

FILED
NOV 02 2015
BOARD OF PROFESSIONAL CONDUCT

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

IN RE: COMPLAINT AGAINST
Timothy Eric Bellew
7695 Glen Oaks Drive NE
Warren, Ohio 44484
Attorney Registration No. 0067573

CASE NO. **15 - 062**

COMPLAINT AND CERTIFICATE

Respondent

TRUMBULL COUNTY BAR ASSOCIATION
CERTIFIED GRIEVANCE COMMITTEE
120 High Street, N.W.
P. O. Box 4222
Warren, Ohio 44482

(RULE V OF THE SUPREME COURT
RULES FOR THE GOVERNMENT
OF THE BAR OF OHIO)

RECEIVED

Relator

NOV 19 2015
BOARD OF PROFESSIONAL CONDUCT

COPY

1. Now comes the Relator and says that Respondent, Timothy Eric Bellew, Ohio Supreme Court Registration No. 0067573, was admitted to the practice of law in the State of Ohio on May 12, 1997.
2. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio and has heretofore been given notice of the allegations of this Complaint and the opportunity to respond thereto.
3. This Complaint is filed as a result of an investigation conducted by the Trumbull County Bar Association Certified Grievance Committee and a majority of the Committee members constituting a quorum determining that this Complaint is warranted.
4. Respondent is a solo practitioner whose last known business address was 214 North State Street, Girard, Ohio 44420.

5. Respondent is currently suspended from the practice of law as the result of the January 21, 2015 order in Supreme Court Case No. 2014-2175, which resulted from the case that Relator filed against Respondent with this board last year, which was Board of Professional Conduct Case No. 2014-057.

COUNT ONE

THE JOSEPH DOWNIN MATTER

6. During October 2014, Joseph Downin ("Mr. Downin") was seeking legal counsel for a dissolution in Stark County.
7. He located Respondent based on Respondent's Craig List advertisement, which advertised a dissolution for \$300.00.
8. On or about October 27, 2014, Mr. Downin met with Respondent at a Kinko's in Canton.
9. Respondent counseled Mr. Downin regarding the proposed dissolution, and Mr. Downin filled out a worksheet for a dissolution.
10. During that meeting, Mr. Downin signed a fee agreement and paid respondent \$300.00 cash.
11. The fee agreement lists the \$300.00 as both a retainer and a flat fee but also lists an hourly rate of \$75.00.
12. On October 31, 2014, Mr. Downin and his wife, Cindy Downin, met with Respondent at the same Kinko's where Mr. Downin met with Respondent on October 27, 2014.
13. Respondent presented to Mr. and Mrs. Downin a draft Petition for Dissolution of Marriage, waivers of service of summons for both parties, and a separation agreement.
14. Mr. and Mrs. Downin signed the documents, and Mr. Downin paid Respondent \$245.00 in cash for the filing fee.
15. Mr. Downin then waited to hear from Respondent but did not hear from him.

16. Near the end of November 2014, Mr. Downin began calling respondent every other day and leaving voicemail messages.

17. Mr. Downin then began calling every day and leaving voicemail messages.

18. Respondent did not return Mr. Downin's calls or respond to him in any way.

19. Mr. Downin eventually contacted Stark County Domestic Relations Court and learned that the Petition for Dissolution had not been filed.

20. As of March 5, 2015, the date that the investigator gave his report to Relator, Respondent still had not communicated with Mr. Downin since Mr. Downin's October 31, 2014 meeting with him.

21. As a result of Respondent's failure to file Mr. Downin's Petition for Dissolution of Marriage, Mrs. Downin will no longer agree to a dissolution but will now make Mr. Downin file a divorce to terminate their marriage.

22. By accepting Mr. Downin's money and failing both to provide the services agreed upon and failing to refund the unearned portion of the retainer, Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

23. Respondent's conduct as described in Count One herein violates the Ohio Rules of Professional Conduct, to-wit:

(A) Rule 1.3: Diligence - A lawyer shall act with *reasonable* diligence and promptness in representing a client.

(B) Rule 1.4: Communication - (a) A lawyer shall do all of the following... (3) Keep the client reasonably informed about the status of the matter; (4) Comply as soon as practicable with reasonable requests for information from the client.

