

FILED

APR 22 2016

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

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

Andrew Osyp Martyniuk, Esq.
312 West Main Street
Kent, OH 44240

No. 16 - 015

Attorney Registration No. (0064997)

Respondent,

COMPLAINT AND CERTIFICATE

(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

Relator.

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

1. Respondent, Andrew Osyp Martyniuk, was admitted to the practice of law in the state of Ohio on November 13, 1995. 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 September 29, 2014, respondent appeared before the Honorable John A. Enlow in the Portage County Common Pleas Court.
3. On that day, respondent was charged, through a 20-count Bill of Information, each charging a felony of the fourth degree, with pandering sexually oriented material involving a minor in violation of R.C. 2907.322(A)(5).

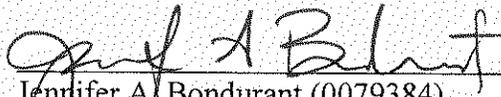
4. On that same day, respondent pled guilty to all of the charges.
5. As a part of his plea, respondent admitted that he did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.
6. On February 9, 2015, respondent was sentenced to a period of five years in state prison. The court suspended the prison sentence on the condition that respondent successfully complete a period of five years of supervision. The court ordered respondent undergo a sex offender evaluation and pay a fine of \$5,000, in addition to court costs. Finally, respondent is required to register as a tier two sex offender for a period of twenty-five years.
7. On November 20, 2015, in accordance with Gov. Bar R. V(18)(A)(4), the Supreme Court suspended respondent on an interim basis for his felony conviction. Respondent remains suspended pending the conclusion of these proceedings.
8. Respondent's conduct violates the following provisions of the Ohio Rules of Professional Conduct: Prof. Cond. R. 8.4(b) [a lawyer shall not commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness], and, in light of the particularly egregious nature of his misconduct involving materials relating to minors, Prof. Cond. R. 8.4(h) [a lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness to practice law].

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.



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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 Jennifer A. Bondurant 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 22, 2016



Scott J. Drexel, Disciplinary Counsel