

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

FILED  
NOV 25 2014  
BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

N. Shannon Bartels, Esq.  
Bartels Law Office  
319 N. Elizabeth Street, Suite B  
Lima, Ohio 45801

No. 14 - 097

Attorney Registration No. (0064012)

COMPLAINT AND CERTIFICATE

Respondent,

(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 N. Shannon Bartels, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, N. Shannon Bartels, was admitted to the practice of law in the state of Ohio on November 14, 1994. Respondent is subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. On March 25, 2010, respondent received a public reprimand for violating Prof. Cond. R. 1.8(j) by engaging in a sexual relationship with a client. The sexual relationship continued for a period of more than three months during 2008. *Allen Cty. Bar Assn. v. Bartels*, 124 Ohio St. 3d 527, 2010-Ohio-1046.

3. On November 8, 2012, respondent was retained by Troy Bailey to represent him in a pending divorce proceeding. Respondent and Bailey had been referred to one another by a mutual personal friend who thought that they might also be interested in dating one another. Respondent and Bailey signed a fee agreement on that date, with Bailey agreeing to pay respondent for her legal services at the rate of \$180 per hour. Over the course of respondent's representation of Bailey in the divorce proceeding, Bailey paid attorney fees to respondent totaling approximately \$3,000.
4. Respondent's representation of Bailey in his divorce proceeding continued from November 8, 2012 until at least July 3, 2013, when the court's entry granting Bailey's divorce was filed in the Allen County Court of Common Pleas.
5. Commencing in late February or early March 2013, respondent and Bailey began exchanging text messages with one another that contained sexual messages. These "sext messages" continued on a frequent and repeated basis for a period of approximately one month. Respondent and Bailey exchanged hundreds of these sext messages. The sext messages were mutual, reciprocal, and very explicit and graphic in their sexual content, expressing among other things, a mutual desire to engage in sexual intercourse.
6. During this same period of time, respondent and Bailey had frequent telephone conversations which were also of a graphic sexual nature.
7. Respondent and Bailey did not actually engage in sexual intercourse with one another.
8. On or about April 26, 2013, respondent received and responded to numerous text messages that were sent to her from Bailey's cell phone. In the text messages, respondent acknowledged that she had been interested in dating Bailey and "hanging out" with one another and that it might have led to a sexual relationship, but that it eventually

became clear to her that Bailey was primarily just interested in having sex and that she wasn't sure that was what she wanted.

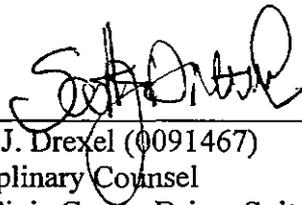
9. At the conclusion of the text message exchanges on April 26, 2013, one of the text messages received by respondent contained what appeared to be a veiled threat that, if the results of the divorce proceeding weren't satisfactory, the disciplinary authorities might be interested in receiving the text messages and photographs between them in light of the fact that respondent had been previously disciplined for similar conduct.
10. On May 15, 2013, respondent and Bailey had a telephone conversation about the divorce proceeding. At one point in the conversation, Bailey told respondent that someone wanted to talk to her and then put a female on the telephone. The female refused to identify herself but told respondent that she had better get Bailey everything that he wants from his divorce proceeding. She also told respondent that she should bring \$3,000 to the scheduled divorce hearing on May 21, 2013. Respondent told the female on the telephone that she was committing extortion and that it is a crime. Respondent ultimately hung up the telephone on the female caller.
11. Respondent attended the May 21, 2013 hearing in Bailey's divorce proceeding. The female with whom respondent spoke by telephone on May 15, 2013 was not present at the hearing. Neither Bailey nor respondent made any reference to the telephone call and Bailey neither requested any monetary payment from respondent nor made any reference to respondent's prior discipline or to their exchange of sext messages.
12. Between May 21, 2013 and the finalization of Bailey's divorce on July 3, 2013, no references were made by respondent or Bailey about their sext message exchanges, the purported extortion attempt, or respondent's prior discipline.

13. On September 10, 2013, respondent received a text message from Bailey's cell phone number. The text message stated that, if Bailey did not receive a refund of at least \$2,500 from respondent by September 30, 2013, the Ohio State Bar Association and the Better Business Bureau would be contacted.
14. On September 10, 2013, respondent reported the extortionate conduct to the Allen County Sheriff's Office and gave a statement to the Sheriff's Office at that time.
15. In its investigation of the extortion attempt, the Sheriff's Office interviewed a number of individuals, including respondent, Bailey and a woman named Ann Perkins. The Sheriff's Office's investigation determined that, at the time of these events, Perkins was Bailey's girlfriend. Perkins discovered that Bailey and respondent had been exchanging sext messages and became very angry. The extortionate text messages that were sent on Bailey's cell phone were actually sent by Perkins, not by Bailey.
16. Bailey denied sending any of the threatening or extortionate text messages to respondent but acknowledged that he was aware of what Perkins was doing.
17. On January 29, 2014, a Bill of Information was filed in Case No. CR 2014 0037, charging Perkins with obstructing justice in violation of ORC section 2921.32(A)(5), a fifth degree felony. On January 30, 2014, a Bill of Information charging Bailey with the same offense was filed in Case No. CR 2014 0038. Perkins and Bailey both pled guilty to the charged offenses on the date that the respective Bills of Information were filed.
18. Respondent's conduct herein violates the Ohio Rules of Professional Conduct, specifically: Prof. Cond. R. 1.8(j) (prohibiting a lawyer from soliciting or engaging in sexual activity with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced) or, in the alternative, Prof. Cond. R.

8.4(h) (prohibiting a lawyer from engaging in other conduct that adversely reflects on the lawyer's fitness to practice law).

### 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.



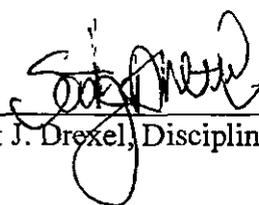
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## CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Scott J. Drexel is duly authorized to represent relator in the premises and has 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: November 25, 2014

  
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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.

**FILED**

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No. \_\_\_\_\_

**Attorney Registration No. (0064012)**

**WAIVER OF DETERMINATION  
OF PROBABLE CAUSE**

**Respondent,**

**(Rule V(6)(D)(1) 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.**

Pursuant to the provisions of Rule V(6)(D)(1) of the Supreme Court Rules for the Government of the Bar of Ohio, respondent N. Shannon Bartels, by and through her attorney, Charles J. Kettlewell, stipulates that there is probable cause for the filing of a Complaint in the above-referenced proceeding and hereby waives the determination of probable cause by a Probable Cause Panel of the Board of Commissioners on Grievances and Discipline.

Dated: November <sup>24<sup>th</sup></sup>, 2014

By: \_\_\_\_\_

**Charles J. Kettlewell (Reg. No. 0072448)  
Attorney for Respondent  
N. Shannon Bartels**