

MAR 25 2015

BEFORE THE BOARD OF PROFESSIONAL CONDUCT BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

In re:)
)
Complaint Against)
)
Harry Joseph Jacob III)
7163 Southside Park Drive)
Solon, Ohio 44139)
Attorney Registration No. 0008620)
Respondent)
)
OHIO STATE BAR ASSOCIATION)
1700 Lake Shore Drive)
Columbus, Ohio 43215)
Relator)

Case No. 15 - 019 2 2

COMPLAINT AND
CERTIFICATE

(Rule V of the Supreme Court
Rules for the Government of the
Bar of Ohio)

For its Complaint, the Ohio State Bar Association states as follows:

1. On November 6, 1981 the Supreme Court of Ohio admitted Respondent, Harry Joseph Jacob III, Attorney Registration No. 0008620, to the practice of law in the State of Ohio.
2. Respondent served as a judge of the Bedford Municipal Court, at all times relevant to this Complaint.
3. No discipline or suspensions have been previously imposed on Respondent.
4. Respondent's last known address is 7163 Southside Park Drive, Solon, Ohio 44139.
5. Because Respondent is a member of the Bar of Ohio, the Supreme Court Rules for the Government of the Bar of Ohio apply to him and his conduct which serves as the basis for this Complaint. In addition, because Respondent held office as a judge of the Bedford Municipal Court at all times relevant herein, the Ohio Code of Judicial Conduct applies to him and his conduct which serves as the basis of this Complaint.

6. In 2013 and 2014 Respondent was indicted on seven counts of Soliciting (R.C. § 2907.24) [Indictment Counts 8, 11, 13, 16 – 19], three counts of Falsification (R.C. § 2921.13) [Indictment Counts 7, 28, 29], three counts of Tampering with Evidence (R.C. § 2913.42) [Indictment Counts 21, 22, 26], two counts of Tampering with Records (R.C. § 2913.42) [Indictment Counts 20, 25], two counts of Obstructing Justice (R.C. § 2921.41) [Indictment Counts 6, 27], three counts of Promoting Prostitution (R.C. § 2907.22) [Indictment Counts 12, 14 – 15], two counts of Bribery (R.C. § 2921.02) [Indictment Counts 1, 9], and single counts of Having an Unlawful Interest in a Public Contract (R.C. § 2921.42) [Count 2], Soliciting or Receiving Improper Compensation (R.C. § 2921.43) [Count 3], Money Laundering (R.C. § 1315.55) [Count 4], Theft in Office (R.C. § 2921.41) [Count 5], Dereliction of Duty (R.C. § 2921.44) [Count 10], Failure to Report a Felony (R.C. § 2921.22) [Count 23], Possessing Criminal Tools (R.C. § 2923.24) [Count 24].
7. On September 4, 2014, Respondent was found guilty, in Case No. CR-14-584560-A of the Common Pleas Court for Cuyahoga County, Ohio, of three counts of Soliciting under R.C. § 2907.24(A) and two counts of Falsification under R.C. § 2913.13(A)(11)(13) and not guilty of one count of Soliciting, two counts of Tampering with Evidence, Failure to Report a Felon, Possessing Criminal Tools, one count of Tampering with Records and one count of Obstructing Justice.
8. On October 15, 2014 Respondent was sentenced to 60 days in jail on Count 13 of the Indictment; 60 days in jail on Count 16 of the Indictment and 60 days in jail on Count 18 of the Indictment to run concurrently to each other, 180 days on Count 28, execution of which was suspended. Respondent was placed on two years' probation and ordered to

participate in the Home Monitoring Program for six months upon his release from jail. Respondent was ordered to pay a fine in the amount of \$500.00 on Count 13 of the Indictment – Soliciting; \$500.00 on Count 16 of the Indictment – Soliciting; \$500.00 on Count 18 of the Indictment – Soliciting; and \$1,000 on Count 28 – Falsification; for a total of \$2,500.00.

9. Respondent filed a Notice of Appeal on October 17, 2014 in Case No. CA-14-102076 of the Eighth District Court of Appeals. That case is pending.

10. Respondent resigned his judgeship on the Bedford Municipal Court before being sentenced on October 17, 2014.

11. Respondent's conduct violated Code of Judicial Conduct Rule 1.2:

“A judge shall act at all times in a manner that promotes public confidence in the *independence, integrity, and impartiality* of the judiciary, and shall avoid *impropriety* and the appearance of *impropriety*.”

