

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

FILED

FEB 17 2015

In re:

Complaint against

BOARD OF PROFESSIONAL CONDUCT

Sean P. Ruffin  
Attorney Registration No. 0069002  
2061 Margo Road  
Columbus, Ohio 43229,

15 - 010 2 2

No. \_\_\_\_\_

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,

RECEIVED

JAN 30 2015

Relator.

BOARD OF PROFESSIONAL CONDUCT

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

1. Respondent, Sean P. Ruffin, was admitted to the practice of law in the state of Ohio on May 11, 1998. 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 13, 2006, the Supreme Court of Ohio suspended respondent from the practice of law for being in default under a child support order. Respondent was reinstated to the practice on November 7, 2006.

COUNT I

3. On or about March 1, 2012, Alvah Hayes met with respondent regarding an employment matter against the Stark County Board of Developmental Disabilities and Mental

Retardation (“DDMR”). Respondent agreed to represent Hayes and, on March 27, 2012, they entered into a written contingency fee agreement. Pursuant to the agreement, Hayes paid respondent a \$2,000 retainer.

4. On October 1, 2012, respondent filed a complaint against the DDMR on Hayes’s behalf in the Stark County Court of Common Pleas. *Alvah Hayes v. Stark County Board of Developmental Disabilities and Mental Retardation*, Case No. 2012CV03064.
5. On March 21, 2013, the DDMR filed a motion for summary judgment. Respondent advised Hayes by email on April 1, 2013 that the motion had been filed. Although he discussed wanting to meet with Hayes to prepare an affidavit in response to the motion, he did not do so. Respondent did not reply to the motion for summary judgment.
6. On April 15, 2013, the court granted the motion for summary judgment. Respondent never informed Hayes that the motion had been granted.
7. On May 10, 2013, respondent filed a Motion to Vacate and Leave to File Brief in Opposition Instantly, which the court denied.
8. Throughout the representation, Hayes had difficulty communicating with respondent. Hayes frequently telephoned respondent, leaving messages for him, or emailed respondent. Respondent rarely returned the telephone calls or replied to Hayes’s email communications.
9. Respondent’s conduct as alleged in Count I violated the Ohio Rules of Professional Conduct, specifically, Rule 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Rule 1.4 (a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Rule 1.4 (a)(4) [a lawyer shall comply as soon as practicable with reasonable requests for information from the client];

and, Rule 8.4 (d) [it is professional misconduct for a lawyer to engage in conduct that it prejudicial to the administration of justice].

## COUNT II

10. On or about September 3, 2013, Hayes initiated a fee dispute arbitration against respondent with the Stark County Bar Association. During the arbitration, Hayes learned, for the first time, that respondent had not responded to the motion for summary judgment and that the motion had been granted. As a result, the bar association opened an investigation of respondent regarding the potential ethical misconduct.
11. On March 13, 2014, Matthew P. Mullen, an attorney assigned by the Stark County Bar Association to investigate the grievance against respondent, wrote respondent seeking a response to several issues. Respondent did not reply to Mullen's letter.
12. On April 24, 2014, Mullen emailed respondent regarding respondent's failure to reply to his March 13 letter. Respondent replied to Mullen's email, asking for additional time to deliver his case file to Mullen, but did not respond to Mullen's March 13 letter. Mullen granted respondent's request, but noted that respondent needed to provide a written response to his March 13 letter as well.
13. On or about May 1, 2014, respondent delivered the case file to Mullen, but failed to reply to the inquiries posed in Mullen's letter.
14. On May 1, 2014, Mullen emailed respondent again, seeking a response to several questions relating to his representation of Hayes. Before respondent had an opportunity to answer, Mullen sent him a follow-up email, telling him the matter was being referred to relator's office and that he did not need to respond until he heard from relator.

15. On May 8, 2014, the Stark County Bar Association's investigation of respondent was referred to relator for further handling.
16. On May 21, 2014, relator sent respondent a letter of inquiry by certified mail regarding Hayes's grievance. Although respondent received relator's letter, he did not reply as requested.
17. On July 9, 2014, relator sent a second letter of inquiry to respondent.
18. On July 18, 2014, relator telephoned respondent in an effort to confirm his address. He returned relator's call, and on July 28, 2014, relator faxed respondent a copy of the May 21, 2014 letter of inquiry. Respondent replied to relator's letter on August 25, 2014.
19. On October 16, 2014, relator wrote respondent seeking additional information to assist in the investigation. Respondent did not reply to relator's letter.
20. On November 13, 2014, relator wrote respondent seeking additional information to assist in the investigation. Additionally, relator advised respondent that if he did not timely reply to relator's letter, relator intended to prepare a formal complaint alleging, among other things, a lack of cooperation to be filed against respondent. Respondent did not reply to relator's letter.
21. Respondent's conduct as alleged in Count II violated the Ohio Rules of Professional Conduct, specifically, Rule 8.1 (b) [a lawyer shall not, in response to a demand for information from a disciplinary authority, knowingly fail to respond] as well as Gov. Bar R. V (4)(G) [no lawyer shall neglect or refuse to assist or testify in an investigation or hearing].

