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JUN 27 2014

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

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

IN RE: COMPLAINT AGAINST  
David Keith Roland  
4505 Logan Way  
Hubbard, Ohio 44425  
Attorney Registration No. 0037125

CASE NO. 14-054

COMPLAINT AND CERTIFICATE

Respondent

TRUMBULL COUNTY BAR ASSOCIATION  
CERTIFIED GRIEVANCE COMMITTEE  
120 High Street, N.W.  
P. O. Box 4222  
Warren, Ohio 44482

(RULE V OF THE SUPREME COURT  
RULES FOR THE GOVERNMENT  
OF THE BAR OF OHIO)

FILED

JUL 03 2014

Relator

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

1. Now comes the Relator and says that Respondent, David Keith Roland, Ohio Supreme Court Registration No. 0037125, was admitted to the practice of law in the State of Ohio on November 12, 1986.
2. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio and has heretofore been given notice of the allegations of this Complaint and the opportunity to respond thereto.
3. This Complaint is filed as a result of an investigation conducted by the Trumbull County Bar Association Certified Grievance Committee and a majority of the Committee members constituting a quorum determining that this Complaint is warranted.
4. Respondent is a solo practitioner whose present office address is 4505 Logan Way, Hubbard, Ohio 44425.

5. To Relator's knowledge, Respondent has not heretofore been the subject of disciplinary proceedings.

**COUNT ONE**

**THE ERIC MARTIN MATTER**

6. This matter pertains to a divorce action filed by Eric Martin against Dr. Denise Carradine, Trumbull County Case No. 2009 DR 333, which is still being adjudicated.
7. Mr. Martin is represented by Deborah L. Smith, and Denise Carradine is represented by Respondent.
8. This grievance was filed by Deborah L. Smith based upon information that she learned about Respondent during the course of her representation of Mr. Martin in the divorce action that is the subject of this grievance.
9. During the course of her representation of Mr. Martin, Ms. Smith learned that Dr. Carradine had turned over substantial sums of money to Respondent.
10. During 2006, according to Respondent's own records, Dr. Carradine gave Respondent \$270,436.95.
11. During 2007, according to Respondent's own records, Dr. Carradine gave Respondent \$360,184.01.
12. During 2008, according to Respondent's own records, Dr. Carradine gave Respondent \$195,260.00.
13. During 2009, according to Respondent's own records, Dr. Carradine gave Respondent \$135,545.30.
14. The total of the amounts that Dr. Carradine had Respondent deposit in his IOLTA account during 2006, 2007, 2008, and 2009 is \$961,426.26.
15. The transfers were in small amounts typically less than \$10,000.00 each.

16. Upon receiving these monies, Respondent would deposit them in his IOLTA account and then disperse them at Dr. Carradine's direction.
17. Most of the money went to an investment firm known as US Underwriting and was managed by an investment advisor named James France.
18. Respondent admits that said funds were transferred to US Underwriting.
19. However, he claims to have no knowledge of what happened to the funds after they went to US Underwriting.
20. According to Dr. Carradine, most of the money is completely lost.
21. Dr. Carradine testified in the divorce case that she had invested money in this manner because her husband was an investment counselor himself but she did not want to invest money with him.
22. Dr. Carradine testified that all of the money was lost through bad investments or investment theft by her investment counselor.
23. The funds that Respondent allowed Dr. Carradine to deliver to Respondent so that they could be deposited into Respondent's IOLTA account were not deposited for any reason legitimately pertaining to the divorce case.
24. Rather, Respondent used his IOLTA account to allow Dr. Carradine to hide money from her husband, Eric Martin.
25. Respondent was added as a third party Defendant to the divorce case and was asked by Mr. Martin's counsel to produce several documents pertaining to the money that Dr. Denise Carradine gave him.
26. Respondent moved to dismiss his addition to the divorce action as a third party Defendant.
27. Respondent further claimed that his records regarding the money that Dr. Carradine gave him were protected by attorney client privilege.

28. However, the 11<sup>th</sup> District Court of Appeals in a case known as MARTIN v. MARTIN, 2012-Ohio-4889, ruled that due to Respondent depositing large sums of money from Dr. Carradine into his IOLTA account, the Court of Appeals found that probable cause existed to give them reason to believe that Respondent was helping Dr. Carradine to facilitate a fraud.

29. Respondent's conduct as described in Count One herein violates the Ohio Rules of Professional Conduct, to-wit:

(A) Rule 1.2 (d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is *illegal or fraudulent*.

(B) Rule 1.15 (a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from a lawyer's own property.

#### CONCLUSION

WHEREFORE, pursuant to Gov Bar R V and the Rules of Professional Conduct, Relator says that Respondent is chargeable with misconduct and requests that the Respondent be disciplined pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

TRUMBULL COUNTY BAR ASSOCIATION

By 

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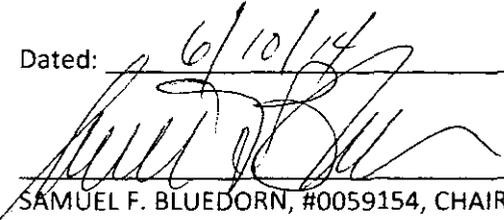
Phone: (330) 393-1584

BAR COUNSEL FOR RELATOR TRUMBULL  
COUNTY BAR ASSOCIATION CERTIFIED  
GRIEVANCE COMMITTEE

**CERTIFICATION**

The undersigned, Samuel F. Bluedorn, Chairman of the Trumbull County Bar Association Certified Grievance Committee hereby certifies that William M. Flevaras and Randil J. Rudloff are authorized to represent the Relator in the premises and have accepted the responsibility of prosecuting the Complaint herein to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such Complaint.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
SAMUEL F. BLUEDORN, #0059154, CHAIRMAN  
TRUMBULL COUNTY BAR ASSOCIATION  
CERTIFIED GRIEVANCE COMMITTEE

**CERTIFICATE OF SERVICE**

A copy of the foregoing Complaint was served upon Respondent by Certified and ordinary U.S. Mail the 26<sup>th</sup> day of June, 2013 at the address set forth above.

  
\_\_\_\_\_  
William M. Flevaras Trumbull County Bar Counsel