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

APR 29 2014

**BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE**

In re:

Complaint against

**Charles Richard Quinn, Esq.
223 Whittier Dr.
Kent, OH 44240**

No. 14 - 038 - 2

Attorney Registration No. (0009417)

Respondent,

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

Relator.

COMPLAINT AND CERTIFICATE

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

FILED

APR 30 2014

**BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE**

Now comes relator, Disciplinary Counsel, and alleges that respondent, Charles Richard Quinn, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent was admitted to the practice of law in the state of Ohio on November 2, 1979.
2. As an attorney, respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct, and the Supreme Court Rules for the Government of the Bar of Ohio.
3. On or about December 16, 2008, Christopher L. Hoffman was arrested and charged with Aggravated Murder, Murder, Involuntary Manslaughter, and two counts of endangering children. Hoffman was also charged with several complicity charges; however, these charges were dismissed prior to the start of trial.

4. On December 19, 2008, Hoffman posted a \$100,000 bond.
5. On December 23, 2008, Attorney Eddie Sipplen entered a Notice of Appearance on behalf of Hoffman.
6. On December 26, 2008, Hoffman assigned the \$100,000 bond that he had posted to Sipplen as payment for his attorney fees.
7. Thereafter, Sipplen represented Hoffman through trial and sentencing at an hourly rate.
8. On June 12, 2009, Hoffman was convicted of murder, involuntary manslaughter, and two counts of endangering children. Hoffman was found not guilty on the charge of aggravated murder.
9. On June 29, 2009, Hoffman was sentenced to 20 years to life in prison.
10. On July 8, 2009, respondent agreed to represent Hoffman in his appeal for a \$5,000 flat fee. On the same day, respondent filed a Notice of Appeal on behalf of Hoffman.
11. On July 29, 2009, Sipplen paid respondent \$5,000 out of the remaining bond funds he was holding in trust for Hoffman.
12. On November 17, 2009, the Ninth District Court of Appeals *sua sponte* vacated Hoffman's sentence and remanded the case back to the trial court for re-sentencing having determined that the trial court did not properly advise Hoffman of his post-release control.
13. On November 17, 2010, Hoffman was re-sentenced to 15 years to life in prison. Respondent appeared with Hoffman at his resentencing.
14. On November 30, 2010, Sipplen paid respondent \$3,733.26. This represented the remainder of what Sipplen was holding in trust for Hoffman and was specifically designated for the use of filing fees and to obtain a copy of Hoffman's trial transcript.

15. Respondent did not hold the \$3,733.26 in trust, nor did he use it for the benefit of Hoffman. Instead, respondent deposited the \$3,733.26 into his operating account on September 21, 2011 – nearly ten months after receiving it – and proceeded to use the funds for personal and/or business expenses. By December 15, 2011, there was only \$836.05 remaining in respondent's operating account.
16. On July 22, 2011, the court journalized Hoffman's sentence from November 17, 2010.
17. On August 22, 2011, respondent filed a second Notice of Appeal on behalf of Hoffman.
18. On or about the same day, respondent requested that the Summit County Court of Common Pleas provide copies of Hoffman's trial transcripts.
19. On September 2, 2011, the court found Hoffman to be indigent for purposes of appeal and ordered that a copy of his trial transcript be produced and taxed as costs.
20. On January 31, 2012, Hoffman's trial transcripts were filed with the Ninth District Court of Appeals.
21. On February 14, 2012, respondent requested an extension of time to file Hoffman's appellate brief. Respondent was granted an extension until March 13, 2012.
22. Respondent did not file an appellate brief by March 13, 2012.
23. On May 7, 2012, the Ninth District Court of Appeals dismissed Hoffman's appeal as a result of respondent's failure to file a timely appellate brief.
24. On May 16, 2012, an attorney from the Ohio Public Defender's Office, Melissa Prendergast, who had been working with Hoffman on potential post-conviction matters, filed a Motion to Reconsider on behalf of Hoffman.
25. On the following day, May 17, 2012, respondent also filed a Motion to Reconsider on behalf of Hoffman.

