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MAY 28 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

**Orlando Joseph Williams, Esq.
5786 Reserves Court
Fairfield, OH 45202
Attorney Registration No. (0033558)**

14 - 043 - 2

No. _____

Respondent,

COMPLAINT AND CERTIFICATE

**Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411**

**(Rule V of the Supreme Court Rules for
the Government of the Bar of Ohio.)**

FILED

JUN 09 2014

Relator.

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

Now comes the relator and alleges that Orlando Joseph Williams, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Orlando Joseph Williams, was admitted to the practice of law in the state of Ohio on April 28, 1986. Respondent is subject to the Code of Professional Responsibility, Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio. At times alleged herein, respondent was subject to the Code of Judicial Conduct.

COUNT ONE

The Gruich v. Boykin Matter

2. In February 2009, former Governor Ted Strickland appointed respondent to a vacant seat on the Akron Municipal Court, effective March 3, 2009.

3. In the November 2009 general election, respondent lost his bid to retain the seat; however, just days after his defeat, respondent was hired as a magistrate in the Akron Municipal Court.
4. As part of his duties as a magistrate, respondent handled eviction cases in the Akron Municipal Court.
5. On February 7, 2012, landlord Stevan Gruich filed a complaint for eviction against his tenant, A.B.¹, in the Akron Municipal Court, Case No. 12-01295.
6. The complaint alleged that since January 2012, A.B. had not paid any rent and was in arrears of \$1,225.
7. The matter was set for hearing on March 5, 2012. Before the initial hearing, A.B. had never met respondent.
8. Shortly after the first hearing, respondent drove by A.B.'s residence and asked A.B. to join him for coffee.
9. A.B. agreed and the two had coffee at a local restaurant.
10. During the conversation, respondent flirted with A.B. and referred to Gruich as a "slum lord."
11. Within days, respondent and A.B. engaged in a consensual sexual relationship; however, respondent failed to recuse himself from A.B.'s case.
12. Shortly thereafter, respondent conducted a site visit at A.B.'s apartment while A.B. and Gruich were both present at the apartment.

¹ Relator refers to the defendant in the *Gruich v. Boykin* matter as "A.B." throughout the complaint.

13. During the site visit, respondent told Gruich that he should not be charging A.B. so much in rent.
14. On or around April 4, 2012, A.B. vacated the apartment and gave the keys to respondent
15. On April 12, 2012, respondent entered a judgment denying a writ of restitution and issuing a judgment in favor of A.B., stating that the property had been vacated and the keys returned.
16. On May 20, 2012, A.B. was pulled over for Operating a Vehicle under the Influence. During the stop, which was videotaped, A.B. repeatedly asked the officer to call respondent, whom she referred to as her “boyfriend.”
17. On June 27, 2012, respondent recused himself from A.B.’s eviction case and resigned his position as magistrate the following day.
18. A.B.’s eviction case was transferred to another magistrate, who, on July 3, 2012, issued a decision awarding Gruich \$1,305 in past-due rent from A.B..
19. Respondent’s conduct in Count One violates Jud. Cond. R. 1.2 [A judge shall act at all times in a manner that promotes public confidence in the integrity, impartiality, and independence of the judiciary and shall avoid impropriety and the appearance of impropriety]; Jud. Cond. R. 1.3 [A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others]; Jud. Cond. R. 2.9 [A judge shall not initiate, receive, permit, or consider ex parte communications]; and, Jud. Cond. R. 2.11(A) [A judge shall disqualify himself from any proceeding in which the judge’s impartiality might reasonably be questioned including (1) the judge has a personal bias concerning a party or personal knowledge of the facts that are in dispute in the proceeding]; Prof. Cond. R. 8.4(d) [A lawyer shall not engage in conduct that is

prejudicial to the administration of justice] and, given the egregious nature of the misconduct, Prof. Cond. R. 8.4(h) [A lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT TWO

Summit Toyota

20. Relator incorporates paragraphs 1-19 as if fully rewritten.
21. On March 11, 2013, respondent began working as an associate attorney at Byron Potts, Co. LPA. Respondent was terminated on May 3, 2013.
22. On or about May 8, 2013, respondent appeared at Summit Toyota of Akron to purchase a 2010 Volkswagen CC Sedan, which was priced at \$21,900.
23. In order to qualify for financing, respondent completed a credit application in which he misrepresented his residential address, his employment status, and his earnings.
24. Respondent listed his residential address as 1842 Cromwell Drive in Akron; however, respondent had not lived at that address since February 1, 2012.
25. Respondent also falsely asserted on the May 8, 2013 credit application that he was currently employed at Byron Potts, Co. LPA; however, respondent's last day of employment at Byron Potts Co., LPA was May 3, 2012.
26. Respondent also falsely asserted on the credit application that he was earning \$7,500 per month at Byron Potts, Co. LPA, when, in actuality, respondent was earning a gross monthly salary of \$2,930.40, as further explained in ¶28.
27. Respondent signed the application under the following language:

For the purposes of securing credit, I certify that the above information is true and complete to the best of my knowledge. I authorize you to check my employment history and obtain information about credit experiences with me, including a

credit report from one or more consumer reporting agencies (credit bureaus) in connection with this application.

