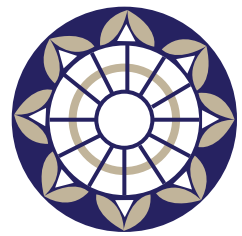




Ohio Board of Professional Conduct

Disciplinary Handbook

VOLUME XVIII



2024



DISCIPLINARY HANDBOOK: VOLUME XVIII

[CASES FROM 2024; CURRENT THROUGH JUNE 30, 2024]

OHIO BOARD OF PROFESSIONAL CONDUCT

Links within this document lead either to publications on the Supreme Court of Ohio's website or to other pages within this document. Links in the Table of Cases will direct the user to the corresponding Case Summary; links within the Case Summaries will direct the user to the Index. Links within the Index will direct the user back to the Case Summaries. This document is also fully searchable (hit Ctrl+F, type in the exact term or phrase, and then hit Enter).

The case summaries were prepared by Board staff and may not reflect all aspects of a case in their entirety. The summaries are meant to assist the reader by providing a brief overview of the misconduct committed by the attorney, the rules violated, and the sanction imposed. The summaries should be a beginning point that ends with reading the actual court opinion.



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CASE SUMMARIES

Adams, Disciplinary Counsel v.
2024-Ohio-559. Decided 2/20/2024

Case Summary

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(1), 1.4(a)(3), 1.4(a)(4), 1.15(c), 1.15(d), 1.16(d), 8.1(b), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses),(5) (lack of cooperation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Freeman (2011)
Cited By	

company. After settlement of the matter against the driver, he paid himself and a Medicaid lien, but failed to pay a Medicare lien and his clients. He then voluntarily dismissed the case against the insurer, failed to refile the matter, and ignored the clients' requests for information. A malpractice claim was brought, and Respondent was ordered to pay \$272,284.65. In a second count, he agreed to settle a client's claim but did not pay known liens from the Bureau of Workers' Compensation ("BWC"). A later suit was filed by BWC to collect the lien against the client and tortfeasors. A cross-claim was later filed against the client Respondent. In a third count, Respondent voluntarily dismissed a personal injury case, refiled the case, and accepted funds from the defendant's insurer and the client's carrier. He then wrote checks to himself and his law firm. He then distributed some, but not all of the funds owed to his client or to a hospital that had obtained a judgment against both he and his client.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of permanent disbarment. He was ordered to pay costs to the Preble County Court of Common Pleas and make restitution to several clients and parties.

NOT PARTICIPATING: Justice Brunner

OVERVIEW: Respondent was permanently disbarred for misappropriating settlement proceedings in three separate matters, failing to respond to communications from clients, and failing to cooperate in the disciplinary process

PROCEDURE: The Court granted Relator's motion remand the case to the board and Relator later filed a motion for default disbarment. The Board adopted the commissioner's findings of fact, conclusions of law, and recommended a sanction of permanent disbarment.

FINDINGS: In one count, Respondent was retained to represent a couple for injuries sustained by the wife in an automobile accident. He sued the driver and the clients' insurance

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Sanction	One-year, stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(b)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive); M- (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (7) (mental illness)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Mitchell (2019)
Cited By	

OVERVIEW: Respondent received a one-year, stayed suspension for misconduct arising from his conviction on a third-degree felony count of failure to comply with an order or signal of a police officer.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended a sanction of a one-year, stayed suspension. No objections were filed.

FINDINGS: Respondent was observed making a U-turn by police. Respondent stopped his vehicle but when the officer approached, Respondent peeled out from the berm and accelerated onto the highway. A high-speed pursuit commenced that reached speeds of over 100 miles per hour. The officer terminated the pursuit in the interest of safety after he could not close the gap between his vehicle and Respondent's vehicle. Respondent later took his vehicle to a local body shop for repairs to damage incurred during the high-speed chase. He was indicted with third-degree felony counts

of failure to comply with an order or signal of a police officer and tampering with evidence. He admitted during a presentence investigation that had been drinking and probably had been impaired. He was found guilty on the count for failure to comply and sentenced to three years of community control and his license was impaired for three years. He was ordered to complete outpatient treatment for substance abuse and comply with his OLAP contract.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of one-year, stayed suspension upon reinstatement and registration for active service and dismissed his interim felony suspension. In addition to the requirements of Gov.Bar R. V(24)(B), Respondent was required to submit proof of his compliance with his OLAP contract, and if reinstatement was sought during his community-control sanction, compliance with Gov.Bar R. V(24)(D) was also required. In addition to the suspension, he was required to remain in compliance with the terms of the community-control sanction, substance-abuse-treatment, and existing OLAP contract.

