

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

RECEIVED

JUN 23 2016

In re:

Complaint against

BOARD OF PROFESSIONAL CONDUCT

Jeffrey Shane Brumbaugh
Attorney Registration No. 0074102
P O Box 279
Covington, OH 45318

No. 16 - 025

Respondent,

COMPLAINT AND CERTIFICATE

v.

(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

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Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that Jeffrey S. Brumbaugh, an attorney-at-law duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Jeffrey S. Brumbaugh, was admitted to the practice of law in the state of Ohio on November 13, 2001. Respondent is subject to the Code of Professional Responsibility, the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. On November 3, 2015, the Supreme Court of Ohio suspended respondent from the practice of law for failing to timely register with the Office of Attorney Services for the 2015 biennium. *In re: Jeffrey S. Brumbaugh*, 11/5/2015 Administrative Actions, 2015-Ohio-4567. Respondent remains suspended from the practice of law.

3. Respondent previously maintained an IOLTA at PNC Bank, account number xxxxxx0171. According to the bank, this account was closed in August 2013. Respondent has not provided any other IOLTA information to the Ohio Legal Assistance Foundation or the Office of Attorney Services.

COUNT I

4. On or about December 18, 2013, Frances Jean Miller retained respondent to assist her in obtaining Medicaid. Miller paid respondent advance attorney fees of \$2,600 on December 22, 2013 and an additional \$2,600 on January 14, 2014. Respondent did not deposit these funds into an IOLTA.
5. On or about January 9, 2014, respondent's assistant, Julie, emailed Miller and indicated that respondent would come by Miller's home to pick up additional information necessary for the Medicaid application. Respondent subsequently came to Miller's home and obtained Miller's 2012 to December 2013 bank statements, along with other personal information.
6. On February 15, 2014, respondent's son went to Miller's home to obtain additional documentation.
7. Respondent subsequently filed a Medicaid application on Miller's behalf, which was denied on March 15, 2014. Respondent informed Miller that the application had been denied.
8. On December 23, 2014, Miller received an email from Julie asking that Miller deliver her current bank statements to Julie.
9. Miller went to respondent's office on January 5, 2015 for a scheduled meeting and to deliver the requested items. No one was at respondent's office. Miller telephoned Julie

at her mobile number. Julie indicated that she was not in Wapakoneta on that day and asked that Miller leave the information for her under the door of respondent's law office. Julie assured Miller that she would get the information as soon as she arrived at the office.

10. After Miller heard nothing further from respondent, she attempted to contact respondent in July 2015 about the matter. None of the telephone numbers Miller had for respondent or his law office remained in service. Miller contacted the local chamber of commerce, who advised Miller that respondent had closed his office.
11. Respondent never completed the work for which he was hired, never filed a second Medicaid application on Miller's behalf, failed to return any of Miller's documents to her and failed to provide a refund of any fees paid to him.
12. Respondent's actions as alleged in Count I violated the Ohio Rules of Professional Conduct, specifically: Prof. Cond. R. 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Prof. Cond. R. 1.5(a) [a lawyer shall not charge or collect a clearly excessive fee]; Prof. Cond. R. 1.15 (a) [a lawyer shall hold property of clients that is in the lawyer's possession separate from the lawyer's own property and in an interest-bearing account]; Prof. Cond. R. 1.16(d) [as part of the termination of representation, a lawyer shall deliver to the client all papers and property to which the client is entitled]; and, Prof. Cond. R. 1.16(e) [a lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned].

COUNT II

13. On August 21, 2012, Jo Ellen Weer and her mother visited respondent at his office seeking assistance with an estate matter because Weer's father had just died. Respondent had previously assisted Weer's mother and father with Medicaid issues and continued to hold part of a retainer, in the amount of \$1,105, in his IOLTA.
14. Respondent prepared the life estate deed that Weer was seeking and submitted an invoice to her at the end of September 2012. Respondent charged Weer \$348 to prepare and record the life estate deed. The invoice Weer received from respondent reflected the \$757 balance that respondent maintained in his IOLTA.
15. Respondent never returned the remaining \$757 of the retainer to Weer or her mother. As of August 2013, respondent no longer had an active IOLTA and did not maintain the remaining portion of the retainer in an IOLTA.
16. In December 2015, Weer telephoned respondent's office because she was interested in moving her mother, who was suffering from Alzheimer's, into a care facility. Respondent's telephone number was disconnected. Weer did a Google search for respondent and learned that respondent had closed his office.
17. Respondent's conduct as alleged in Count II violated the Ohio Rules of Professional Conduct, specifically: Prof. Cond. R. 1.15 (a) [a lawyer shall hold property of clients that is in the lawyer's possession separate from the lawyer's own property and in an interest-bearing account]; and, Prof. Cond. R. 1.16(e) [a lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned]; and, Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct involving fraud, dishonesty, deceit, or misrepresentation].

COUNT III

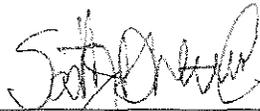
18. On December 9, 2015, relator sent respondent a letter of inquiry relating to Miller's grievance by certified mail to the address where respondent had previously received certified mail from relator, i.e., PMB 481, 989 S. Main Street, Suite A, Cottonwood, AZ 86326. Respondent signed the domestic receipt for the letter on December 14, 2015. Respondent did not reply to Miller's allegations as requested.
19. On January 26, 2016, relator sent to respondent by certified mail a second letter of inquiry relating to Miller's grievance. Although relator sent the letter to the same Arizona address where respondent had received certified mail the previous month, relator's letter was returned to relator's office marked "Return to sender. Attempted – not known. Unable to forward".
20. On January 28, 2016, relator sent respondent a letter of inquiry relating to Weer's grievance by certified mail. Although relator sent the letter to the same Arizona address where respondent had received certified mail the previous month, relator's letter was returned to relator marked "Return to sender. Attempted – not known. Unable to forward."
21. Relator sent another second letter of inquiry relating to Miller's grievance and another letter of inquiry relating to Weer's grievance to respondent by certified mail on March 14, 2016. Relator sent the letters to the same Arizona address where respondent had previously received certified mail. Although these letters were not returned to relator's office, respondent did not reply to either letter.
22. On March 31, 2016, relator sent two additional letters for respondent by certified mail – one relating to Miller's grievance and the other to Weer's grievance. Relator sent the

letters to the business address respondent had most recently provided to the Office of Attorney Registration, PO Box 279, Covington, OH 45318. Although these letters were not returned to relator's office, respondent did not reply to either letter.

23. Respondent's conduct as alleged in Count III violated the Ohio Rules of Professional Conduct, specifically: Prof. Cond. R. 8.1(b) [a lawyer shall not knowingly fail to respond to a request for information from a disciplinary authority].
24. Respondent's conduct as alleged in Count III additionally violated Gov.Bar R. V(9)(G) [an attorney shall not neglect or refuse to assist in a disciplinary investigation].

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
Relator

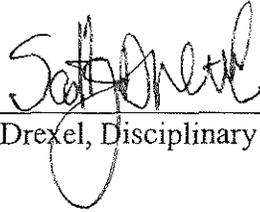


Stacy Solochek Beckman (0063306)
Assistant Disciplinary Counsel
Office of Disciplinary Counsel of
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Telephone (614) 461-0256
Facsimile (614) 461-7205
stacy.beckman@sc.ohio.gov
Counsel for Relator

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Stacy Solochek Beckman 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 23, 2016



Scott J. Drexel, Disciplinary Counsel