12. Respondent's conduct violated Code of Judicial Conduct Rule 3.1(C):

“A judge may engage in extrajudicial activities, except as prohibited by *law*. However, when engaging in extrajudicial activities, a judge shall not do any of the following:

(A) Participate in activities that will interfere with the proper performance of the judge's judicial duties;

(C) Participate in activities that would appear to a reasonable person to undermine the judge's *independence, integrity or impartiality*.”

13. Respondent's conduct violated Professional Conduct Rule 8.4(a), (b) and (h):

“It is professional misconduct for a lawyer to do any of the following:

(a) violate or attempt to violate the Ohio Rules of Professional Conduct, *knowingly* assist or induce another to do so, or do so through the acts of another;

(b) commit an *illegal* act that reflects adversely on the lawyer's honesty or trustworthiness;

- (h) engage in any other conduct that adversely reflects on the lawyer's fitness to practice law.

Wherefore, pursuant to Rule V of the Rules for the Government of the Bar of Ohio, Relator alleges that Respondent has committed, or has engaged in, misconduct within the meaning of Section 6(A)(1), Gov. Bar. R. V; therefore, Relator request that the Supreme Court of Ohio discipline Respondent pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

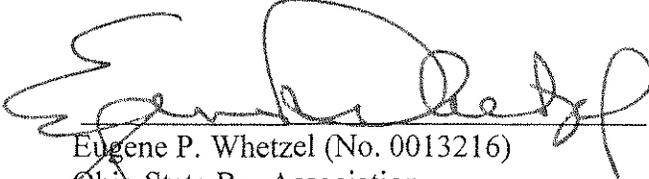
Respectfully Submitted,

On Behalf of Relator,

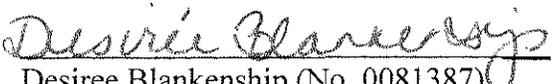


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Counsel for Relator

CERTIFICATE

The undersigned Edward M. Smith, Esq., Chairman
(President, Secretary, Chairman of the Grievance Committee or Disciplinary Counsel)
of the Certified Grievance Committee of the Ohio State Bar Association
hereby certifies that Amelia A. Bower, Esq., Desiree Blankenship, Esq., and
Eugene P. Whetzel, Esq.

represent Relator in the premises and have accepted the responsibility of
(has or have)
prosecuting the complaint to its conclusion. After investigation, Relator believes reasonable
cause exists to warrant a hearing on such complaint.

Dated March 25, 2015

Edward M. Smith

Chairman

(Title)

(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.)

Section (11)

(11) *The Complaint; Where Filed; By Whom Signed.* A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designated as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary or Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an officer of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance Committee serving the county or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.

FILED

MAR 25 2015

BOARD OF PROFESSIONAL CONDUCT

**BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO**

In re:

Complaint Against:

Case No.

Harry Joseph Jacob III

Respondent

Ohio State Bar Association

Relator

**WAIVER BY RESPONDENT, HARRY JOSEPH JACOB III, OF DETERMINATION BY A
PROBABLE CAUSE PANEL OF THE BOARD OF PROFESSIONAL CONDUCT AND
CONSENT BY RESPONDENT, HARRY JOSEPH JACOB III, TO CERTIFICATION OF
COMPLAINT TO THE BOARD OF PROFESSIONAL CONDUCT FOR FILING**

Respondent, Harry Joseph Jacob III ("Respondent"), is fully aware that under Gov. Bar Rule V, § 11(A), the Board of Professional Conduct of The Supreme Court of Ohio ("the Board") must make an independent determination that probable cause exists of the filing of any complaint that the Ohio State Bar Association may wish to file against him.

As permitted under Gov. Bar Rule V, § 11(B), Respondent waives an independent determination by a Probable Cause Panel of the Board of probable cause for the filing of the complaint by the Ohio State Bar Association against him that is attached to this waiver and identified as "Exhibit A".

Further, Respondent consents to the certification to the Board for filing of the complaint attached to this waiver as Exhibit A immediately upon its submission to the Director of the Board.

The undersigned counsel for Respondent has authority to execute this Waiver on Respondent's behalf.

Respondent:


Michael E. Murman 0029076
14701 Detroit Avenue Suite 555
Lakewood, Ohio 44107
(216) 228-6996

Counsel for Respondent