NOT PARTICIPATING: Justice Brunner

Sanction	Indefinite suspension
Court Modified Sanction	Yes
Rules Violated	8.4(b), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Goldblatt (2008); Romer (2023)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for misconduct arising out of his felony indictment for importuning and felony conviction for unlawful use of a telecommunication device.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended a sanction of a two-year suspension with six months credit for time served under his interim felony suspension.

FINDINGS: Respondent was employed as an assistant prosecutor to the child-support unit of the juvenile division. On July 30, 2021, he visited a website on his personal cellphone that lists sex worker profiles. He sent a text message to one profile. The person answering the text was an undercover officer. A text conversation ensued where Respondent learned the fictional age of the officer and made arrangements for sex. He did not follow through with a meeting with the officer. On August 5, 2021 the undercover officer texted Respondent with a

photo of a clothed female and Respondent replied with a photo of himself and his dog. He reiterated that the officer was too young. Two weeks after the last text message, Respondent was arrested at his office and his employment was simultaneously terminated. He was indicted on one count of importuning, a fifth-degree felony. He pleaded guilty to an amended count of unlawful use of a telecommunication device, a fifth-degree felony and was sentenced to one year of community control.

SANCTION: The Supreme Court adopted the Board's findings of fact and conclusions of law, but indefinitely suspended Respondent with no credit for time served under an interim suspension. In addition to the requirements in Gov.Bar R. V(25), Respondent will be required to submit proof that he has successfully completed the terms of the community-control and proof from a qualified health-care professional that he continued to participate in counseling and took all prescribed medications.

CONCURRING IN PART AND DISSENTING IN PART: Justices DeWine and Stewart would have accepted the recommended sanction of a two-year suspension with six months credit for time served under the interim felony suspension.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	8.4(c)
Aggravation/Mitigation	A- (8) (harm to vulnerable victim); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Thompson (2011); Moore (2017)
Cited By	

the affidavit from the record because Hanson stated he had not signed the affidavit and because Respondent admitted she did not see it signed by Hanson. Respondent argued at the disciplinary hearing that she notarized the affidavit at the direction of her supervising attorney and suggested that the in-person requirement for notarization had been suspended due to the COVID-19 pandemic.

SANCTION: The Supreme Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of a public reprimand.

NOT PARTICIPATING: Justices Donnelly and Brunner

OVERVIEW: Respondent received a public reprimand for falsely notarizing an affidavit.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of a public reprimand. No objections were filed.

FINDINGS: Respondent’s employer represented Shawnte and Lavelle Gibson, a married couple, in a juvenile case involving their children. The employer emailed an affidavit to the father of one of the children, Eddie Hanson, and informed Respondent that she had witnessed the father sign the affidavit electronically during a video conference. Respondent agreed to notarize the father’s purported signature. Respondent later appeared on behalf of the Gibsons at a pretrial hearing. Counsel for Hanson stated that Hanson did not recognize the affidavit that had been filed with an emergency-custody motion and that Respondent had not been present when he signed the affidavit. The magistrate in the matter testified that she struck

Sanction	Two-year suspension, stayed
Court Modified Sanction	No
Rules Violated	8.4(c), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (8) (other rehabilitation)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Okuley (2018); Noble (2022); Lewis (2018)
Cited By	

OVERVIEW: Respondent received a two-year, stayed suspension stemming from a conviction for disorderly misconduct.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: Respondent, an assistant county prosecutor, was involved in a traffic encounter with another driver. Respondent cut-off the driver and caused the driver to slam on her brakes to avoid a collision with Respondent's vehicle. The driver honked her horn at Respondent. He then exited his vehicle and approached the driver's vehicle. She rolled down her window and Respondent spit in her face. This caused the driver to remove her foot from the brake pedal, and the vehicle rolled into the rear of Respondent's vehicle. He began

