

FILED
AUG 03 2016

BOARD OF PROFESSIONAL CONDUCT

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

In re: :

**LORAIN COUNTY BAR ASSOCIATION:
LEGAL ETHICS AND GRIEVANCE
COMMITTEE** :

c/o Lorain County Bar Association
The Lawyer's Loft
627 W. Broad Street
Elyria, Ohio 44035 :

Relator, :

-v- :

ANISA ASHA WILLIAMSON, ESQ. :
The Williamson Law Firm, LLC :
10339 Giverny Blvd. :
Cincinnati, Ohio 45241 :
Registration No. 0083358 :

Respondent. :

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CASE NO. 16 - 031

CERTIFIED COMPLAINT

NOW COMES Relator, Lorain County Bar Association Legal Ethics and Grievance Committee, by and through the undersigned Bar Counsel, and alleges that Respondent, Anisa Asha Williamson (Registration No. 0083358) Attorney at Law, duly admitted and in good-standing to practice law in the State of Ohio, is guilty of the misconduct more fully described below.

INTRODUCTION

1. That Respondent, Anisa Asha Williamson (“Respondent”), was admitted to the practice of law in the State of Ohio on June 9, 2008.

2. That Respondent is subject to the Code of Professional Responsibility; The Ohio Rules of Professional Conduct; and, the Ohio Supreme Court Rules for the Government of the Bar.

3. That Respondent has no prior Discipline from the Supreme Court of Ohio.

4. That Respondent’s status as an attorney in the State of Ohio is currently “Active.”

5. That on March 14, 2016 a Grievance (“The Grievance”) was filed with the Lorain County Bar Association (“LCBA.”)

6. That the complaining parties are Attorney Zachary Simonoff (“Attorney Simonoff”) and his client, David Chopcinski (“Chopcinski.”)

7. That LCBA, by and through its Certified Legal Ethics and Grievance Committee (“The Committee”), opened an investigation and assigned the case to Attorney Matthew A. Dooley (“Attorney Dooley”), a member of The Committee, for further inquiry.

8. That on or around March 16, 2016 Attorney Dooley sent Respondent notice of The Grievance via certified mail to her office, Jones and Associates Law Group, LLC and requested that she respond within twenty (20) days and include copies of any materials relevant to her response.

9. That on or about March 21, 2016 the certified mail issued to Respondent by Attorney Dooley was accepted by her law office.

10. That Respondent failed to respond to The Grievance within twenty (20) days.
11. That on April 13, 2016 Attorney Dooley sent Respondent a second letter of inquiry wherein he attached his original correspondence of March 16, 2016 and advised that he had not yet received a response to The Grievance, either oral or written.
12. That Attorney Dooley advised Respondent to contact him within five (5) days of her receipt of his correspondence to discuss The Grievance otherwise a subpoena would issue for her appearance before The Committee.
13. That on April 22, 2016 Respondent sent Attorney Dooley an email in which she replied to The Grievance.
14. That on June 27, 2016 at a regularly scheduled meeting of The Committee, affirmative votes were recorded finding probable cause that Respondent had committed multiple violations of the Ohio Rules of Professional Conduct and the Ohio Supreme Court Rules for the Government of the Bar.
15. That the matter was assigned to Attorney D. Chris Cook, undersigned, Bar Counsel to LCBA, for prosecution.
16. That on or around July 28, 2016 Respondent formally agreed to waive probable cause.
17. That on July 29, 2016 a Certified Copy of the Complaint was served upon Respondent by Bar Counsel.

FACTUAL ALLEGATIONS

18. Relator incorporates and realleges the allegations contained in paragraphs 1-17 above as if fully rewritten herein.

19. That on or about January 18, 2016 Respondent sent written advertising materials to David Chopcinski (“Chopcinski”) advising him that a Notice of Lis Pendens had been filed on December 28, 2015 with the Lorain County Recorder’s Office and marketed her ability and that of her law firm, Jones & Associates Law Group, LLC (“Jones & Associates”), to assist him in stopping the foreclosure process.

