *Patrick Johnson* (30), *Travis Jones* (31), *Delisa Kearney* (32), in the United States District Court for the Eastern District of Texas, Sherman Division.

- (3) On or about May 27, 2010, the United States Magistrate Judge in Case No. 4:10CR57, styled *United States of America v. Daniel Ayers* (20), signed Findings of Fact and Recommendation on Guilty Plea Before in the United States District Court for the Eastern District of Texas, Sherman Division.
- (4) On or about January 11, 2012, a Judgment in a Criminal Case was entered in Case No. 4:10CR00057-020 styled *United States of America v. Daniel Ayers*, in the United States District Court for the Eastern District of Texas, Sherman Division, wherein Respondent pled guilty to Count One of the Indictment - Conspiracy to Commit Mail and Wire Fraud, in violation of 18 U.S.C. § 1349. Respondent was committed to the custody of the United States Bureau of Prisons for a total term of thirty-nine (39) months, ordered that upon release from imprisonment, Respondent shall be on supervised release for a term of three (3) years, ordered to pay an assessment of \$100.00 and restitution in the amount of \$9,165,208.00.
- (5) Respondent, Daniel F. Ayers, is the same person as the Daniel Ayers, who is the subject of the Judgment described above.
- (6) Respondent was personally served with the Petition for Compulsory Discipline on March 16, 2012, and the affidavit of service has been on file with the Board since April 3, 2012.
- (7) Respondent's criminal sentence is not fully probated.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G) ("TRDP").
- (2) Respondent, Daniel F. Ayers, has been convicted for purposes of TRDP 8.04 of an *Intentional Crime* as defined by TRDP 1.06(T). Said crime is also a *Serious Crime* as defined by TRDP 1.06(Z).
- (3) The conviction is final.
- (4) Having been convicted of an *Intentional Crime* and been sentenced to a term of imprisonment, Respondent, Daniel F. Ayers should be disbarred. TRDP 8.05.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Daniel F. Ayers, State Bar Card No. 00796149, be and he is hereby DISBARRED from the practice of law in the State of Texas and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Daniel F. Ayers, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed by the date of this judgment, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Daniel F. Ayers, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge,


magistrate, and chief justice of each and every court in which Respondent, Daniel F. Ayers, has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Daniel F. Ayers, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is

also ORDERED to mail a copy of all notification letters to clients to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Daniel F. Ayers immediately surrender his Texas law license and permanent State Bar Card to the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 23rd day of April 2012.



CHAIR PRESIDING