screaming at the driver, falsely stated he was a police officer, that he had a weapon in his vehicle, and would kill her if she did not have insurance. When the police arrive, Respondent made several false statements and denied that he had spit at the driver, that he had told her he was a police officer, stated that he had a gun, and that he would kill her. Respondent was issued a citation for disorderly conduct. He was convicted, fined \$50, and assessed court costs. He appealed his conviction, but it was later dismissed for want of prosecution. Respondent did not report his conviction to the county prosecutor, as required by the office policy. The prosecutor learned of the criminal conviction after an agent of the Ohio Bureau of Investigation notified an assistant prosecutor. Respondent resigned his position in lieu of an investigation into whether he should be terminated.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement, and imposed a two-year suspension, all stayed.

DISSENTING: Chief Justice Kennedy would have remanded the matter to the Board.

NOT PARTICIPATING: Justice Brunner

Sanction	One-year suspension
Court Modified Sanction	No
Rules Violated	1.1, 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.5(d)(3), 1.15(c), 1.15(e), 3.3(a)(1), 4.3, 8.1(b), 8.4(c)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (6) (false or deceptive practices during investigation), (8) (harm to vulnerable victim), (9) (no restitution); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Bennett (2018)
Cited By	

OVERVIEW: Respondent failed to provide competent representation, engaged in dishonest conduct, made a false statement of fact to a tribunal, mishandled advanced fees, failed to inform clients she did not carry professional-liability insurance, and failed to respond to relator’s investigation.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of a one-year suspension.

FINDINGS: Respondent did not inform a client seeking judicial release, at the outset of representation, that he may be entitled to a full or partial refund of the fee and did not deposit the fee in her IOLTA. Once the required motion was drafted, she requested an additional payment to file it, but never received the payment and never filed the motion. Respondent

failed to respond to multiple requests from the client to communicate and failed to complete the legal work. In a second matter, Respondent was retained to assist a couple in the purchase of a home. After a home inspection, the parties agreed on sale terms and determined that Respondent would draft the necessary documents. At the time of the inspection, the seller believed she was self-represented, and that Respondent was acting as the buyers’ lawyer. Respondent claimed that she was not representing the buyers and was only present to notarize documents. After the inspection, Respondent drafted a half-page handwritten sales agreement that was signed by the parties. The document failed to recite the standard terms set forth in the bar/realtors purchase agreement available to all parties online at no cost. Issues later arose regarding the date of possession, proration of taxes, repairs, and appliances. After Respondent drafted and recorded the deed, she learned that the buyers stopped payment on the check because they were unsatisfied with the condition of the premises. Respondent then filed a forcible entry and detainer against the seller in municipal court. At the hearing, she showed two envelopes purportedly containing the checks to demonstrate to the court that the buyers had brought them to the hearing. She later acknowledged that she never gave the checks to the seller or the court. The court dismissed the case. The buyers filed a professional-malpractice action against Respondent. Respondent did not file an answer and a default judgment was entered against her.

SANCTION: The Supreme Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of a one-year suspension and ordered to pay restitution of \$250, serve a one-year of period of monitored probation upon reinstatement, and completed additional CLEs on law-office management and criminal law.

NOT PARTICIPATING: Justices Donnelly and Brunner

Sanction	Two-year, stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(d), 8.4(h)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (8) (other rehabilitation)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a two-year suspension, all stayed, stemming from his conviction on two separate counts of OVI, parole violations, and the dismissal of a case while he served as city law director.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of a two-year, stayed suspension. No objections were filed.

FINDINGS: Respondent, an interim city law director, was arrested on suspicion of OVI after he was stopped by a deputy sheriff. A caller had observed Respondent veer off a road, strike a utility pole, and drive away from the scene. The investigating deputies observed an open beer can and whiskey bottle in the car, a piece of a utility pole protruding from a door and fender, a shattered window, and a missing passenger-side mirror. Respondent was charged with a first-degree misdemeanor OVI and a first-degree

misdemeanor refusal to submit to chemical testing. His driver’s license was administratively suspended for one year and he received limited driving privileges. Four months later, he was stopped while driving after a trooper ran his license plate and learned that the driver had limited driving privileges. The trooper observed the vehicle weaving in its lane and driving on the solid while line. Respondent refused to exit the vehicle and asked the trooper to call his parents. He eventually exited the car, failed a field sobriety test, and was arrested on suspicion of OVI. He was charged with three first-degree misdemeanor offenses and a probation violation from his earlier case to which he pleaded guilty. While interim city law director, Respondent was scheduled to prosecute a driving -under-suspension case. Ten minutes before the trial, Respondent telephoned the clerk, and through slurred speech, said that he planned to “call off” the police officer in the case. The clerk surmised that he wanted to dismiss the charges. However, the magistrate interpreted the call as a request for a continuance, denied the request, and dismissed the case for failure to prosecute. Respondent was later found intoxicated in his home by his probation officer. He pleaded guilty to a probation violation and was ordered to wear a SCRAM device.

