

October 19, 2023

VIA EMAIL AND US MAIL

Kyla R. Mazhary-Clark
Law Office of Ivers Miller & Mazhary-Clark
317 W 1st Avenue, Suite 302
Post Office Box 1033
Albany, OR 97321
kyla@ivers.law

Re: Kyla R. Mazhary-Clark [REDACTED]

Dear Ms. Mazhary-Clark:

The Oregon State Bar Client Assistance Office has referred to Disciplinary Counsel for further consideration a grievance from [REDACTED] regarding your conduct. It is my responsibility to investigate this matter.

I have reviewed all the materials submitted to the Client Assistance Office, as well as documents filed in Case No. 19DR03123, *Kyla Mazhary-Clark vs. Jamie Clark and Kenneth Clark*, in Linn County Circuit Court, and the indictment in *State vs. Clark*, Case No. 23CR46313, Linn County Circuit Court.

It appears that [REDACTED] grievance presents issues that may implicate the provisions of Oregon Rules of Professional Conduct (RPC) 3.3(a)(1) [a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer], RPC 8.4(a)(2) [professional misconduct includes committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects], RPC 8.4(a)(3) [professional misconduct includes engaging in dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law], and RPC 8.4(a)(4) [professional misconduct includes conduct prejudicial to the administration of justice].

So I may conduct a fair and informed analysis, I request your account of the matter on or before November 9, 2023, as required by BR 2.6(a)(1). In addition to providing an account of the matter in light of the above-cited rules, please also respond to the following:

1. Please provide a copy of the paperwork signed by [REDACTED] on or about November 5, 2018, which you requested before you traveled with her children.
2. If you have a copy, please provide the police report from the incident with [REDACTED] that occurred on February 4, 2019.
3. In Case No. 19DR03123, in your declaration in support of Petitioner's Objection to Motion to Vacate Order of Default, dated June 25, 2021, you stated that "there was a prior existing guardianship appointing Petitioner as guardian over the minor children, [REDACTED]." Please detail the factual basis supporting that statement.
4. In Case No. 19DR03123, Petitioner's Hearing Memorandum, dated May 23, 2022, states that [REDACTED] children "were removed from her care and placed in a foster home by the Illinois Department of Children and Family Services (DCFS)." Please detail the factual basis supporting that statement.
 - a. If any documents corroborate your explanation, please provide them, including, but not limited to documents from DCFS.
5. In Case No. 19DR03123, following the January 31, 2023 Opinion Letter, your side prepare a proposed supplemental judgment, which included the statement, "the parties have two minor children." Please provide a detailed factual basis supporting that statement.
6. In Case No. 23CR46313, do you have any response to the charges of felony perjury in connection with the following statements:
 - a. Your statement in the Petition for Psychological Parent Custody in Case No. 19DR03123 that minor children lived with you between November 2018 and present;
 - b. Your statement in the Petition for Psychological Parent Custody in Case No. 19DR03123 that you are the caregiver of the minor children; and
 - c. Your statement in the Petition for Psychological Parent Custody in Case No. 19DR03123 that you are [REDACTED] aunt?

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7. Please provide copies of any discovery that you have received from the State of Oregon in Case No. 23CR46313.

Please feel free to provide any additional information you consider relevant to this inquiry.

When I receive your response, I will send a copy of it to [REDACTED]. All material submitted in the course of this investigation by the parties is considered public record. After a review of all documents and information, I will either dismiss the matter pursuant to BR 2.6(b) or refer the matter to the State Professional Responsibility Board (SPRB). I will also notify you and [REDACTED] of any final action taken by this office or the SPRB in the matter.

I am confident I will receive your full cooperation in this investigation. You should be aware, however, that failing to respond to this inquiry may constitute a violation of RPC 8.1(a)(2). I can grant an extension of time to respond if requested before the deadline.

Thank you in advance for your cooperation.

Sincerely,



Stacy R. Owen
Assistant Disciplinary Counsel
Extension 351
sowen@osbar.org

SRO:clد

cc: [REDACTED], via email and US Mail

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