20. That Jones & Associates maintains a satellite office in Cincinnati, Ohio and its main office in Atlanta, Georgia.

21. That Respondent was identified on the advertising material’s letterhead as the licensed Ohio attorney for Jones & Associates.

22. That the advertising materials Respondent sent to Chopcinski advised that a foreclosure attorney had been hired to represent Wells Fargo Bank NA or his current servicer in the foreclosure process as authorized by Ohio Revised Code Sec. 5301.1 through Sec. 5301.99, *et seq.*

23. That Chopcinski was advised by the advertising materials that Ohio state law required him to respond within 28 days of receipt of the Notice of Lis Pendens or a default judgment could be entered in his case and an expedited foreclosure sale could be conducted.

24. That the advertising materials sent by Respondent also advised Chopcinski that if his home was not vacant at the time of a Sherriff's Sale, the new owner may exercise rights under Ohio Revised Code Sec. 1923.01 through Sec. 1923.101, *et seq.* and immediately begin eviction proceedings

25. That based on the foregoing, the advertisement stated in bold, capitalized print: "IT IS NOT TOO LATE TO SAVE YOUR HOME."

26. That the letter issued to Chopcinski by Respondent described in detail the services she and Jones & Associates could provide him to stop the foreclosure process, keep his home, and reduce his monthly mortgage payments, without the need to file for bankruptcy.

27. That Respondent marketed the firm's ability to perform a Securitization Audit of his file to reveal defects, including fraud, robo-signing, improper assignments, and MERS violations that could result in stopping any foreclosure action

28. That as a consequence, the advertisement urged Chopcinski to call Jones & Associates IMMEDIATELY for a FREE case evaluation.

29. That in February, 2016 after receipt of the letter from Respondent, Chopcinski went to the office of Attorney Zachary Simonoff ("Attorney Simonoff.")

30. That Chopcinski did not realize the letter was an advertisement and based on its content was concerned that he was going to lose his home very soon.

31. That Chopcinski had been served with a complaint in foreclosure on January 14, 2016 in the matter of *Wells Fargo Bank NA v. David Chopcinski, et al.*, Lorain County Court of Common Pleas, Case No. 15CV188315, and subsequently retained Attorney Simonoff.

32. That on January 22, 2016 Attorney Simonoff entered his appearance in the foreclosure action on behalf of Chopcinski.

33. That on January 29, 2016 Attorney Simonoff was granted leave to plead or otherwise answer until February 19, 2016.

34. That on February 18, 2016 Attorney Simonoff filed an Answer on behalf of Chopcinski in the foreclosure matter.

35. That upon learning of the advertisement from Chopcinski, Attorney Simonoff reviewed the filings of the Lorain County Recorder's Office and discovered that there had, in fact, not been any filing made as to Chopcinski with the Recorder, let alone a Notice of Lis Pendens on December 28, 2015.

36. That to the contrary, a Complaint for Foreclosure was filed in the Lorain County Court of Common Pleas on December 28, 2015 in the matter of *Wells Fargo Bank NA v. David Chopcinski, et al.*, Lorain County Court of Common Pleas, Case No. 15CV188315.

37. That the advertisement Respondent sent to Chopcinski was both factually and legally inaccurate.

38. That a result of the false statements outlined in Respondent's letter, Chopcinski was misled by the advertisement.

COUNT ONE

(ORPC 7.1 – *COMMUNICATIONS CONCERNING A LAWYER'S SERVICES*)

39. Relator incorporates and realleges the allegations contained in paragraphs 1-38 above as if fully rewritten herein.

40. That on or about January 18, 2016 Respondent sent written advertising materials to Chopcinski advising him that a Notice of Lis Pendens had been filed on December 28, 2015 with the Lorain County Recorder's Office and marketed her ability and that of Jones & Associates to assist him in stopping the foreclosure process.

41. That the advertisement Respondent sent to Chopcinski made material representations of both fact and law in an attempt to market Respondent's and her law firm's services.

42. That the letter issued to Chopcinski by Respondent described in detail the services she and Jones & Associates could provide him to stop the foreclosure process, keep his homes, and reduce his monthly mortgage payments, without the need to file for bankruptcy.