SANCTION: The Supreme Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of a two-year, fully stayed suspension on conditions that he remain in compliance with his OLAP contract, complete three additional hours of CLE on alcoholism, substance abuse, or mental-health issues, comply with his court-ordered probation, and serve a two-year period of monitored probation, and engage in no further misconduct.

NOT PARTICIPATING: Justice Brunner

Sanction	Disbarment
Court Modified Sanction	Yes
Rules Violated	8.4(b) , 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Polizzi (2021) ; Williams (2011) ; Ostheimer (1995)
Cited By	

participating in the activity. The daughter described Respondent’s actions as those of a “monster.” Respondent continued her relationship with the daughter’s father for two years after the daughter reported the abuse. Respondent admitted at hearing that she had engaged in the illegal conduct that was described in the stipulations.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law but permanently disbarred the Respondent.

CONCURRING WITH OPINION: Justice Donnelly

CONCURRING IN JUDGMENT ONLY: Justice Stewart

NOT PARTICIPATING: Justice Brunner

OVERVIEW: Respondent was permanently disbarred for misconduct arising from her felony conviction for unlawful sexual conduct with a minor.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of an indefinite suspension.

FINDINGS: Respondent was convicted of a third-degree felony for unlawful sexual conduct with a minor. She was sentenced to a 30-month prison term, ordered to serve a five-year mandatory term of postrelease control, and classified as a Tier II sex offender. The conviction arose from a report from boyfriend’s daughter that she had been molested by Respondent and her father. Some of the sexual abuse occurred with Respondent watching or

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Carter (2023)
Cited By	

OVERVIEW: Respondent was suspended for two years with one year stayed for misconduct stemming from an underlying criminal conviction for misdemeanor assault and furnishing alcohol to an underage person.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of two years with one year stayed

FINDINGS: Respondent pleaded guilty to two counts of furnishing alcohol to underage persons and one count of assault. The assault conviction was amended from an original charge of sexual imposition. He was sentenced to a 180-day suspended jail term, 12 months of community control, fined, required to pay court costs, and ordered to have no contact with two minors. Respondent had furnished alcohol to his underage stepdaughter, T.B., and two of her

underage friends, C.P. and B.R. He provided the alcohol through the night, played drinking games, resulting in two of the minors, C.P. and B.R. becoming ill. C.P. went to a basement bathroom and was attended by Perrico. C.P. testified that Respondent pulled her "into his lap", started touching her over her clothes on the vagina, thighs, breasts, and arms, and said, "All the dirty things I could do to you right now." His stepdaughter regularly checked on C.P. and always found the bathroom door closed, even though she left it open each time she left. When the stepdaughter and Perrico moved C.P. to a couch, he placed his hands on her breasts. Several months after the incident, T.B. told her mother what had occurred. T.B., C.P., and B.R. later made statements to a deputy sheriff. C.P. was asked by the deputy to place a recorded telephone call to Respondent at which time she accused Respondent of getting her "wasted" and touching her. Respondent did not deny the accusations during the phone call.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of two years with one year stayed on the condition that he engage in no further misconduct. In addition to the requirements for reinstatement, Respondent was ordered to provide proof that he had submitted to an alcohol assessment conducted by OLAP or a qualified chemical-dependency professional and that he had completed any OLAP contract and/or treatment recommendations arising from the evaluation.

CONCURRING WITH OPINION: Justice Donnelly

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice Kennedy and Justice Deters

NOT PARTICIPATING: Justice Brunner

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	8.3(a), 8.4(h)
Aggravation/Mitigation	A- (1) (prior discipline), (4) (multiple offenses); M- (4) (cooperative attitude), (5) (lack of cooperation), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	
Cited By	

OVERVIEW: Respondent was indefinitely suspended for failing to self-report his felony conviction for maintaining a drug premises in violation of federal law.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of an indefinite suspension with credit for time served under his interim felony suspension. A joint waiver of objections to the Board's report was filed with the Court.