26. On May 25, 2012, the Ninth District Court of Appeals granted Prendergast's motion, reinstated Hoffman's appeal, and appointed the Ohio Public Defender to further represent Hoffman.
27. On June 5, 2012, the Ninth District Court of Appeals denied respondent's motion as moot.
28. On January 16, 2013, Hoffman filed a grievance against respondent.
29. On February 14, 2013, relator sent respondent a Letter of Inquiry concerning Hoffman's grievance.
30. On February 28, 2013, the day that his response was due, respondent called relator and requested an extension to time to respond due to personal issues. In light of the issues that respondent explained, relator advised respondent to "take as much time as he needed."
31. Having not heard from respondent regarding Hoffman's grievance, relator sent respondent a letter on April 11, 2013. Respondent did not reply to this letter.
32. On May 1, 2013, relator spoke with respondent regarding Hoffman's grievance. Respondent stated that he would provide a response to Hoffman's grievance within two weeks.
33. As of June 10, 2013, relator had not received anything from respondent; therefore, relator called respondent. Respondent stated that he had faxed his response to Hoffman's grievance twice, but that he would send it via certified mail. Relator did not receive either of these purported faxes.
34. As of June 26, 2013, relator still had not received anything from respondent; therefore, relator sent respondent another letter regarding Hoffman's grievance.

35. On July 5, 2013, respondent provided a response to Hoffman's grievance.
36. On July 22, 2013, relator sent respondent a letter requesting additional information about his representation of Hoffman. Specifically, relator inquired into whether respondent was willing to refund at least a portion of the \$5,000 he had received in attorney fees for the appeal, as well as the \$3,773.26 for transcripts and filing fees.
37. On July 25, 2013 and August 5, 2013, relator spoke with respondent. During both conversations, respondent stated that he would refund the \$3,733.26 to Hoffman, plus at least a portion of the \$5,000 he had received in attorney fees. Respondent also stated that he would provide a response to relator's July 22, 2013 letter in writing.
38. As of September 26, 2013, relator had not received any information from respondent. Accordingly, relator sent respondent a letter inquiring into why he had not responded to relator's July 22, 2013 letter as promised.
39. On October 15, 2013, respondent provided a response to relator's July 22, 2013 letter. In this letter, respondent stated that he had refunded Hoffman's \$5,000 in attorney fees, as well as \$3,523.26 in costs and expenses (\$3,773.26 minus \$250 in filing fees).
40. Hoffman did not receive a refund from respondent in or about October 2013.
41. On November 15, 2013, relator spoke with respondent. Relator asked respondent to provide proof that he had refunded Hoffman's fees and expenses. Respondent stated that he did not keep a copy of the checks that he had sent to Hoffman, but that he would provide a copy of his bank statement to relator.
42. On November 21, 2013, relator sent respondent a letter confirming their November 15, 2013 conversation. Relator requested that respondent provide proof of the refunds by no later than December 3, 2013.

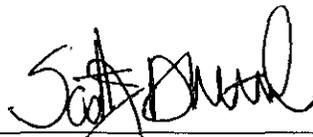
43. Respondent did not provide proof of the refunds by December 3, 2013.
44. Having not received any information from respondent, relator subpoenaed respondent for a deposition on January 23, 2014. On January 8, 2014, relator's investigator hand-delivered the subpoena to respondent's residence.
45. On January 8, 2014, respondent called relator in response to the subpoena. During this conversation, respondent claimed that he had refunded Hoffman's fees and expenses, but that his checks had not been cashed. He stated that he would obtain a cashier's check for Hoffman in the amount of \$8,523.26 and send it to Hoffman immediately.
46. On January 22, 2014, respondent faxed relator a copy of a cashier's check for \$8,523.26, as well as a cover letter that respondent had allegedly sent to Hoffman on January 21, 2014.
47. On January 22, 2014, relator spoke with respondent. Relator canceled the deposition scheduled for January 23, 2014, but requested that respondent provide additional information. Specifically, relator requested that respondent provide a Microsoft Word or other electronic version of the cover letter that he had allegedly sent to Hoffman in or around October 2013 with the initial refund checks. Respondent stated that he would do so.
48. Relator confirmed the January 22, 2014 conversation with respondent by letter dated the same day. In this letter, relator specifically requested that respondent provide the electronic version of his October 2013 cover letter by February 3, 2014. Relator requested this information to determine whether respondent had sent refund checks to Hoffman in or around October 2013.