43. That upon learning of the advertisement from Chopcinski, Attorney Simonoff reviewed the filings of the Lorain County Recorder's Office and discovered that there had, in fact, not been any filing made as to Chopcinski with the Recorder, let alone a Notice of Lis Pendens on December 28, 2015.

44. That to the contrary, a Complaint for Foreclosure was filed in the Lorain County Court of Common Pleas on December 28, 2015 in the matter of *Wells Fargo Bank NA v. David Chopcinski, et al.*, Lorain County Court of Common Pleas, Case No. 15CV188315.

45. That in addition to factually misrepresenting the status of any lis pendens filing with the Lorain County Recorder's Office, Respondent's advertisements contained several material misrepresentations of law by improperly citing irrelevant sections of the Ohio Revised Code.

46. That Respondent's use of false, misleading and nonverifiable communications about her legal services is a violation of ORPC 7.1.

COUNT TWO

(ORPC 7.3(c) – *SOLICITATION OF CLIENTS: DISCLOSE THE IDENTITY AND SPECIFIC LEGAL NEED OF THE ADDRESSEE*)

47. Relator incorporates and realleges the allegations contained in paragraphs 1-46 above as if fully rewritten herein.

48. That all as outlined above, on or about January 18, 2016 Respondent sent written advertising materials to Chopcinski advising him that a Notice of Lis Pendens had been filed on December 28, 2015 with the Lorain County Recorder's Office and marketed her ability and that of Jones & Associates to assist him in stopping the foreclosure process.

49. That Respondent failed to accurately and fully disclose the manner in which she became aware of Chopcinski's identity and specific legal need.

50. That upon learning of the advertisement sent by Respondent from Chopcinski, Attorney Simonoff reviewed the filings of the Lorain County Recorder's Office and discovered that there had, in fact, not been any filing made as to Chopcinski with the Recorder, let alone a Notice of Lis Pendens on December 28, 2015.

51. That to the contrary, a Complaint for Foreclosure was filed in the Lorain County Court of Common Pleas on December 28, 2015 in the matter of *Wells Fargo Bank NA v. David Chopcinski, et al.*, Lorain County Court of Common Pleas, Case No. 15CV188315.

52. That as a result, Chopcinski had no specific legal need for legal services or assistance with respect to the filing of a Notice of Lis Pendens.

53. That by failing to accurately and fully disclose the manner in which she became aware of Chopcinski's identity and specific legal need, Respondent improperly solicited professional employment in violation of ORPC 7.3(c).

COUNT THREE

(ORPC 7.3(d) – *SOLICITATION OF CLIENTS: VERIFY SERVICE OF CIVIL ACTION*)

54. Relator incorporates and realleges the allegations contained in paragraphs 1-53 above as if fully rewritten herein.

55. That all as outlined above, on or about January 18, 2016 Respondent sent written advertising materials to Chopcinski advising him that a Notice of Lis Pendens had been filed on December 28, 2015 with the Lorain County Recorder's Office and marketed her ability and that of her law firm, Jones & Associates, to assist him in stopping the foreclosure process.

56. That on December 28, 2015 a Complaint for Foreclosure was filed in the Lorain County Court of Common Pleas in the matter of *Wells Fargo Bank NA v. David Chopcinski, et al.*, Lorain County Court of Common Pleas, Case No. 15CV188315.

57. That on January 14, 2016 Chopcinski was served with the complaint in foreclosure.

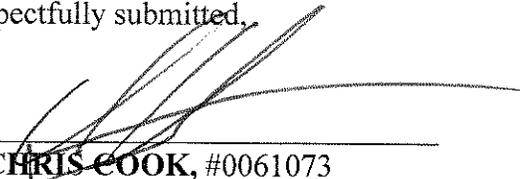
58. That upon information and belief, Respondent failed to verify that Chopcinski had been served with notice of the foreclosure action prior to sending the advertisement on January 18, 2016 and instead advised of the filing of a Notice of Lis Pendens.

