FILED

MAY 25 2016

BOARD OF PROFESSIONAL CONDUCT

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

In re:

Complaint against

Susan Joan Phillips, Esq.
162 Rosa St.
Tiffin, OH 44883

Attorney Registration No. ~~**(0029098)**~~ 0043971

Respondent,

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

Relator.

No. 16-018

COMPLAINT AND CERTIFICATE

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

RECEIVED

MAY 24 2016

BOARD OF PROFESSIONAL CONDUCT

Now comes relator, Disciplinary Counsel, and alleges that respondent, Susan Joan Phillips, an Attorney at Law, is guilty of the following misconduct:

1. Respondent was admitted to the practice of law in the State of Ohio on May 14, 1990.

2. As an attorney, respondent is subject to the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio.

3. On September 15, 2015, the Supreme Court of Ohio suspended respondent from the practice of law pursuant to a felony conviction in accordance with Gov. Bar R. V(18)(A)(1)(a), which is explained in more detail below.

4. Respondent remains suspended from the practice of law pursuant to the Court's September 15, 2015 order.

Criminal Conviction

5. Respondent was appointed as the interim director of Seneca County Agency Transportation (SCAT) on or about August 26, 2013.

6. SCAT is a non-profit organization that provides door-to-door transportation for residents of Seneca County.

7. Due to SCAT's significant financial resources and its desire for all of its funds to be protected by the Federal Deposit Insurance Corporation (FDIC), SCAT maintained its funds in several accounts at different banks.

8. One such account (XXXXX6008) was at Fifth Third Bank. This account was commonly referred to as the "overflow" or "rainy day" account and was only used when SCAT's funds at another bank were in danger of exceeding the $250,000 FDIC protection limit. Accordingly, it was rare for there to be any deposits or withdrawals from this account in that funds were only deposited or transferred into this account when such deposit or transfer would have caused another one of SCAT's accounts to exceed the $250,000 FDIC protection limit.

9. On December 1, 2013, the balance in SCAT's Fifth Third Bank account was $6,503.76.

10. Between December 11, 2013 and December 31, 2013, respondent's son, Michael Woodman, stole $6,503.70 from SCAT by making 23 online transfers of funds from SCAT's Fifth Third Bank account to respondent's personal account, which was also at Fifth Third Bank. By December 31, 2013, the balance in SCAT's Fifth Third Bank account was $.22, which included a deposit of $.16 for interest.

11. On December 11, 2013, the balance in respondent's personal account at Fifth Third Bank was $21.06.

12. Other than the online transfers of stolen funds into her account, the only deposits into respondent's personal account between December 11, 2013 to December 31, 2013 were two payroll checks from SCAT totaling $2,028.07 and a $1,000 advance that respondent had received from Fifth Third's Early Access Program – a program that allowed bank account holders early access to direct deposit funds for a 10% fee.

13. Simultaneous to the transfers of stolen funds into her account, respondent personally made 13 counter withdrawals totaling $4,275 from her personal account and provided a majority of the funds to her son. In addition, she and/or her son withdrew $3,664 via 13 ATM transactions and $462.61 via six debit card transactions. The remainder of the funds in respondent's personal account was depleted by two transfers totaling $1,100 to the Early Access Program, two debt payments totaling $281, and $45 in bank fees.

14. Between December 11, 2013 and December 31, 2013, the activity in respondent's personal account was as follows:

Beginning Balance:	$21.06
Deposits (Payroll):	$2,028.07
Deposits (Early Access):	$1,000
Deposits (Stolen SCAT Funds):	$6,503.70
Total after Deposits:	$9,552.83
Withdrawals (Counter):	$4,275
Withdrawals (ATM):	$3,664
Withdrawals (Early Access):	$1,100
Withdrawals (Debit Card):	$462.61
Withdrawals (Debt Payments):	$281.00
Bank Fees (ATM/Overdraft):	$45.00
Total Withdrawals:	$9,827.61
Balance:	-$274.78

15. As shown in the chart above, the balance in respondent's personal account as of December 31, 2013 was a negative $274.78 meaning that respondent and/or her son withdrew all of the stolen SCAT funds from her account by December 31, 2013.

16. On June 11, 2015, respondent's son pled guilty to one count of theft, a felony of the fifth degree, for making the online transfers from SCAT's Fifth Third Bank account to respondent's personal account. He was sentenced to three years community control and ordered to pay restitution to SCAT in the amount of $6,503.70.

17. On August 21, 2015, respondent was found guilty by a jury of one count of Complicity to Theft, a felony of the fifth degree.

18. On October 7, 2015, respondent was sentenced to three years of community control. In addition, she was ordered to pay $6,503.70 in restitution to SCAT; however, her restitution order was considered joint and several to the restitution order in her son's criminal case.

19. Upon information and belief, neither respondent, nor her son, have made any restitution payments to SCAT as of the date of this complaint.

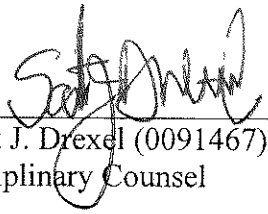
20. By engaging in conduct that resulted in a felony conviction, respondent violated Prof. Cond. R. 8.4(b) (prohibiting a lawyer from committing an illegal act that reflects adversely on the lawyer's honesty or trustworthiness); Prof. Cond. R. 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Prof. Cond. R. 8.4(h) (prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer's fitness to practice law).

Statement of Restitution Pursuant to Gov. Bar. R. V(10)(E)(1)(b)

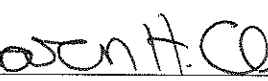
21. Upon information and belief, respondent owes $6,503.70 to SCAT; however, at the very minimum, she owes SCAT the difference between $6,503.70 and the amount that her son, Michael Woodman, has paid to SCAT in restitution.

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V and the Ohio Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct and 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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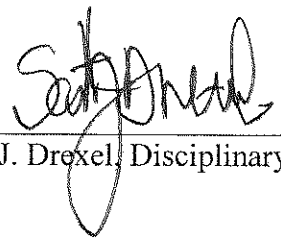
Karen.Osmond@sc.ohio.gov
Counsel for Relator

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 responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: May 24, 2016



Scott J. Drexel, Disciplinary Counsel