

FILED

DEC 29 2015

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

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

Dennis Michael McGrath, Esq.
P.O. Box 656
Hamburg, New York 14075-3155
Attorney Registration No. (0021612)

No. 15 - 081

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 Dennis Michael McGrath, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Dennis Michael McGrath, was admitted to the practice of law in the state of Ohio on May 13, 1985. 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. On October 1, 2014, a grand jury handed down a 16-count Indictment against respondent alleging the unauthorized practice of law, grand larceny, and falsifying business records. *State of New York v. Dennis M. McGrath*, Erie County Case No. 01810-2014.
3. On December 16, 2014, respondent pled guilty to the following counts as alleged in the Indictment:

Count	Violation	Conduct Underlying Conviction ¹
1	Judiciary Law § 484	Between on or about March 20, 2000 and on or about October 1, 2014 respondent, Dennis Michael McGrath, made it a business to practice for others as an attorney in any court before any magistrate without having been regularly admitted to practice as an attorney or counselor in the courts of record in the state of New York.
2	Penal Law § 155.40(1)	Between on or about January 1, 2001 and on or about December 31, 2013, respondent, Dennis Michael McGrath, stole a sum of money from The Erie County Bar Association Aid to Indigent Prisoner's Society, Inc., having a value in excess of fifty thousand dollars (\$50,000.00).

4. In return for respondent's guilty plea, the Erie County District Attorney's Office dismissed counts 3-16 (Falsifying Business Records) of the Indictment.
5. On March 27, 2015, Judge Kenneth F. Case of the County Court of Erie County, New York accepted respondent's guilty plea to an "A" misdemeanor for the unauthorized practice of law and to a "C" felony for grand larceny in the second degree and ordered respondent to five years of probation and 300 hours of community service.
6. On May 22, 2015, the Ohio Supreme Court suspended respondent's license to practice law for an interim period based upon the aforementioned felony conviction. *In re: Dennis Michael McGrath*, Case No. 2015-0785. Respondent has remained suspended from the practice of law in Ohio at all times since May 22, 2015.

¹ The information contained under the heading "Conduct Underlying Conviction" is a summary of information contained in respondent's plea agreement.

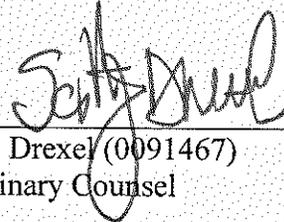
7. Respondent's conduct as alleged herein violates the following provisions of the Code of Professional Responsibility for acts committed prior to February 1, 2007, and the Ohio Rules of Professional Conduct for acts committed on and after February 1, 2007:

- (a) By engaging in the practice of law in a jurisdiction in which he was not admitted to practice and by accepting compensation from the Erie County Bar Association Aid to Indigent Prisoners' Society, Inc. for those illegal services, all in violation of New York Judiciary Law § 484 and New York Penal Law § 155.40(1), respondent violated DR 1-102(A)(3) and Prof. Cond. R. 8.4(b) [a lawyer shall not commit an illegal act that reflects adversely on the lawyer's honesty and trustworthiness];
- (b) By falsely holding himself out as entitled to practice law in a jurisdiction in which he was not admitted to practice and by receiving compensation for engaging in the unauthorized practice of law, respondent violated DR 1-102(A)(4) and Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct that involves fraud, dishonesty, deceit or misrepresentation];
- (c) By falsely holding himself out to courts in which he appeared on behalf of clients as a person who is entitled to practice law in that jurisdiction when, in fact, he was not admitted to practice law in that jurisdiction, respondent violated DR 7-102(A)(3) and Prof. Cond. R. 3.3(a) [a lawyer shall not knowingly make a false statement of fact to a tribunal];
- (d) By falsely holding himself out to third persons as entitled to practice law in a jurisdiction in which he was not admitted to practice, respondent violated DR 7-102(A)(5) and Prof. Cond. R. 4.1(a) [a lawyer shall not knowingly make a false statement of material fact or law to a third person];
- (e) By engaging in the practice of law in a jurisdiction in which he was not admitted to practice law, respondent violated DR 3-101(B) and Prof. Cond. R. 5.5(a) [a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction];
- (f) By falsely holding himself out as entitled to practice law and by repeatedly representing clients in judicial proceedings pending in a jurisdiction in which he was not admitted to practice law, thereby raising issues about the validity of the judicial dispositions in those proceedings, respondent violated DR 1-102(A)(5) and Prof. Cond. R. 8.4(d) [a lawyer shall not engage in conduct that is prejudicial to the administration of justice];
- (g) By falsely holding himself out as entitled to practice law and by repeatedly engaging in the unauthorized practice of law, over a period of more than

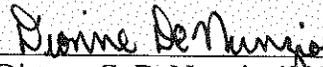
14 years, in a jurisdiction in which he was not entitled to practice law, respondent engaged in egregious misconduct in violation of DR 1-102(A)(6) and Prof. Cond. R. 8.4(h) [a lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness to practice law].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility, and the 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

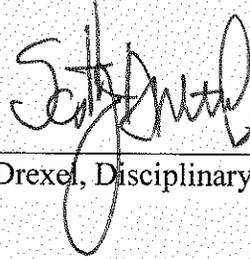


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Dionne C. DeNunzio 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: December 29, 2015



Scott J. Drexel, Disciplinary Counsel

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BOARD OF PROFESSIONAL CONDUCT

Dennis Michael McGrath, Esq.
P.O. Box 656
Hamburg, New York 14075-3155
Attorney Reg. No. 0021612

Case No. B4-1919

WAIVER OF DETERMINATION
OF PROBABLE CAUSE

Respondent,

(Rule V(11)(B) 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(11)(B) of the Supreme Court Rules for the Government of the Bar of Ohio, respondent, **Dennis Michael McGrath**, by and through his attorney, Kenneth Ronald Donchatz, 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 Professional Conduct.

Dated: December 23 2015

By: Kenneth Donchatz
Kenneth Ronald Donchatz (0021612)
Attorney for Respondent
Dennis Michael McGrath