49. Respondent did not provide an electronic version of his October 2013 cover letter to relator by February 3, 2014.
50. On January 27, 2014, relator sent a letter to Hoffman inquiring into whether he had received any funds from respondent. As of February 7, 2014, Hoffman had not received any funds from respondent.
51. On January 29, 2014, relator also contacted Attorney Stephen Young, legal counsel for the Ohio Department of Rehabilitation and Correction, to determine whether Hoffman had received any funds or legal mail from respondent. Young informed relator that respondent had not received any funds from outside sources since at least September 1, 2013, nor had he received any legal mail from respondent during that same period of time.
52. In light of this information, relator determined that formal disciplinary charges were warranted against respondent. On February 6, 2014, relator sent respondent a Notice of Intent to File and draft complaint pursuant to Gov. Bar R. V(4)(I)(2).
53. On February 18, 2014, respondent called relator's office and stated that his cashier's check for \$8,523.26 had been returned to him, but that he had just hand-delivered the cashier's check to the prison where Hoffman was incarcerated. Relator has confirmed that Hoffman has received this check.
54. On February 18, 2014, respondent also provided relator with a hard copy of a cover letter that he supposedly sent to Hoffman on or about October 15, 2013; however, to date, he did not provide an electronic version of the letter as requested by relator's January 22, 2014 letter.

55. On February 21, 2014, relator sent another letter to respondent again requesting that respondent provide an electronic/Word version of his October 15, 2013 letter to Hoffman. Relator requested that respondent provide this information by February 28, 2014.
56. Respondent did not provide an electronic version of his October 15, 2013 letter until Monday, March 3, 2014. The metadata in the letter shows an October 15, 2013 creation date.
57. Respondent's conduct as outlined above violates the Rules of Professional Conduct, specifically Prof. Cond. R. 1.3 (requiring a lawyer to act with reasonable diligence and promptness in representing a client); Prof. Cond. R. 1.15(c) (requiring a lawyer to deposit into a client trust account legal fees and expenses that have been paid in advance); Prof. Cond. R. 1.15(d) (requiring a lawyer to promptly deliver funds or other property that a client or third party is entitled to receive); Prof. Cond. R. 8.1(b) (prohibiting a lawyer from knowingly failing to respond to a demand for information from a disciplinary authority); and Prof. Cond. R. 8.4(d) (prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice).

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V and the Ohio 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

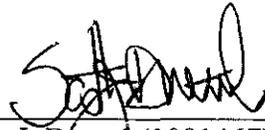
Karen H. Osmond

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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 Karen H. Osmond 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: April 29, 2014



Scott J. Drexel (0091467)
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.

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APR 24 2014

Disciplinary Counsel
Supreme Court of Ohio

CHARLES R. QUINN

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April 18, 2014

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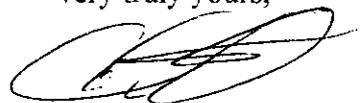
RE: Hoffman Matter, File No. B3-0137

Dear Ms. Osmond:

Please regard this as my consent to a finding of probable cause on your office complaint concerning. By way of this letter, I waive any requirement of a probable cause finding and do consent to this matter going forward without a probable cause hearing and/or determination.

Thank you for your consideration in this matter.

Very truly yours,



Charles Quinn

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