

ADDENDUM TO COMPLAINT AGAINST THE CURRENT CMKM MANAGEMENT: KEVIN WEST, CURRENT CHAIRMAN/CEO/PRESIDENT OF CMKM DIAMONDS, INC., (CMKM); BILL FRIZZELL, ATTORNEY FOR CMKM; AND MARK FAULK, FORMER CEO/PRESIDENT OF CMKM.

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The COALITION is filing this ADDENDUM to the COMPLAINT with the Texas State Securities Board against the current CMKM management and a grievance with the State Bar of Texas against Bill Frizzell.

[http://www.ssb.state.tx.us/Inspections\\_And\\_Compliance/File\\_A\\_Complaint.php](http://www.ssb.state.tx.us/Inspections_And_Compliance/File_A_Complaint.php)

<http://www.texasbar.com>

\*\*\*BILL FRIZZELL, CURRENT CMKM ATTORNEY, APPEARS TO HAVE VIOLATED TEXAS PENAL CODE SECTION 38.12, (BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT), TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, AND THE TEXAS GOVERNMENT CODE.

In 2005, Bill Frizzell, ATTORNEY/CMKM shareholder, forms the Owners Group (OG) and offers to represent CMKM shareholders at the SEC Administrative Hearing for \$50 per shareholder.

From that initial SOLICITATION (in-person, telephone, internet forums, emails), approximately 5,000 CMKM shareholders send Bill Frizzell their \$50.

Bill Frizzell eventually SOLICITS an additional \$25 from each shareholder.

From that second SOLICITATION, approximately 2,500 CMKM shareholders send Bill Frizzell their \$25.

From both SOLICITATIONS, CMKM shareholders send Bill Frizzell a total of approximately \$312,500.

Texas Penal Code - Section 38.12. Barratry And Solicitation Of Professional Employment provides:

(d) A person commits an offense if the person:

(1) is an ATTORNEY [emphasis added by author], chiropractor, physician, surgeon, or private investigator licensed to practice in this state or any person licensed, certified, or registered by a health care regulatory agency of this state.

(h) An offense under Subsection (d) is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under Subsection (d).

(i) Final conviction of felony barratry is a SERIOUS CRIME, for all purposes and acts, specifically including the STATE BAR RULES and the TEXAS RULES OF DISCIPLINARY PROCEDURE. [emphases added by author]

<http://law.onecle.com/texas/penal/38.12.00.html>

Furthermore, in addition to the CRIMINAL PENALTIES of §38.12, the CONDUCT of LAWYERS is controlled by STATUTE as well as the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, which are promulgated by the Texas Supreme Court. Rules 7.01 - 7.07 set out strict REQUIREMENTS and PROHIBITIONS concerning lawyer advertisements and related issues. Rule 7.03 prohibits IN-PERSON and TELEPHONE SOLICITATION by LAWYERS. THE TEXAS RULES OF DISCIPLINARY PROCEDURE, Rules 8.01 - 8.08, set forth standards for issuance of PUNISHMENT (from SUSPENSION to DISBARMENT for COMMISSION of CRIMES and VIOLATIONS of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT. [emphases added by author]

(5) In addition to the CRIMINAL PENALTIES of §38.12 and the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, LAWYERS are also subject to PUNISHMENT under TEXAS GOVERNMENT CODE §82.062 which allows DISBARMENT OF ATTORNEYS for COMMITTING BARRATRY, whether or not the lawyer is ever charged with the crime of barratry. [emphases added by author]

(6) In a group of cases consolidated into Moore v. Morales, 63 F3d 358 (5th Cir. 1995), the Fifth Circuit Court of Appeals held it is CONSTITUTIONAL to PROHIBIT LAWYERS from TELEPHONE and IN-PERSON SOLICITATION, but it is not constitutional to completely ban chiropractors and non-lawyers from soliciting accident victims. The Court also found that a 30 day ban on direct mail to accident victims is constitutional. See, also, Texas Attorney General Opinion No. JC-0022 (March 12, 1999). In other words, it is constitutional to ban direct mail solicitation for 30 days. Anybody (lawyers, chiropractors, etc.) can send direct mail after 30 days. It is constitutional to completely ban lawyers from in-person and telephone solicitation. It is not constitutional to completely ban chiropractors, doctors, and non-lawyers from in-person and telephone solicitation. [emphases added by author]

<http://www.texasaccidentinjury.com/uploads/file/Why%20lawyers%20should%20not%20be%20included%20in%20HB%201519.pdf>

Thank you,

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