

**OFFICE OF THE DISCIPLINARY COUNSEL
NEW MEXICO ATTORNEY DISCIPLINARY BOARD**

H. Gary Brown
c/o 1344 Lakeridge Drive
Baton Rouge, Louisiana [70802]
VIA First Class Mail
504-756-1987

July 28, 2022

New Mexico Attorney Disciplinary Board
2440 Louisiana Blvd. NE
Suite 280
Albuquerque, New Mexico 87110
(505) 842-5781

IN RE: C. Bryant Rogers
P.O. Box 1447
Santa Fe, NM 87504-1447

ETHICAL CONDUCT COMPLAINT

One, H. Gary Brown, the Undersigned Affiant, hereinafter known as I, me, myself or one, H. Gary Brown, does hereby solemnly affirm, declare and state, under penalty and perjury, including first hand witness and testimony as follows:

1. Affiant is competent to state the matters set forth herewith.
2. Affiant has personal knowledge of the facts stated herein
3. All the facts stated herein are true, correct, and complete in accordance with Affiant's best firsthand knowledge and understanding, and if called upon to testify as witness Affiant shall so state.

This Affidavit and all attached documents are made part of the Public Record, and will be used in administrative and judicial proceedings at law or equity.

4. C. Bryant Rogers, hereinafter known as “Rogers,” in the course of conducting his business and interests, has violated Rule 16-401 Truthfulness in statements to others of the New Mexico Code of Professional Conduct.
5. Rule 16-401 of the New Mexico Rule of Professional Conduct prohibits a lawyer from making any false statement of material fact or law to a third person.
6. Case # 3:22CV256-DPJ-FKB in the U.S. Federal District Court for the Southern District of Mississippi (Northern Division) located in Jackson, Mississippi involving Plaintiffs, Howard Brown and Brandon Sibley with Defendants, CHOCTAW RESORT DEVELOPMENT ENTERPRISE, ET AL. is where you will find such violation.
7. Plaintiffs have exposed multiple untruthful statements by Defendants’ Counsel, C. Bryan Rogers, with what the Plaintiffs believe to be a malicious intent to obfuscate, stonewall, and mislead the court about the facts of the case.
8. Specifically, in Roger’s “Memorandum in support of his Motion to Dismiss” (Document 7, Page 4 ¶ 2) he states, “Defendants’ *(although we suspect he meant Plaintiffs here)* reservation booking for rooms at the Golden Moon Casino Hotel constitutes a private, voluntary commercial consensual relationship which triggers *Montana* jurisdiction in the Choctaw Tribal Courts even in the absence of any separate written contracts between the parties...” followed by a list of case law that doesn’t apply, even remotely.
9. Had Rogers read the complaint before writing his memorandum, he would have found that the very first fact in the Plaintiffs’ complaint (Page 6 Line 14) states, “Plaintiff Howard Brown on the

16th day of October, 2021, had secured a hotel reservation through David Malbrough, a former Golden Moon Hotel and Casino employee.

10. The statement referred to in number eight (8) of this document could not possibly be true if Plaintiffs had NO contract with any current employee or member of the tribe.
11. Rogers knew or should have known that in order to be a valid contract between parties, there must be **(1)** a meeting of the minds, **(2)** consideration, and **(3)** an agreement, whether it be written or not is immaterial to the ability to enforce it. No contract formed can be based on illegality and the deprivation of rights, otherwise it is void ab initio. Non-tribe members visiting as transient guests to a place of public accommodation is a protected activity.
12. The statement made by Rogers in number eight (8) of this document clearly demonstrates the use of deceitful language in a feeble attempt to deceive the court and harm Plaintiffs' case which violates the New Mexico's Rule of Professional Conduct Rule 16-401 Untruthfulness in statement to others.

There are MANY untruthful statements, by Rogers, that have been uncovered in the course of conducting the business of the above-mentioned case and this bar grievance is the first of many to come for Mr. Rogers as his conduct can only be described as destructive.

Thank you for your time and consideration in this matter and should you need to contact me for any housekeeping matters my phone number is 504-756-1987 or for electronic receipts

hgarybrown@gmail.com.

This Declaration is dated this twenty-eighth day of July in the year, two thousand and twenty-two.

This instrument was prepared by one, H. Gary Brown

Howard Gary Brown – Affiant

VERIFICATION OF BAR GRIEVANCE

STATE OF UTAH

COUNTY OF _____

BEFORE ME personally appeared Howard Gary Brown who, being by me first duly sworn and identified in accordance with Colorado law, deposes and says:

1. My name is Howard Gary Brown.
2. I have read and understood the attached foregoing request for admissions and production filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

H. Gary Brown, Affiant

SWORN TO and subscribed before me this 28th day of July, 2022.

Notary Public

My commission expires:

This Affidavit and all attached documents are made part of the Public Record, and will be used in administrative and judicial proceedings at law or equity.