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BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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

IN RE:	)	CASE NO. 14-092
COMPLAINT AGAINST:	)	
BRANDON L. AZMAN (BAR NO. 0087246) 815 HARDWOOD COURT GATES MILLS, OH 44040,	)	**COMPLAINT & CERTIFICATE**
Respondent,	)	
v.	)	**(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio)**
CLEVELAND METROPOLITAN BAR ASSOCIATION,	)	
Relator.	)	

Relator Cleveland Metropolitan Bar Association ("Relator"), by and through counsel, for its Complaint against Respondent Brandon L. Azman ("Respondent"), states as follows:

INTRODUCTION

1. This action arises out of a series of unauthorized breaches of the email accounts of the Piscitelli Law Firm by Respondent following his termination from the firm, which resulted in a number of violations of the Ohio Rules of Professional Conduct. As a result of Respondent's conduct and the other aggravating factors detailed below, Relator requests that the Board discipline Respondent in a manner that is fair and just and in accordance with the Ohio Rules of Professional Conduct and the Rules of the Government of the Bar of Ohio.

ALLEGATIONS

2. Respondent received a juris doctorate from the University of Detroit Mercy School of Law in May 2010.

3. The Supreme Court of Ohio admitted Respondent to the practice of law in May 2011.

4. Respondent's Attorney Registration Number is 0087246.

5. In March 2012, Respondent was hired as an associate attorney at the Piscitelli Law Firm.

6. At the Piscitelli Law Firm, Respondent practiced primarily in the areas of personal injury, medical malpractice, general civil litigation, criminal defense, and estate planning.

7. On August 29, 2013, Respondent's employment with the Piscitelli Law Firm was terminated.

8. At the time of Respondent's termination, the Piscitelli Law Firm had four other employees: Frank Piscitelli, Esq., Amanda Condon, Esq., Pam Loftus, and Brittni Sanders.

COUNT ONE

A. Respondent's Misconduct

9. Relator incorporates by reference the allegations contained in Paragraphs 1 through 8 of the Complaint as if fully rewritten herein.

10. Shortly after he was terminated from the Piscitelli Law Firm, Respondent sent an e-mail to Frank Piscitelli and demanded that Mr. Piscitelli inform their clients that Respondent was no longer employed by the firm and file appropriate notices with the courts where Respondent was listed as an attorney of record for Piscitelli Law Firm clients.

11. At or about the same time and after he was terminated, Respondent began to access the Piscitelli Law Firm e-mail accounts of Frank Piscitelli, Amanda Condon, Pam Loftus, and Brittni Sanders (the "E-mail Accounts").

12. He did so without authorization or consent (express or implied) and continued to access them over the next several weeks.

13. Respondent accessed the E-mail Accounts once on August 30, 2013.

14. Respondent accessed the E-mail Accounts twice on September 10, 2013.

15. Respondent accessed the E-mail Accounts three times on September 11, 2013.

16. Respondent accessed the E-mail Accounts five times on September 12, 2013.

17. On September 12, 2013, Respondent attempted to solicit a letter of recommendation from Frank Piscitelli. Respondent sent an e-mail to Mr. Piscitelli and stated:

> [I]n exchange for you writing a letter of recommendation for me, I would be willing to negotiate a non-compete of sorts with you. I would agree to make no efforts whatsoever to contact former clients of mine for the purpose of bad mouthing you, to try and steal them away or to convince them to terminate the services of the Piscitelli Law Firm.

18. A true and accurate copy of this email is attached hereto as "Exhibit A."

19. Respondent's September 12th e-mail was his third attempt to solicit a letter of recommendation from Frank Piscitelli. Respondent also sent e-mails to Mr. Piscitelli regarding a letter of recommendation on September 4, 2013, and September 9, 2013. Mr. Piscitelli did not respond to the emails on the fourth and the ninth.

20. Frank Piscitelli responded to Respondent's September 12th e-mail that same day and informed Respondent that he would not provide a letter of recommendation. Mr. Piscitelli also stated that if Respondent contacted another Piscitelli Law Firm client, harassed any Piscitelli

Law Firm employees, or made any additional threats, he would take legal action against Respondent.

