

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

FILED

APR 13 2015

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

PAUL STEPHEN KORMANIK, ESQ.
[Regis. No. 0016338]

CASE NO. 15-024

Registration Address;
580 South High Street
Suite 200
Columbus, OH 43215

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

by

COLUMBUS BAR ASSOCIATION
175 South Third Street S-1100
Columbus, OH 43215-5134
RELATOR.

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BOARD OF PROFESSIONAL CONDUCT

Now comes the Relator and alleges that Paul Stephen Kormanik, Esq. (Registration No. 0016338), an Attorney at Law, duly admitted to the practice of law in 1979 in this State of Ohio is guilty of the following misconduct:

- 1) Respondent has no previous discipline or suspension history.

Count One - Estate of Paul W. Earhart

- 2) Paul W. Earhart died, intestate, on November 3, 2010. Shortly before Mr. Earhart's death, respondent was appointed by the Franklin County Probate Court to serve as Mr. Earhart's guardian of the person.

- 3) Upon application, and with consent of the beneficiaries, respondent was appointed administrator of Mr. Earhart's estate on December 10, 2010.

- 4) As required by Ohio R.C. 2109.32, respondent filed a "Certificate of Service of Account to Heirs or Beneficiaries" after, or contemporaneously with, the filing of each accounting. These certificates were filed on January 1, 2012, January 15, 2013, and January 21,

2014. These certified that a copy of each accounting had been provided to all beneficiaries. The certificates were signed by respondent.

5) In 2013, three beneficiaries of Mr. Earhart's estate, Leslie K. Hofer, Charlene R. Sanders and Paula C. Hughes, filed grievances with relator, asserting that they had received no communication whatsoever from respondent regarding Mr. Earhart's estate.

6) Respondent failed to provide a written response to relator's letter of inquiry. Only after he was notified of the appointment of an investigative subcommittee of relator's certified grievance committee did respondent cooperate with the relator's 2013 investigation.

7) During the course of the 2013 investigation, respondent communicated with the heirs and corrected the probate court filings. The grievants expressed satisfaction with the administration of Mr. Earhart's estate and the 2013 grievance was dismissed in late 2013.

8) In March 2014, beneficiary Leslie K. Hofer filed a second grievance with relator, noting the beneficiaries had not received a copy of the accounting.

9) Again, respondent filed a "Certificate of Service of Account to Heirs or Beneficiaries," asserting that he provided a copy of the accounting to each beneficiary, even though he had not actually served the beneficiaries.

10) To date, the estate remains open. Estate assets have been spent needlessly to store decedent's personal property due to respondent's failure to simply distribute the assets to the beneficiaries.

11) Relator cannot make a good faith allegation regarding the nature and amount of restitution without engaging in further discovery.

12) By his acts and failures to act, respondent violated the following Ohio Rules of Professional Conduct:

- Prof.Cond.R. 1.1 [Failing to provide competent representation];
- Prof.Cond.R. 1.3 [Failing to act with reasonable diligence];
- Prof.Cond.R. 1.4(a) [Failing to reasonably communicate with client];

- Prof.Cond.R. 3.3(a) [Making a false statement, or failing to correct a false statement, to a tribunal];
Prof.Cond.R. 8.1 [Failing to provide a timely response].

Count Two - Guardianship Issues

13) In May 2014, the *Columbus Dispatch* ran a series of articles regarding various guardianship issues in the state of Ohio, focusing on Franklin County. Respondent was featured prominently in these articles due to the exorbitant number of cases in which he had been appointed. At the time of the articles, respondent was guardian for almost 400 wards in Franklin County.

14) Prior to the publication of the articles, the Franklin County Probate court initiated a review of respondent's handling of his fiduciary duties.

15) The review revealed that respondent had, on numerous occasions, represented to the court that his ward was indigent and his fee should, therefore, be paid from the court's indigent fund. The Court determined that, in many of these instances, the ward was not, in fact, indigent.

16) In cases where respondent was appointed as guardian of the person only, respondent opened joint bank accounts with the wards or accounts in which he is titled as "Guardian for xxxxx." This was a misrepresentation of his authority. As guardian of the person only, respondent had no authority over these wards' assets.

17) The Court ordered respondent to refund payments made to him from the indigent fund. Rather than refunding these from his business or personal funds, respondent repaid the court from his wards' accounts. In all of the examples below, respondent was guardian of the person only and had no court authority to establish an account for the ward or to control or distribute the wards' funds.

Account Name	Date	Amount
Larry Stemple, Paul Kormanik Guardian	12/4/2013	\$420
Paul A. Tyus, Paul Kormanik	1/15/2014	\$300
Paul S. Kormanik, Guardian for Frederico Bararosa	1/27/2014	\$385
Robirta J. Carles, Paul S. Kormanik	1/15/2014	\$300
Shelley Barney, Paul S. Kormanik	4/8/2014	\$300
Donald J. Williams, Paul S. Kormanik, Guardian	2/3/2014	\$300
Paul Kormanik, Guardian for Kathleen Schoeneich	3/14/2014	\$420
James Acton Trust, Paul Kormanik Trustee	3/14/2014	\$615
Byron C. Webb, Mr. Paul S. Kormanik Guard	4/8/2014	\$420
Michelle L. Sarkadi, Paul Kormanik, Guardian	4/15/2014	\$2,100

18) On October 9, 2014, Respondent was indicted on two charges of Theft From an Elderly Person or Disabled Adult, two fourth-degree felonies.

