

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT OF OHIO

FILED
JUL 31 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Gregory Keith Klima, Esq.
FCI Ashland
Registration No. 59586-060
State Route 716
Ashland, Kentucky 41105

No. 14 - 059

Attorney Registration No. (0036968)

Respondent,

COMPLAINT AND CERTIFICATE

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

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Relator.

Now comes the relator and alleges that Gregory Keith Klima, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Gregory Keith Klima, was admitted to the practice of law in the state of Ohio on November 12, 1986. Respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. Effective November 1, 2013, respondent was suspended from the practice of law pursuant to Rule VI(6)(B) of the Supreme Court Rules for the Government of the Bar of Ohio ("Gov. Bar R.") for failure to comply with the attorney registration requirements of

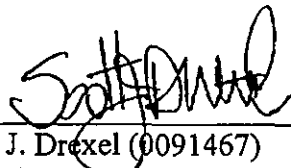
- Gov. Bar R. VI(1)(A). Respondent has remained suspended from the practice of law at all times since November 1, 2013.
3. On July 2, 2013, an Information was filed in the United States District Court for the Northern District of Ohio in *United States v. Gregory K. Klima and Timothy R. Grodzik*, Case No. 1:13-CR330-001, charging respondent with one felony count of conspiracy to commit wire fraud in violation of 18 United States Code section 371.
 4. The criminal charges against respondent and his co-defendant, Timothy R. Grodzik, arose out of their ownership of a title company called Title Access, L.L.C. ("Title Access"). Respondent, who was president of Title Access, held a 91% ownership interest in the company, while Grodzik, who was vice-president of sales, owned the remaining 9% of the company. Between approximately December 2009 and February 2011, respondent and Grodzik diverted, for their personal use and benefit, entrusted funds that had been deposited into Title Access' escrow account, thereby defrauding Stewart Title Guaranty Company ("Stewart Title"), which Title Access used as an underwriter of title insurance, and 26 parties to real estate transactions managed by Title Access of a total sum of at least \$290,334.87. In addition, co-defendant Grodzik, with respondent's knowledge, falsified financial documents in order to conceal their diversion of funds from an auditor who had been employed by Stewart Title.
 5. On October 25, 2013, respondent pleaded guilty to one count of conspiracy to commit wire fraud in violation of 18 United States Code section 371 and agreed that the facts set forth in Attachment A to his plea agreement are true and that they could have been established beyond a reasonable doubt if the case had proceeded to trial.

6. On December 3, 2013, the United States District Court (Honorable Patricia A. Gaughan, presiding) sentenced respondent to 18 months in prison and three years supervised release. The U.S. District Court also ordered respondent and co-defendant, Timothy Grodzik, to make restitution, jointly and severally, to 27 individuals and entities in the total amount of \$290,484.87.
7. The amount of restitution ordered by the U.S. District Court to be paid by respondent and co-defendant Grodzik to Herman Carrasquillo was \$61,610.85. In or about May 2014, an agreement was reached between respondent, Grodzik, Carrasquillo and Stewart Title by which Stewart Title agreed to pay \$18,000.00 to Carrasquillo. In exchange for this payment, Carrasquillo agreed to sign a release of all claims against respondent, co-defendant Grodzik, Stewart Title and others. However, the release specifically permitted Carrasquillo to pursue the restitution ordered by the U.S. District Court and/or to pursue a claim for reimbursement from the Supreme Court of Ohio's Client Security Fund. To date, the \$18,000.00 payment to Carrasquillo has not been made.
8. The amount of restitution ordered by the U.S. District Court to be paid by respondent and co-defendant Grodzik to The Estate of Dorothy Gamiere ("the Gamiere Estate") was \$129,087.40. In or about May 2014, an agreement was reached between respondent, Grodzik, Stewart Title and the Gamiere Estate by which Stewart Title agreed to pay \$62,500.00 to the Gamiere Estate. In exchange for this payment, the Gamiere Estate agreed to sign a release of all claims against respondent, co-defendant Grodzik, Stewart Title and others. To date, the \$62,500.00 payment to the Gamiere Estate has not been made.

9. The amount of restitution ordered by the U.S. District Court to be paid by respondent and co-defendant Grodzik to Stewart Title was \$66,653.88. In or about May 2014, an agreement was reached between respondent, Grodzik, Stewart Title and Admiral Insurance Company (the insurance company for respondent, Grodzik and their business, Title Access), by which Admiral Insurance Company agreed to pay \$19,000.00 to Stewart Title. In exchange for this payment, Stewart Title agreed to release and discharge all of its claims and causes of action against respondent, co-defendant Grodzik and Title Access. To date, the \$19,000.00 payment to Stewart Title has not been made.
10. To date, neither respondent nor co-defendant Grodzik has made restitution, either in whole or in part, to any of the remaining 24 individuals or entities specified by the U.S. District Court in its restitution order.
11. On March 25, 2014, the Supreme Court of Ohio suspended respondent's license to practice law for an interim period based upon the above-referenced felony conviction. *In re: Gregory Keith Klima*, Case No. 2014-0434.
12. Respondent's conduct as alleged herein violates the following provisions of the Ohio Rules of Professional Conduct: Prof. Cond. R. 8.4(b) [a lawyer shall not commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness]; Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct that involves fraud, dishonesty, deceit or misrepresentation]; and 8.4(d) [a lawyer shall not engage in conduct that is prejudicial to the administration of justice].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.

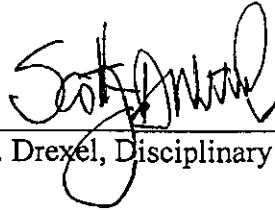


Scott J. Drexel (0091467)
Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
614.461.0256
614.461.7205 – fax

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that I am duly authorized to represent relator in the premises and have accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes that reasonable cause exists to warrant a hearing on such complaint.

Dated: July 31, 2014



Scott J. Drexel, Disciplinary Counsel

Gov. Bar R. V, § 4(I) *Requirements for Filing a Complaint.*

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.