

EXHIBIT 4

STATE BAR OF TEXAS



ADVERTISING REVIEW COMMITTEE

February 7, 2012

Tom Bagby
Mauze & Bagby, PLLC
2632 Broadway
Ste. 402 South
San Antonio, TX 78215

RE: File Number: 51353
Bar Card Number: 24059409
Application, Lawyer Advertising
Please include your unique file number (referenced above) on all correspondence pertaining to this application.

Dear Tom Bagby:

The Advertising Review Committee or staff has reviewed the above-referenced application filed with the Advertising Review Committee pursuant to Rule 7.07(b), Texas Disciplinary Rules of Professional Conduct. The advertisement or writing either requires additional information to substantiate representations that are contained therein, or it violates Part 7 of the Texas Disciplinary Rules of Professional Conduct in the following particulars: **You must send two copies of all corrections. The Advertising Review Committee does not accept fax transmissions or email for either submissions or corrections of advertisements. Please send either via mail or by courier.**

- * If these rules require that specific qualifications, disclaimers, or disclosures of information accompany communications concerning a lawyer's services, the required qualifications, disclaimers, or disclosures must be presented in the same manner as the communication and with equal prominence or it is in violation of 7.04(q).
- * The material indicated requires substantiation of representations made therein as required by 7.07(f). (Please refer to attached advertisement, letter, or production script for specific material indicated.)
- * Note on Rule 7.04 (q): Information is too small.

You did not request a pre-approval of this advertisement or writing. The application you submitted indicates that this advertisement or writing containing the above-referenced violations is currently being disseminated to the public. According to Official Comment No. 2 to Section 7.07, it is presumed that the Committee will report to the appropriate grievance committee any lawyer whom it finds from the reviewed products has disseminated an advertisement or writing that violates Part 7. However, in an initial effort to handle violations administratively before reporting an attorney to the grievance system, the Committee will allow you one opportunity to remedy the situation. Within ten (10) days from the date of this letter, please return one of the following two documents to the Advertising Review Committee:

- (1) the advertisement or writing in which the appropriate corrections have been made, or
- (2) a notice certifying that you have stopped public dissemination of the advertisement or writing.

Such a notice should contain one of the following explanations:

- (a) Dissemination has been temporarily stopped for the purpose of making corrections.

www.texasbar.com

1414 Colorado / P.O. Box 12487 / Austin, Texas 78711-2487 / (800) 566-4616 / (512) 463-1463 / FAX: (512) 427-4109

STATE BAR OF TEXAS



- (Include the date corrections will be forwarded to the Committee.); or
- (b) Dissemination has been permanently stopped. There is no intention of beginning public dissemination of this advertisement or writing in the future.

If the requested documents are not received in this office by tenth (10th) day following the date of this letter, we will assume that the advertisement or writing continues to be disseminated publicly, and the Committee may forward this matter to the appropriate grievance committee for disciplinary action. If the appropriate corrections are made and submitted, you will be sent an approval of the amended advertisement or writing. If you end dissemination permanently, you will receive a disapproval of the advertisement or writing but no further action will be taken.

You are not required to submit additional fees at this time. **Please include your unique file number (referenced above) on all correspondence pertaining to this application.** Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Gene Major".

Gene Major
Director, Advertising Review Department

enc.

APPLICATION FORM

LAWYER ADVERTISING AND SOLICITATION COMMUNICATIONS

Effective July 29, 1995, Part VII of the Texas Rules of Disciplinary Procedure require that a lawyer file with the Advertising Review Committee a copy of all public media advertisements and solicitation communications, except those exempt by Rule 7.07(e), contemporaneously with first dissemination or mailing. If desired, pre-approval may be obtained by submitting a copy of the advertisement or writing at least 30 days prior to its first dissemination or mailing. (If pre-approval is requested for an advertisement that is to be placed in a telephone directory or similar publication, the ad must be submitted at least 30 days prior to the printing deadline of the publication rather than 30 days prior to dissemination date of the publication.) If a pre-approval is requested, a response will be mailed within 25 days of the date of receipt of a completed application packet.

For Committee Use Only	
<input checked="" type="checkbox"/>	Fee Enclosed
<input type="checkbox"/>	Letter/Email
<input type="checkbox"/>	Brochure/Newsletter
<input type="checkbox"/>	Print Ad
<input checked="" type="checkbox"/>	Script
<input checked="" type="checkbox"/>	Recording
<input type="checkbox"/>	Website
<input type="checkbox"/>	Billboard
Case No.	<u>51353</u>
Date Rec'd.	<u>2/3/12</u>

INSTRUCTIONS FOR SUBMISSION OF A COMPLETE APPLICATION PACKET

- | | |
|--|--|
| <p>1. Complete Application <u>in full</u>. You can either complete each space on this form online or print the form and complete it manually by printing your replies. This form may be reproduced.</p> <p>2. Attach advertisement or solicitation communication.</p> <ul style="list-style-type: none"> > For a solicitation letter, attach a sample of the letter and the envelope in which it will be mailed. Emails must look like emails. > For a television, radio or online audio or video ad, attach a <u>detailed</u> production script, including ad title or number, and an audio or video recording. > If requesting <u>pre-approval</u> of a TV or radio ad that has not yet been produced, a production script can be submitted without a video or audio recording. > For an ad or solicitation in any language other than English, attach a complete, accurate English translation along with the ad or solicitation in the original language. > For a <u>website</u>, include URL and two printed copies of the initial access page. | <p>3. Enclose check or money order in the amount of \$75.00 payable to the State Bar of Texas for each ad or writing OR complete the credit card information section on the second page.</p> <p>4. <u>Mail two copies of each completed application packet to:</u></p> <p style="margin-left: 40px;">Advertising Review Committee
State Bar of Texas
P.O. Box 12487
Austin, TX 78711-2487</p> <p>*Note exception: It is not necessary to include an additional copy of the video or audio disk, tape or USB Flash drive submitted for TV or radio commercials.</p> <p>A separate application packet must be submitted for each advertisement/solicitation. If submitting more than one packet at a time, TV, radio or online audio or video commercials may be combined onto one disk/tape/USB Flash drive. Filing fees may be also combined into one check. <u>Incomplete application packets will be returned. They will not be docketed for review.</u></p> <p><i>For questions concerning filing requirements, call 1-800-566-4616 or visit www.texasbar.com/adreview.</i></p> |
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Lawyer*: Tom Bagby (James Thomas Bagby, III) Bar Card #: 24059409

