

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

RECEIVED

JUN 24 2016

In re:

Complaint against

BOARD OF PROFESSIONAL CONDUCT

J. Greg Miller, Esq.
Attorney at Law
102 East Iron Avenue
Dover, Ohio 44622

No. 16 - 023

Attorney Registration No. (0046855)

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

FILED

JUN 29 2016

Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that J. Greg Miller, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, J. Greg Miller, was admitted to the practice of law in the state of Ohio on November 5, 1990. Respondent is subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. Until August 2015, respondent was employed as the manager at Tuscarawas County Title Company. During his service as a manager, the title company was owned by a local law firm, Fitzpatrick, Zimmerman, & Rose Co., L.P.A. Respondent was also an attorney at that firm.
3. As part of his duties and responsibilities, respondent, through the firm, represented a seller in a real estate transaction involving a local convention center. Respondent was

also responsible for overseeing the title company that handled the closing of the same real estate transaction. The value of the transaction was approximately \$2,260,000.00.

4. At the time of this transaction, it was the business practice of the Tuscarawas County Title Company to obtain preapproval from the city of the legal description of the property as described in the Deed. Without the city's approval, the Deed could not be recorded.
5. On Friday, June 19, 2015, the surveyor forwarded the legal descriptions of the tracts of land associated with the sale of the convention center to respondent. However, one of the tracts of land was part of both a township and the city, complicating the approval process. As result, on Tuesday, June 23, 2015, the surveyor emailed revised property descriptions to respondent. The surveyor reminded respondent that the descriptions needed approval from the local map office.
6. On or about June 30, 2015, respondent participated in the closing of the real estate transaction involving the convention center. Prior to the closing, respondent failed to seek the city's preapproval of the legal description of the property as contained in the Deed. Despite knowing that the legal description had not been preapproved and that, as a result, the Deed could not be recorded, respondent allowed the closing to proceed.
7. Following the closing, respondent failed to attempt to record any documents until July 8, 2015. However, because respondent failed to seek the city's preapproval of the legal description prior to attempting to record the documents, the documents were rejected on July 15, 2015.
8. Following the closing and in order to conceal his failure to record the relevant documents, respondent selectively disbursed funds to the seller, the real estate agent, and the Tuscarawas County Treasurer. Respondent did not disburse any other funds.

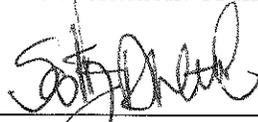
9. As part of the overall transaction, Fitzpatrick, Zimmerman, & Rose Co., LPA was responsible for filing an application to transfer a liquor license to the buyer. On or about July 29, 2015, after the closing and believing that respondent had recorded the relevant documents, Attorney Frank Rose, Jr. spoke to respondent and requested copies of the recorded Mortgage and the Assignment of Rents, which were necessary for the application for transfer of the liquor license.
10. Attorney Rose informed respondent that they were needed as exhibits for the application to transfer the liquor license, which was to be submitted to the Department of Liquor Control.
11. Shortly after receiving the request, respondent called Attorney Rose in order to confirm which documents were needed. Attorney Rose again informed respondent that he needed the Mortgage and Assignment of Rents.
12. On or about July 29, 2015, knowing that he had failed to record the required documents, respondent forged copies of the Mortgage and the Assignment of Rents to make it appear that he had recorded the documents, when, in fact, he had failed to do so.
13. On the same day, in response to Attorney Rose's request and in order to conceal his failure to record the required documents, respondent provided the forged Mortgage and Assignment of Rents to Attorney Rose. Respondent knew that they were to be submitted to a government agency.
14. Immediately after providing the forged documents to Attorney Rose, respondent left for a vacation.
15. Upon review, an assistant for Attorney Rose happened to notice that some pages from the Mortgage respondent had provided were missing the normal time-stamped volume and page number on the upper right hand corner of the page. The assistant also happened to

- notice that the forged recording information showed that the document should have contained a different number of pages than the document actually contained.
16. The assistant reported her discovery, and the law firm contacted the title company. An employee with the title company immediately went to the courthouse and verified that the Deed, Mortgage, and Assignment of Rents had not been recorded.
 17. Debbie Cummings, an employee with the title company, reviewed the relevant file and discovered cut and pasted slips of paper that respondent had used to forge the documents. Respondent had used scissors to cut the recording information from authentic documents, pasted that information on the documents he should have recorded, and created photocopies in order to make the forged documents appear authentic.
 18. Ms. Cummings also discovered the respondent had cut recording information from another Deed in order to forge a recorded Deed if necessary. Respondent used white out to conceal the seal from the authentic Deed, which reflected an invalid legal description, and also falsified the transfer tax stamp and the amount as reflected on the Deed; however, since respondent confirmed that Attorney Rose did not need a Deed (see ¶ 9), respondent did not finish his forgery of the Deed.
 19. Upon discovering the forgeries, the firm contacted respondent, who admitted his misconduct and apologized. Attorneys with the firm asked respondent to return and rectify his misconduct. Instead of returning, respondent continued with his vacation, not returning to the firm until August 10, 2015. The firm fired respondent.
 20. The firm resubmitted the documents for recording on July 30, 2015, and they were approved and recorded on August 3, 2015.
 21. Respondent's conduct as alleged in this complaint violates the following Rules of Professional Conduct: Prof. Cond. Rule 1.1 [A lawyer shall provide competent

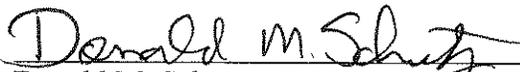
representation to a client]; Prof. Cond. Rule 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. Rule 8.4(b) [No lawyer shall commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness]; Prof. Cond. Rule 8.4(c) [No lawyer shall engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; Prof. Cond. Rule 8.4(d) [No lawyer shall engage in conduct that is prejudicial to the administration of justice]; and, to the extent that respondent's misconduct is not otherwise prohibited by another rule and to the extent that respondent abused a position of private trust, respondent violated Prof. Cond. Rule 8.4(h) [No lawyer shall engage in conduct that adversely reflects on the lawyer's fitness to practice law].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V 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

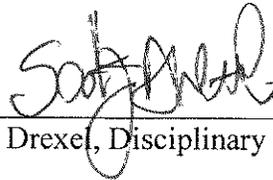


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Donald M. Scheetz 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: June 24, 2016



Scott J. Drexel, Disciplinary Counsel