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

In re:

Complaint against

**Kurt Sahloff, Esq.
321 East Main Street
Ottawa, OH 45875**

Case No: **15 - 028** 3 2

Complaint and Certificate

Attorney Registration No: (0062789)

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

Respondent,

**Northwest Ohio Grievance Committee
C/O John Donovan, Bar Counsel
609 North Perry Street
Napoleon, OH 43545**

Attorney Registration No: (0003219),

Relator.

Now comes the relator, and alleges that Kurt Sahloff, an attorney at law, was duly admitted to the practice of law in this State of Ohio and is guilty of the following misconduct:

1. Respondent Kurt Sahloff, was admitted to the practice of law in the State of Ohio on May 16, 1994 Respondent is subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. Respondent is currently practicing law in the law firm of Leopold, Widenhaus, Sahloff & Welch in Ottawa, Ohio.
3. Kurt Sahloff represented Catherine Brinkman (date of birth 08/21/1932) and her deceased husband Melitus Brinkman, by providing tax return preparation services from approximately 1995 through 2012, and he also discussed their estate plan with them and prepared a Last Will and Testament and Durable Power of Attorney for Catherine Brinkman. the Last Will and Testament and Durable Power of Attorney for Catherine Brinkman were executed on March 20, 2008.
4. Catherine Brinkman nominated her son, Shane Brinkman, her attorney in fact in said Catherine Brinkman's Durable Power of Attorney.
5. Catherine Brinkman's health deteriorated and then Shane Brinkman moved in with said Catherine Brinkman to help care for her.
6. As time passed Catherine Brinkman's medical capacity also began to diminish.
7. On New Years Eve, 2012, Shane Brinkman and Catherine Brinkman entered into a verbal argument as Shane Brinkman indicated to his mother that he needed some compensation for providing his full time living care for Catherine Brinkman.
8. Shane Brinkman telephoned his sister, Jody Hereckski and described the argument he had with his mother Catherine Brinkman to his sister. The argument ended peacefully.
9. Jody Hereckski then called the police concerning the incident. The police investigated the incident.
10. During the argument, it was alleged that Catherine Brinkman was grabbed by Shane Brinkman on her left wrist and he began dragging Catherine Brinkman around the home.
11. Shane Brinkman was charged with domestic violence pursuant to O.R.C. § 2919.25 (A), a first degree misdemeanor.

12. Kurt Sahloff agreed to represent Shane Brinkman in the case captioned *State of Ohio vs. Shane Brinkman*, 2013CRB2, filed in the Putnam County, County Court.

13. The domestic violence case was dismissed on February 25, 2013.

14. During the same period of time, Kurt Sahloff represented Shane Brinkman in a guardianship proceeding to have the said Shane Brinkman appointed as guardian of the person and estate of Catherine Brinkman. The Putnam County Court held a hearing on May 13, 2013, wherein Jody Hereckski was appointed Catherine Brinkman's guardian of the person and Randel Verhoff, a C.P.A, was appointed as guardian of her estate.

15. Kurt Sahloff represented both the defendant in the domestic violence case and also represented Shane Brinkman in filing guardianship proceeding to have him appointed guardian of Catherine Brinkman when was also apparently representing Catherine Brinkman.

16. Rule 1.7 (a) provides as follows:

(a) A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:

(1) the representation of that client will be directly adverse to another current client;

(2) there is a substantial risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by the lawyer's own personal interests.

17. Kurt Sahloff had an ongoing attorney/client relationship with Catherine Brinkman when he represented Shane Brinkman in the domestic violence case.

18. Kurt Sahloff had an ongoing attorney/client relationship with Catherine Brinkman when he represented Shane Brinkman in the filing of the application for guardianship to find Catherine Brinkman incompetent.

19. Kurt Sahloff violated Rule 1.7 (a) (1) and 1.7 (a) (1) the Ohio Rule of Professional Conduct.

CONCLUSION

Wherefore, Pursuant to Gov. Bar. R. V. and the Code of Professional Responsibility, relator alleges that respondent is chargeable with misconduct, and, therefore, relator requests that the respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



John Donovan (0003219)
Northwest Ohio Grievance
Committee Bar Counsel

CERTIFICATE

The undersigned, William Brenner, Chairman of the Northwest Ohio Grievance Committee, hereby certifies that John Donovan 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: February 24, 2015

/s/William Brenner
William Brenner, Esq.
Chairperson, Northwest Ohio
Grievance Committee

Gov. Bar V, § 4 (l) 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 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 of 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 Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

9. Service upon 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.