### COUNT III

22. On August 7, 2013, Tina Friedman retained respondent to pursue an appeal of a misdemeanor criminal conviction on her behalf.
23. On September 6, 2013, respondent filed an appellate brief on Friedman's behalf with the Fifth District Court of Appeals. *State of Ohio v. Tina Friedman*, Case No. 2013CA00150.
24. On October 21, 2013, the appellate court affirmed Friedman's conviction.
25. Respondent advised Friedman that he could file an appeal with the Supreme Court of Ohio, explaining that he had 45 days to submit the appellate brief. Friedman asked him to do so.
26. During the subsequent 45 days, whenever Friedman spoke with respondent about the brief, he assured her that everything was on target and it would be timely filed.
27. Because Friedman was aware that the deadline to submit the brief was early December, she began calling, texting and emailing respondent regularly at the end of November. Friedman often had difficulty reaching respondent. When respondent finally returned Friedman's call, he assured her that the appeal was done and he was just finalizing it.
28. On December 24, 2013, respondent finally communicated via text message with Friedman regarding the appeal to the Supreme Court of Ohio. In the text, respondent explained that he had had a health scare, but was going to file a delayed appeal for Friedman and was preparing affidavits to support the appeal.
29. On January 9, 2014, Friedman sent respondent an email and a text message expressing her frustration with the matter. Respondent replied the following day and wrongly

indicated that there was no time limit for filing a case with the Supreme Court of Ohio and that he had not yet filed anything because he wanted to be as persuasive as possible.

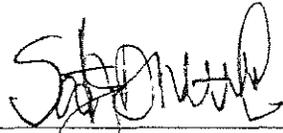
30. Respondent never filed Friedman's appeal with the Supreme Court of Ohio.
31. On or about September 23, 2014, Friedman filed a grievance against respondent with relator.
32. On September 29, 2014, relator sent respondent a letter of inquiry by certified mail to the address provided by respondent to the Attorney Registration Office, 401 Tuscarawas Street W., Suite 200, Canton, Ohio 44702. Relator's letter was returned to relator's office marked "unclaimed."
33. On October 20, 2014, relator's investigator hand-delivered a letter of inquiry to respondent at his current residence, 2061 Margo Road, Columbus, Ohio 43229.
34. When respondent answered the door, relator's investigator attempted to confirm respondent's identity and asked respondent if he was "Sean Ruffin"; respondent denied being so. Relator's investigator then asked respondent if he knew "Sean Ruffin"; respondent denied knowing him.
35. Relator's investigator then showed respondent his Ohio Driver's License photograph, which had been obtained from the Ohio Law Enforcement Gateway. After initially denying that he was pictured, respondent accepted the letter from relator's investigator.
36. Respondent did not reply to the letter of inquiry as required.
37. On November 13, 2014, relator sent respondent a second letter of inquiry by certified mail to the Margo Road address. Although this was the address where relator had hand-delivered its first letter and which had been provided by respondent as his current address

to the Attorney Registration Office, the second letter was returned to relator's office marked "unclaimed."

38. Respondent's conduct as alleged in Count III violated the Ohio Rules of Professional Conduct, specifically, Rule 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; Rule 1.4 (a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Rule 1.4 (a)(4) [a lawyer shall comply as soon as practicable with reasonable requests for information from the client]; Rule 8.1 (a) [in connection with a disciplinary matter, a lawyer shall not knowingly make a false statement of material fact]; Rule 8.1 (b) [a lawyer shall not, in response to a demand for information from a disciplinary authority, knowingly fail to respond]; and, Rule 8.4 (d) [it is professional misconduct for a lawyer to engage in conduct that it prejudicial to the administration of justice] as well as Gov. Bar R. V (4)(G) [no lawyer shall neglect or refuse to assist or testify in an investigation or hearing].

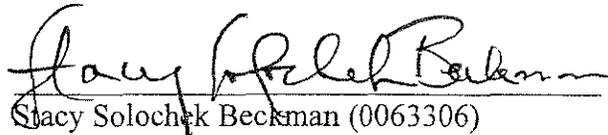
## CONCLUSION

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.



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Scott J. Drexel (0091467)  
Disciplinary Counsel



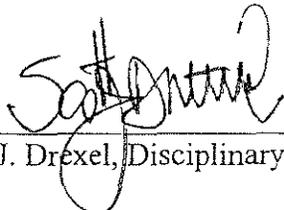
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**CERTIFICATE**

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that 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: January 30, 2015

  
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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.