21. A true and accurate copy of this e-mail is attached hereto as "Exhibit B."

22. In a separate e-mail, on or around the same date, Respondent asked Amanda Condon to write him a letter of recommendation. In exchange, Respondent offered to provide Ms. Condon with the location of several Piscitelli Law Firm client files which Respondent had previously worked on and which Ms. Condon could not locate.

23. Amanda Condon declined to write Respondent a letter of recommendation.

24. Respondent never helped Amanda Condon locate the clients' missing files.

25. On September 13, 2013, Frank Piscitelli noticed that Respondent's September 12th e-mail to Mr. Piscitelli, in addition to numerous other e-mails, had been deleted from his Piscitelli Law Firm e-mail account. The other deleted e-mails included e-mails to and from Respondent.

26. It quickly became apparent to members of the Piscitelli Law Firm that someone accessed the E-mail Accounts without authorization or consent and deleted e-mails from the E-mail Accounts.

27. On September 13, 2013, the attorneys and employees of the Piscitelli Law Firm all changed their Piscitelli Law Firm e-mail account passwords.

28. The Piscitelli Law Firm stored the updated passwords and corresponding e-mail addresses in an electronic file in the law firm's Dropbox account, an online data storage service.

29. The Piscitelli Law Firm's Dropbox account could only be accessed by someone using an authorized username and password. Following his termination from the Piscitelli Law Firm, Respondent's credentials for the Piscitelli Law Firm's Dropbox account were revoked.

30. The electronic file in the Piscitelli Law Firm's Dropbox account containing the new e-mail account passwords could only be accessed by someone using Frank Piscitelli or Pam Loftus's username and password.

31. Nonetheless, Respondent subsequently accessed the electronic file in the Piscitelli Law Firm's Dropbox account containing the new e-mail account passwords.

32. Upon information and belief, Respondent accessed the electronic file in the firm's Dropbox account using Frank Piscitelli's and/or Pam Loftus's username(s) and password(s).

33. After obtaining the attorneys' and employees' new passwords, Respondent accessed the E-mail Accounts several more times.

34. Respondent accessed the E-mail Accounts once on September 13, 2013.

35. Respondent accessed the E-mail Accounts three times on September 14, 2013.

36. Respondent accessed the E-mail Accounts twice on September 15, 2013.

37. Respondent accessed the E-mail Accounts three times on September 16, 2013.

38. On September 17, 2013, the attorneys and employees of the Piscitelli Law Firm discovered that someone was still accessing the E-mail Accounts.

39. By September 18, 2013, Respondent had accessed the Email Accounts at least twenty times without authorization or consent.

40. Further, Respondent had accessed the Piscitelli Law Firm's Dropbox account at least once without authorization or consent.

41. Following the discovery of Respondent's subsequent breaches of the E-mail Accounts, the attorneys and employees of the Piscitelli Law Firm all changed their Piscitelli Law Firm e-mail account passwords again.

42. The password for accessing the electronic file in the Piscitelli Law Firm's Dropbox account containing the new e-mail account passwords was also changed.

43. After discovering the E-mail Accounts had been breached, Frank Piscitelli ordered a security check.

44. The security check traced the breach of the E-mail Accounts to an IP address in Cleveland Heights, Ohio, connected to Respondent's residence.

45. Frank Piscitelli, Pam Loftus, and Amanda Condon then met with the Highland Heights Police Department regarding the breaches of the Piscitelli Law Firm's security systems.

46. Shortly after Frank Piscitelli, Pam Loftus, and Amanda Condon met with the Highland Heights Police Department, Detective Sergeant Dennis Matejcic contacted Respondent regarding the breaches of the E-mail Accounts.

47. On or around the same date, the police obtained and executed a search warrant. During the execution of the search warrant, the police seized Respondent's laptop.