FINDINGS: Respondent provided relator with a draft of a petition for reinstatement from his 2009 indefinite suspension. He disclosed in the petition for the first time that he had been convicted of a felony drug offense in April 2022. He pleaded guilty to a single count of maintaining a drug premises in violation of 21 USC 856(a)(1), was sentenced to a three-year term of probation and ordered to pay a special assessment of \$100. The conviction followed an investigation of people who were manufacturing and distributing crack cocaine. He admitted during the hearing that he had purchased and

used crack cocaine for eight years. He testified that he participated in two Narcotic Anonymous groups and entered into a two-year OLAP contract.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of an indefinite suspension with credit for time served under the interim felony suspension. In addition to the requirements of Gov.Bar R. V(25), Respondent's reinstatement was conditioned on proof that he had continued to participate in Narcotics Anonymous and complied with his February 2023 OLAP contract.

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice Kennedy and Justice Fischer would not have awarded credit for time served under the interim felony suspension.

Sanction	One-year suspension, six-months stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.15(a)
Aggravation/Mitigation	A- (1) (prior discipline), (4) (multiple offenses); (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M- (2) (no dishonest or selfish motive)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Sabol (2008); Weir (2019); Johnson (2010)
Cited By	

OVERVIEW: Respondent received a one-year suspension with six months stayed for neglecting a single client matter, failing to reasonably communicate with the client, and failing to inform the client that he did not maintain professional-liability insurance.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended a sanction of a one-year suspension with six months stayed.

FINDINGS: In one client matter, Respondent was retained to assist with the administration of an estate. Respondent was paid a retainer of \$1,500 using an electronic-payment application that deposited the payment into one of two operating accounts maintained by Respondent. An application to administer the estate was filed

without a bond causing the letters of appointment to not be issued until the bond was filed. Multiple delinquency notices and orders were issued for Respondent and his client to appear before the probate court. Respondent did not meet an extended deadline for filing the final account. The client hired new counsel. In a second matter Respondent was hired to represent a client who suffered a fall at a department store. An offer to settle was made but rejected by the client. A timely complaint was not filed on behalf of the client.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law and recommended sanction of a one-year suspension with six months stayed. Respondent's reinstatement to the practice of law was conditioned on proof that he had completed six hours of CLE focused on law-office management, in addition to the requirements of Gov.Bar R. X(2), completed a client-trust-account training program, submitted to an assessment conducted by OLAP, and complied with any treatment recommendations. Upon reinstatement the Respondent was required to serve a one-year period of monitored probation focused on law-office management and compliance with client-trust-account regulations.

NOT PARTICIPATING: Justice Brunner

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	3.3(a)(1)
Aggravation/Mitigation	A- none; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5)(good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Hoague (2020); Agopian (2006); Thomas (2010)
Cited By	

Respondent. Respondent later accepted unsolicited payments from the client for future work outside of the court appointments. The payments were returned after Relator initiated the grievance investigation.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement and publicly reprimanded Respondent. The Court ordered that Respondent reimburse the Lawyer's Fund for Client Protection within 90 days for any award made against Respondent.

DISSENTING: Chief Justice Kennedy would have remanded the matter to the Board.

NOT PARTICIPATING: Justices Donnelly and Brunner

OVERVIEW: Respondent received public reprimand for accepting unsolicited payments outside the scope of a court appointment.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: Respondent was appointed to represent a defendant in two criminal matters. Subsequent to the appointment in the first case, Respondent received three unsolicited payments from the client totaling \$650. He accepted other payments on two additional occasions. The payments were accepted even though Respondent knew he would be entitled to apply for and receive court-appointed counsel fees and expenses. When Respondent filed his motion seeking payment of fees he certified that he had received no other compensation in connection with the representation. The court ordered payment of \$2,340 in fees as requested by

Sanction	Six-month, stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (7) (refusal to acknowledge wrongdoing); M- (1) (no prior discipline), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a six-month, stayed suspension for misconduct stemming from his failure to give truthful answers regarding his identity, lawsuits, and prior investigations on an application he submitted to the State Medical Board to obtain a physical-assistant license.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a fully stayed six-month suspension. No objections were filed.