19) On January 28, 2015, Respondent was indicted on nine more charges, resulting in a total of four felony charges of Theft From an Elderly Person, one felony charge of Theft From Columbus' Indigent-Burial Fund, one felony charge of Engaging in Corrupt Activity, and five felony counts of Tampering with Records.

20) The criminal case is currently pending in the Franklin County Court of Common Pleas.

21) On or about August 26, 2014, respondent resigned from all fiduciary duties in the Franklin County Probate Court. As a result, over 350 extremely vulnerable wards have suddenly been left without anyone to make necessary decisions on their behalf.

22) Relator cannot make a good faith allegation regarding the nature and amount of restitution without engaging in further discovery.

23) By his acts and failures to act, respondent violated the Ohio Rules of Professional Conduct:

- Prof.Cond.R. 1.1 [Failing to provide competent representation];
- Prof.Cond.R. 1.3 [Failing to act with reasonable diligence];
- Prof.Cond.R. 3.3(a) [*Knowingly* making a false statement to a *tribunal*];
- Prof.Cond.R. 8.4(c) [Engaging in conduct involving dishonesty, *fraud*, deceit or misrepresentation];
- (d) [Engaging in conduct prejudicial to the administration of justice];

- (h) [Engaging in conduct adversely reflecting on the fitness to practice].

Count Three - Fitness to Practice

24) Attached to respondent's resignation to the Probate Court, filed on August 26, 2014, is a letter signed by psychiatrist Rashid Pervez and Therapist Jessica Michael stating that respondent "is not adequately capable of carrying out the duties required for his employment. Due to his memory impairment and increased symptoms of anxiety/depression, the treatment team feels Mr. Kormanik cannot properly represent individuals or protect interests as their guardian at this time."

25) Respondent has failed to cooperate or coordinate an orderly transfer of his files and practice to the interim guardian appointed for respondent's wards.

26) Relator does not, at this time, believe restitution is at issue on this count.

27) By his acts and failures to act, respondent violated the following Ohio Rules of Professional Conduct:

- Prof.Cond.R. 1.1 [Failing to provide competent representation];
- Prof.Cond.R. 1.3 [Failing to act with reasonable diligence];
- Prof.Cond.R. 8.1(b) [Failing to cooperate in a grievance proceeding];
- Prof.Cond.R. 8.4(h) [Engage in conduct adversely reflecting on the fitness to practice].

Wherefore, Relator asks that Respondent be found in violation of these professional standards and that he be sanctioned appropriately.

CERTIFICATE

The undersigned Chair of the Certified Grievance Committee of the Columbus Bar Association hereby certifies that Robert Erney, Esq., Vicki Jenkins, Esq., Bruce A. Campbell, Esq. and A. Alysha Clous, Esq., are duly authorized to represent Relator in the premises and have accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: 3/10/15
Signed: John C. Hartranft
John Hartranft, Esq.
Chair of the Certified Grievance Committee

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

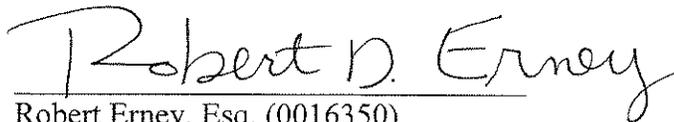
Section (11)

(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 of 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 offices of such Court. The complaint may also, but need not, be signed by the person aggrieved.

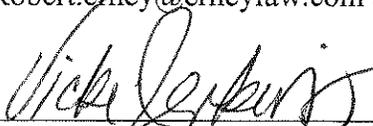
Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

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 of counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.

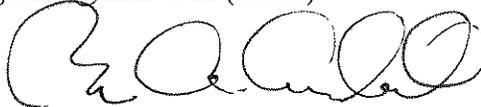
Respectfully submitted,



Robert Erney, Esq. (0016350)
Robert D. Erney and Associates Co., LPA
1654 E. Broad St.
Columbus, OH 43203
(614) 258-6100/258-6600 (fax)
Robert.erney@erneylaw.com (email)



Vicki Jenkins, Esq. (0029687)
Ohio Department of Developmental Disabilities
30 E. Broad St., Floor 12
(614) 466-5855
jenkv@msn.com (email)



Bruce A. Campbell (0010802)
Columbus Bar Association
175 South Third Street, Suite 1100
Columbus, Ohio 43215-5134
(614) 340-2053 / (614) 221-4850 (fax)
bruce@cbalaw.org (e-mail)



A. Alysha Clous (0070627)
Columbus Bar Association
175 South Third Street, Suite 1100
Columbus, Ohio 43215-5134
(614) 340-2035 / (614) 221-4850 (fax)
alysha@cbalaw.org (e-mail)

COUNSEL FOR RELATOR