59. That by failing to verify that Chopcinski had been served with notice of the foreclosure action filed against him prior to making a communication soliciting professional employment, Respondent violated ORPC 7.3(d).

WHEREFORE, pursuant to Gov. Bar R V, Relator alleges that Respondent, Attorney Anisa Asha Williamson, has violated the Ohio Rules of Professional Conduct and the Ohio Rules for the Government of the Bar.

As such, Relator respectfully requests that the Board proceed accordingly; certify this matter for prosecution; and allow this matter to progress forthwith.

Respectfully submitted,

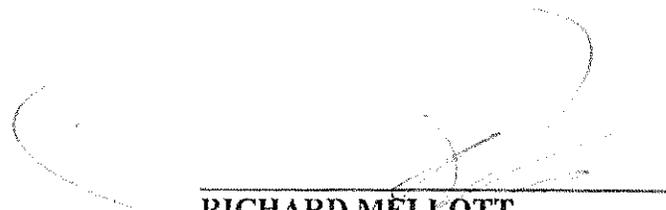


D. CHRIS COOK, #0061073
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Legal Ethics and Grievance Committee
520 Broadway, Third Floor
Lorain, OH 44052
PH: (440) 246-2665
FX: (440) 246-2670
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CHAIRMAN'S AUTHORIZATION

The undersigned, Richard Mellott, Chairman of the Lorain County Bar Association Legal Ethics and Grievance Committee, hereby certifies that Attorney D. Chris Cook, Bar Counsel, is duly authorized to represent Relator in the premises and has accepted the responsibility of prosecuting this complaint to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such Certified Complaint *in re*: ANISA ASHA WILLIAMSON

Dated: August 1st, 2016.



RICHARD MELLOTT
LCBA Legal Ethics and Grievance
Committee

PROOF OF SERVICE

The undersigned represents that a copy of the foregoing Certified Complaint was served upon the following via Hand-Delivery and/or Regular U.S. Mail this 3rd day of

August, 2016:

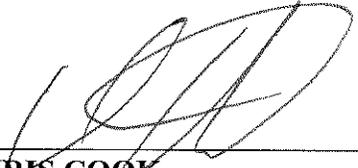
Richard Dove, Esq.
Director of the Board
of Professional Conduct
65 S. Front Street, 5th Floor
Columbus, OH 43215-3431

Scott Drexel, Esq.
Supreme Court of Ohio
Office of Disciplinary Counsel
250 Civic Center Drive, #325
Columbus, OH 43215-7411

Ohio State Bar Association
c/o Desiree Blankenship, Esq.
Certified Grievance Committee
1700 Lakeshore
Columbus, OH 43204

Lorain County Bar Association
627 W. Broad Street
Elyria, Ohio 44035

Anisa A. Williamson, Esq.
The Williamson Law Firm, LLC
10339 Giverny Blvd.
Cincinnati, Ohio 45241
Respondent, *pro se*



D. CHRIS COOK

Attorney for Relator & Bar Counsel
Lorain County Bar Association
Legal Ethics and Grievance Committee

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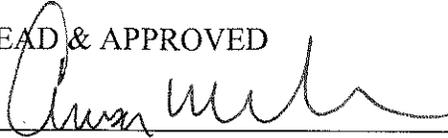
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NOTICE OF WAIVER OF PROBABLE
CAUSE REVIEW

NOW COMES Respondent, Anisa Asha Williamson, Esq., *pro se*, and pursuant to Gov. Bar R. V §11(B), hereby expressly waives probable cause review of the Certified Complaint to be filed with the Board of Professional Conduct and consents to certification by The Board, having read and reviewed the Certified Complaint *in toto*.

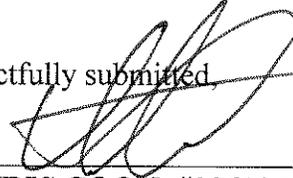
READ & APPROVED



ANISA ASHA WILLIAMSON, ESQ.

Registration No. 0083358

Respectfully submitted,



D. CHRIS COOK, #0061073

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The Commons

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