FINDINGS: Respondent was an expert witness on behalf of a defendant charged with knowingly possessing or attempting to possess computer images containing sexually explicit depictions of minors. In an evidentiary hearing, it was asserted that Respondent would testify about whether it was possible when viewing digital images to know whether they portrayed actual children. Respondent then displayed images of several children that he had obtained on the Internet and altered the images to depict the children engaging in sexually explicit

conduct with adults. Respondent was directed by the court to purge the images from his hard drive after they were preserved for the court's record. He deleted the images, and then mailed the computer's hard drive from Oklahoma to Ohio. An FBI investigation was later conducted, and several devices were seized containing files of images of child pornography which were produced with the exhibits he created as an expert witness or defense attorney. He executed a pretrial diversion agreement with the United States attorney's office and no prosecution was initiated. Several years later, two minors, whose images were used in the court exhibits, filed a civil action against Respondent. He was eventually ordered to pay each of the minors \$150,000 and their attorney fees. Respondent filed a bankruptcy petition to discharge the civil judgments that was ultimately unsuccessful. Relator initially opened an investigation concerning the images, but never filed a complaint. Relator's complaint in this case alleged that Respondent failed to provide accurate responses to questions on an application to the medical board about: other aliases, appearing before other bodies concerning allegations against him, and being notified about investigations or lawsuits filed against him. The Board rejected his explanations at hearing, finding that the answers to the questions on the application were false.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law and recommended sanction of a fully stayed six-month suspension.

CONCURRING AND DISSENTING IN PART: Chief Justice Kennedy and Justice Fischer with separate opinions.

NOT PARTICIPATING: Justice Brunner

Sanction	Two-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 3.4(c), 8.1(b), 8.4(c), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(5) (lack of cooperation), (6) (false or deceptive practices during investigation); M- (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

matter he was charged with possession of marijuana, driving in marked lanes, and driving under suspension. He pleaded guilty to an amended charge, could not show proof of insurance and did not pay a resulting fine and court costs or appear in court to show cause. By failing to comply with the court’s order, his vehicle registration and transfer privileges were blocked. Subsequent traffic violations occurred while his license was suspended including leading police on a pursuit that resulted in him pleading guilty to reckless operation and speeding. In two traffic stops he lied to the officer, stating that he had recently purchased the vehicle as an explanation for why he had expired plates or had not transferred the title. He was charged in 2022 with disorderly conduct for repeatedly knocking on a neighbor’s door while intoxicated. Respondent self-reported his November 2021 traffic conviction. In a separate count, Respondent had commingled personal and client funds in his IOLTA by failing to timely withdraw his earned fees, paid personal and business expenses from the account, had not maintained client or general ledgers, or performed required monthly reconciliations.

OVERVIEW: Respondent received a two-year, stayed suspension for misconduct related to multiple traffic violations, failure to comply with court orders, mismanagement of his IOLTA, and failure to cooperate in the ensuing disciplinary investigation.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of a fully stayed two-year suspension. The parties jointly waived objections.

FINDINGS: Over a period of nearly four and one half years, Respondent was convicted of several traffic offenses. In one traffic case he continued to drive after a financial responsibility suspension remained in effect. In another traffic

SANCTION: The Supreme Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of a two-year stayed suspension on conditions that he contact OLAP for a substance-abuse evaluation, serve a two-year term of monitored probation focusing on client-trust account management and stay in compliance with any OLAP recommendations, and engage in no further misconduct.

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice Kennedy and Justice Fischer

NOT PARTICIPATING: Justice Brunner

Sanction	Disbarment
Court Modified Sanction	Yes
Rules Violated	1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.15(a), 1.15(c), 1.16(d), 1.16(e), 3.4(d), 8.1(b), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (4) (multiple offenses),(5) (lack of cooperation), (7) (refusal to acknowledge wrongdoing), (9) (no restitution); M- none
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Freeman (2011)
Cited By	

OVERVIEW: Respondent was permanently disbarred for neglecting client matters, failing to reasonably communicate with clients, misappropriating fees, and failing to cooperate in the ensuing disciplinary investigations for which he had been previously disciplined.