Firm: Mauze & Bagby, PLLC

Firm's Principal Office Address*: 2632 Broadway, Suite 402 South
San Antonio, Texas 78215

Phone*: 1-800-200-9096 Fax: _____ E-ma... _____

Nature of advertisement or solicitation communication*:

A. <input type="checkbox"/> Letter (<u>Complete Addendum Form</u>)	D. <input type="checkbox"/> Brochure Newsletter (<u>Complete Addendum Form</u>)	G. <input type="checkbox"/> Other (Billboards, etc.)
B. <input type="checkbox"/> Telephone Directory	E. <input checked="" type="checkbox"/> Television/Radio	
C. <input type="checkbox"/> Magazine/Newspaper	F. <input type="checkbox"/> Website, URL: _____	

It is extremely important that you review the explanation of the difference between filing and pre-approval at top of this page before answering the following question:

Does applicant seek pre-approval? Yes (pre-approval) _____ No (filing) _____

If you answered No, state the date the advertisement or solicitation was first disseminated or mailed. 2/16/12

This form (updated 02/19/10) supersedes all prior forms. (.....page 2 of 2, form continued from front) (Form continued on back.....)

* Required Fields

Is it likely that a case or matter resulting from the advertisement or solicitation will be referred to another lawyer or law firm? Yes _____ No X

Does the advertisement or solicitation disclose or allude to a specific fee, range of fees, or that the lawyer or law firm will render fees on a contingent fee basis? Yes _____ No X

Does the advertisement or solicitation disclose the existence of an office other than the firm's principal office? Yes _____ No X
 If you answered Yes, is the satellite office staffed by a lawyer at least three days per week? Yes _____ No _____

Does the advertisement or solicitation designate or allude to one or more specific areas of practice? Yes _____ No X
 If you answered Yes, is the lawyer board certified in the areas of practice advertised? Yes _____ No _____

Has another lawyer or law firm paid any part of the advertisement or solicitation? Yes _____ No X
 If you answered Yes, identify the lawyer or law firm. _____

In what geographic location(s) will the material be disseminated? Texas (west and south Texas)

Identify any lawyers depicted in the submitted material.* _____

Identify any actual clients depicted in the submission along with such clients' addresses and phone numbers.* _____

Note: The Advertising Review Department may request substantiation of any statement or representation made in the submitted advertisement or solicitation communication.

Payment by credit card: Name of cardholder _____ (circle one) AMEX MC Visa \$ _____
 Please Print

Number: _____ Date of Expiration _____

ATTEST: I HAVE REVIEWED THE ADVERTISEMENT OR WRITING SUBMITTED AS REQUIRED BY RULE 7.04(e) OR 7.05(d), TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT. THE REPRESENTATIONS CONTAINED THEREIN AND THE INFORMATION IN THIS APPLICATION ARE TRUE AND CORRECT.

[Signature] _____ 2/2/12 _____
 Signature of Applicant Date

FOR COMMITTEE USE ONLY				
DISAPPROVED	APPROVED	ADD'L INFORMATION REQUESTED	DISAPPROVED	REFERRED TO CHIEF DISCIPLINARY COUNSEL
DATE _____	DATE _____	DATE <u>[Signature]</u>	DATE _____	DATE _____
BY _____	BY _____	BY <u>[Signature]</u>	BY _____	BY _____

This form (updated 04/12/10) supersedes all prior forms.

a AndersonMarketingGroup

Title: Kool Smiles Claims

COPY TV 30 seconds
CLIENT: Mauze & Bagby
JOB #:
JOB NAME: Kool Smiles Claims
DATE: Jan 31, 2012

T Video

Audio

<p>Supers: Advertisement (left hand top throughout) Attention Parents Kool Smiles</p> <p>1800-200-9096 KoolSmilesClaims.com Sample Photo of Stainless Steel Crowns (lower right throughout)</p> <p>Strapped Down! Crying! Terrified! Mouthful of Stainless Steel Crowns 1800-200-9096 Free Consultation KoolSmilesClaims.com</p> <p>Sponsored by Attorney Tom Bagby Principal Office, San Antonio, TX</p>	<p>ANNCR: Advertisement brought to you by attorney Tom Bagby.</p> <p>Attention parents! Did you take your child to Kool Smiles?</p> <p>7.07(P)</p> <p>Was your child literally strapped down, crying and terrified? Did your child leave Kool Smiles with a mouth full of stainless steel crowns?</p> <p>If so, you may have a claim. ↳ 7.07(P)</p> <p>Call toll free 1-800-200-9096 for a free consultation OR go to KoolSmilesClaims.com.</p> <p>That's 1-800-200-9096 or go to KoolSmilesClaims.com.</p> <p>Advertisement brought to you by attorney Tom Bagby.</p>
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7.04(a)

too small

51353