28. Respondent's last paystub from Byron Potts, Co. LPA reflects that he worked 72 hours over a two-week period at \$20.35 an hour for a gross pay of \$1,465.20 for the two-week period ending April 26, 2013. Respondent's gross monthly salary was \$2,930.40.
29. In order to verify the inflated income information, respondent created a fictitious paystub by cutting out numeric digits and pasting them onto the actual paystub that he had received from Byron Potts Co., LPA. The fraudulent paystub reflected that respondent worked 80 hours over a two-week period at \$45 per hour for a gross pay of \$3,600 for the two-week period ending April 26, 2013. That translates to a gross monthly wage of \$7,200.
30. In addition to the hours, rate, and earnings, respondent also fraudulently adjusted the withholding amounts such as Social Security, Medicare, and federal, state, and city taxes.
31. On May 11, 2013, respondent then copied and submitted the fraudulent paystub by facsimile to Summit Toyota, who provided the information to Santander Auto Finance, a third party lender.
32. Based upon the fraudulent information respondent provided, Santander financed respondent's purchase of the vehicle.
33. Respondent defaulted on the loan and the vehicle was repossessed.
34. Respondent's conduct in Count Two violates Prof. Cond. R. 8.4(c) [A lawyer shall not engage in conduct that involves fraud, dishonesty, deceit, or misrepresentation] and, given the egregious nature of the misconduct, Prof. Cond. R. 8.4(h) [A lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness to practice law].

COUNT THREE

The Criss Estate

35. Anthony Criss died intestate on May 26, 2006.
36. On November 16, 2007, while respondent was working as an attorney², he filed an application for authority to administer Criss' estate in the Summit County Probate Court, Case No. 2007 ES 01180.
37. On February 6, 2009, the probate court approved a \$25,000 wrongful death settlement on behalf of the Criss estate.
38. Respondent deposited the \$25,000 settlement into his IOLTA at National City Bank, Account No. xxxxx3842.³
39. As required by the probate court, respondent was to make the following distributions:⁴
 - \$8,333.33 to respondent for attorney fees
 - \$518.67 to respondent for expenses
 - \$750 to Pamela Schaffer as fiduciary of the estate
 - \$3,599.50 to Pamela Schaffer as a beneficiary of the estate
 - \$1,000 to Tonya Criss
40. In addition to the aforementioned disbursements, respondent was also required to purchase an annuity for Criss' three minor children—Aona, Antony, and Adam in the amount of \$3,599.50 each for a total of \$10,798.50.
41. The probate court required respondent to file proof that he had purchased the annuity within 30 days of the February 6, 2009 entry approving the settlement.

² Former Governor Strickland appointed respondent to the Akron Municipal Court effective March 3, 2009.

³ National City Bank was formerly PNC Bank

⁴ On February 6, 2009, respondent issued checks 1574 for \$750 and 1575 for \$3,599.50 to Pamela Schaffer and check 1576 for \$1,000 to Tonya Criss.

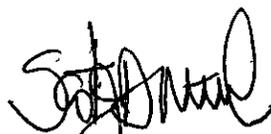
42. Respondent neither purchased the annuity for Criss' minor heirs, nor transferred the funds to an interest-bearing account. Rather, respondent left the funds in his IOLTA until he misappropriated the funds in 2012, as alleged herein.
43. On March 3, 2009, respondent assumed a vacant seat on the Akron Municipal Court; however, he failed to complete the Criss estate before assuming the bench.
44. On April 14, 2011, Magistrate George Wertz sent respondent a letter advising that the Criss estate was still open and that the fiduciary needed to sign a Statement in Lieu of Account in order to close the estate.
45. Respondent failed to respond.
46. On June 27, 2011, Magistrate Wertz sent a letter to the fiduciary requesting that the fiduciary advise the magistrate of the status of the case within 30 days. Wertz sent a copy to respondent as the fiduciary's attorney. Respondent failed to respond.
47. On August 4, 2011, Judge Clunk entered a judgment order requiring respondent and the fiduciary to appear and show cause why proof of purchase of annuity had not been filed.
48. Respondent failed to appear. Judge Stormer then issued an order closing the estate due to inactivity.
49. As of November 1, 2012, respondent had a balance of \$11,496.31 in his IOLTA.
50. On November 1, 2012 respondent issued check no. 1600 payable to himself for \$475, bringing the balance to \$11,021.31.
51. On November 13, 2012 respondent issued check no. 1601 payable to himself for \$2,500, reducing the balance to \$8,521.31, which was \$2,277.19 below the \$10,798.50 that belonged to Criss' minor heirs.
52. Neither of the November disbursements benefitted or related to the Criss estate.

53. In December 2012, respondent made the following withdrawals from his IOLTA for his own personal use:
- December 10, 2012, check no. 1602 payable to himself for \$1,500
 - December 13, 2012 check no. 1603 payable to himself for \$4,000
 - December 24, 2012, check no. 1604 payable to himself for \$1,100
 - December 22, 2012, check no. 1606 payable to himself for \$1,750⁵
54. By January 31, 2013, respondent had misappropriated nearly all of the funds belonging to Criss' minor heirs, as evidenced by the \$321.31 balance in his IOLTA.
55. Respondent's conduct in Count Three violates Prof. Cond. R. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; Prof. Cond. R. 8.4(c) [A lawyer shall not engage in conduct involving fraud, dishonesty, deceit, or misrepresentation]; and, Prof. Cond. R. 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

⁵ The November and December withdrawals totaled \$11,325; however, on December 11, 2012, respondent deposited \$1,000 into his IOLTA.

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.



Scott J. Drexel (0091467)
Disciplinary Counsel

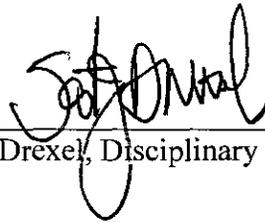


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Joseph M. Caligiuri 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: May 28, 2014



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.