48. The information collected by the police confirmed that Respondent accessed the E-mail Accounts as described above.

49. In addition to accessing the E-mail Accounts without authorization, Respondent also deleted e-mails from the E-mail Accounts, including, but not limited to, Respondent's September 12th e-mail to Frank Piscitelli and an e-mail Mr. Piscitelli sent to Brittni Sanders containing a letter of recommendation for her law school applications.

50. At all times Respondent knew that his actions were improper and violated the Ohio Rules of Professional Conduct.

51. On October 11, 2013, and only after being contacted by the Highland Heights Police Department, Respondent reported his violations of the Ohio Rules of Professional Conduct to the Cleveland Metropolitan Bar Association.

52. To date, no criminal charges have been filed against Respondent for his breaches of the E-mail Accounts, breaches of the Piscitelli Law Firm's Dropbox account or deletion of e-mails from the E-mail Accounts.

B. Respondent's Conduct Violated the Code of Professional Conduct.

53. Relator incorporates by reference the allegations contained in Paragraphs 1 through 52 as if fully rewritten herein.

54. Respondent's conduct in deleting the September 12th e-mail he sent to Frank Piscitelli from Mr. Piscitelli's firm e-mail account violated Professional Cond. Rule 3.4(a).

55. Respondent's continuous and unauthorized access of the E-mail Accounts, unauthorized access of the Piscitelli Law Firm's Dropbox account, and deletion of several e-mails from the E-mail Accounts, violated Professional Cond. Rule 8.4(c).

56. Respondent's continuous and unauthorized access of the E-mail Accounts, unauthorized access of the Piscitelli Law Firm's Dropbox account, and deletion of several e-mails from the E-mail Accounts, violated Professional Cond. Rule 8.4(d).

AGGRAVATING FACTORS

57. Relator incorporates by reference the allegations contained in Paragraphs 1 through 57 as if fully rewritten herein.

58. Respondent accessed and deleted e-mails from the E-mail Accounts and access the Piscitelli Law Firm's Dropbox account with a dishonest and selfish motive.

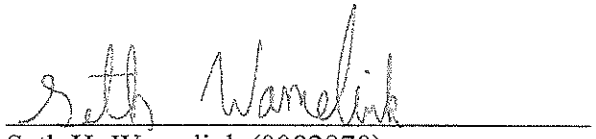
59. Respondent knowingly committed multiple violations of the Ohio Rules of Professional Conduct.

PRAYER FOR RELIEF

WHEREFORE, Relator requests that the Board discipline Respondent in a manner that is fair and just and in accordance with the Ohio Rules of Professional Conduct and the Rules of the Government of the Bar of Ohio.

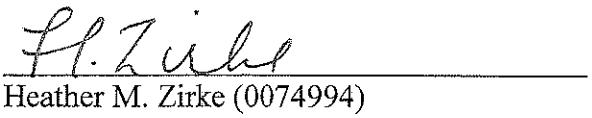
Dated: December 18, 2014

Respectfully submitted,



Seth H. Wamelink (0082970)
Paul L. Janowicz (0090944)
Tucker Ellis LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Tel: 216.592.5000
Fax: 216.592.5009
E-mail: seth.wamelink@tuckerellis.com
paul.janowicz@tuckerellis.com

Attorneys for Relator Cleveland Metropolitan Bar Association



Heather M. Zirke (0074994)
Cleveland Metropolitan Bar Association
1375 East 9th Street, Floor 2
Cleveland, OH 44114-1785
Tel: 216.696.3525
Fax: 216.696.2413
Email: hzirke@clemetrobar.org

Assistant Counsel,
Cleveland Metropolitan Bar Association

CERTIFICATE

The undersigned, **COLIN R. JENNINGS, CHAIRPERSON,** of the **CLEVELAND METROPOLITAN BAR ASSOCIATION'S CERTIFIED GRIEVANCE COMMITTEE,** hereby certifies that **SETH H. WAMELINK and PAUL L. JANOWICZ** 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: 12-18-14

Colin R. Jennings / h. zirks
with email consent

Colin R. Jennings, Chairperson
Certified Grievance Committee

(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio)
Section (4)

(4)(I)(8) 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.