PROCEDURE: The matter was remanded to the Board after Respondent's failure to answer the complaint. The Board adopted the attorney-commissioner's findings of fact, conclusions of law, and recommended a sanction of an indefinite suspension.

FINDINGS: Respondent agreed to represent two clients in different matters. In both representations he did not complete all the work requested by the clients and subsequently did not respond to reasonable requests for updates or information about the status of cases. In both

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matters he deposited client fees into his business checking account and misappropriated the funds by paying for various personal purchases. In another client matter, Respondent was retained to pursue a civil action involving an automobile accident and filed a civil complaint. Because discovery deadlines and a pretrial hearing were approaching, he filed a notice of voluntary dismissal but refiled the case later the same day. Once the case was refiled, he failed to inform his client that the client was ordered to appear and be deposed and that an unopposed motion to dismiss had been granted. Respondent unsuccessfully attempted to refile the complaint a second time. Upon termination of the representation, sahe failed to respond to the client's request for a copy of his case file. Respondent failed to respond to letters from the Relator and a personally served subpoena for a deposition.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law, but permanently disbarred Respondent. The Court ordered Respondent to make restitution of \$5,000 to the Lawyers' Fund for Client Protection.

NOT PARTICIPATING: Justice Brunner

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	JCR 1.1, 1.2; Prof.Cond.R. 8.4(b), 8.4(d) , 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Hunter (2023)
Cited By	

yield to an oncoming vehicle – striking the vehicle and causing it to go off the road and hit a utility pole. A witness reported seeing a man and woman walk around the crash site, look into the other vehicle, and drive away without calling 9-1-1 or waiting for first responders to arrive. The other driver suffered serious injuries. Respondent and his wife waited approximately nine hours before contacting law enforcement. Respondent’s wife admitted that she was driving the vehicle. Respondent lost an appeal of his conviction and the Supreme Court declined to hear a further appeal.

SANCTION: The Supreme Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of an indefinite suspension with no credit for time served.

CONCURRING WITH OPINION: Justice Fischer

NOT PARTICIPATING: Justice Brunner

OVERVIEW: Respondent received an indefinite suspension for misconduct arising from his conviction on two counts of complicity to leaving the scene of an accident and tampering with evidence.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of an indefinite suspension with no credit for time served under the interim felony suspension.

FINDINGS: Respondent, a judge on the Marion County Court of Common Pleas, and his wife were returning from social gatherings where they both had consumed alcohol. Respondent’s wife was driving and failed to

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	8.4(d), 8.4(h)
Aggravation/Mitigation	A- (8) (harm to vulnerable victim); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Thomas (2020); Schuman (2017)
Cited By	

OVERVIEW: Respondent received a public reprimand for failing to fulfill the obligations of a guardian *ad litem* provided by court rule.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: Respondent was appointed as guardian *ad litem* for four minor children who were the subject of abuse, neglect, and dependency proceedings. As GAL he was required to follow certain obligations in Sup.R. 48.03. The parties agreed that the pending complaints would be resolved by a finding that the four children were neglected and dependent and would remain the temporary custody of the county jobs and family services. A case plan was developed for the children's mother, BF. Respondent noticed BF's vehicle parked outside of an adult entertainment club where she worked as a dancer. He sat at her table and bought her a beer knowing that she had substance abuse issues. After talking to her for an hour,

Respondent gave her \$40. Several months later, Respondent visited the residence of BF's boyfriend. He provided BF with two draft GAL reports that set forth two alternative recommendations. Each alternative contained unsupported allegations that required BF to admit that she used illegal substances before Respondent would consider recommending the return of her children. During a review hearing, while questioned by BF's court-appointed lawyer, Respondent admitted that he did not have evidence to support some statements in his report. At the conclusion of the hearing, BF's lawyer moved to have Respondent removed as GAL, but the motion was denied. During later permanent custody hearings, a motion to disqualify Respondent was granted by the court.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement, and imposed a two-year suspension, all stayed. The Court ordered that Respondent reimburse the Lawyer's Fund for Client Protection within 90 days for any award made against Respondent.

DISSENTING: Chief Justice Kennedy would have remanded the matter to the Board.

NOT PARTICIPATING: Justice Brunner

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Ohio Board of Professional Conduct

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