(C) Rule 8.1: Bar Admission and Disciplinary Matters - In connection with a bar admission application or in connection with a disciplinary matter, a lawyer shall not do any of the following... (b) In response to a demand for information from an admissions or disciplinary

authority, fail to disclose a material fact or knowingly fail to respond, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

(D) 8.4(c): Misconduct – A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

COUNT TWO

THE CAROLE BAUMGARTNER-AYERS MATTER

24. On May 24, 2014, Carole Baumgartner-Ayers (“Mrs. Baumgartner-Ayers”) met with respondent at the Niles McKinley Public Library to hire him to handle her divorce.
25. Respondent informed Mrs. Baumgartner-Ayers that the divorce should not be complicated, as she and her husband were living separate and apart and had no children with each other.
26. Respondent told Mrs. Baumgartner-Ayers that he needed \$200.00 to get started.
27. Mrs. Baumgartner-Ayers then paid him \$200.00 in cash.
28. Respondent did not provide Mrs. Baumgartner-Ayers with a written fee agreement or engagement letter but told her that he could handle her divorce for about \$550.00 to \$600.00 total.
29. About a week later, Mrs. Baumgartner-Ayers called Respondent a couple of times to check on the status of her case.
30. Respondent eventually returned her calls and stated that he had filed her divorce.
31. Mrs. Baumgartner-Ayers said that she had checked the online docket earlier and that the case did not appear on the docket.
32. Respondent claimed that he had taken the documents to court but that they were simply not showing up on the docket yet.
33. Mrs. Baumgartner-Ayers then called Trumbull County Domestic Relations Court and was told that no case had been filed in her name.

34. Mrs. Baumgartner-Ayers called Respondent back and told him that the Court had told her that the case had not been filed.
35. Respondent claimed that the Court should have Mrs. Baumgartner-Ayers's divorce documents and blamed the Court for not having them.
36. Before finishing the call, Respondent asked Mrs. Baumgartner-Ayers to meet with him again both to finish the documents and so that she could pay him more money.
37. On July 7, 2014, Mrs. Baumgartner-Ayers met with Respondent again.
38. Respondent stated that her divorce case had been filed and asked for an additional \$250.00 to complete the costs of the divorce.
39. Mrs. Baumgartner-Ayers paid Respondent an additional \$250.00 in cash.
40. Five or six days later, Mrs. Baumgartner-Ayers called Respondent to check on the status of her case.
41. Respondent did not return her calls.
42. Mrs. Baumgartner-Ayers again checked the online docket and saw no evidence that her case had been filed.
43. A few weeks later, Mrs. Baumgartner-Ayers went to Trumbull County Domestic Relations Court to check on her case.
44. A Deputy Clerk told her that no case had been filed either under her name or her husband's name.
45. Mrs. Baumgartner-Ayers again called Respondent several times, but he did not return her calls.
46. She eventually learned that his number had been disconnected.
47. Mrs. Baumgartner-Ayers attempted to contact Respondent through Facebook messaging.
48. Respondent responded to her once and said that he had lost the paper work but did not respond again.

49. Other than the Facebook message addressed in Paragraph 48, Respondent has not communicated with Mrs. Baumgartner-Ayers since the July 7, 2014 meeting.

50. By accepting Mrs. Baumgartner-Ayers's money and failing both to provide the services agreed upon and failing to refund the unearned portion of the retainer, Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

51. Respondent's conduct as described in Count Two herein violates the Ohio Rules of Professional Conduct, to-wit:

(A) Rule 1.3: Diligence - A lawyer shall act with *reasonable* diligence and promptness in representing a client.

(B) Rule 1.4: Communication – (a) A lawyer shall do all of the following...(3) Keep the client reasonably informed about the status of the matter; (4) Comply as soon as practicable with reasonable requests for information from the client.

(C) Rule 8.1: Bar Admission and Disciplinary Matters – In connection with a bar admission application or in connection with a disciplinary matter, a lawyer shall not do any of the following... (b) In response to a demand for information from an admissions of disciplinary authority, fail to disclose a material fact or knowingly fail to respond, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

(D) 8.4(c): Misconduct – A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

CONCLUSION

WHEREFORE, pursuant to Gov. Bar R. V and the Rules of Professional Conduct, Relator says that Respondent is chargeable with misconduct and requests that the Respondent be disciplined pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

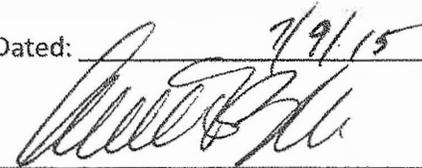
TRUMBULL COUNTY BAR ASSOCIATION

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COUNTY BAR ASSOCIATION CERTIFIED
GRIEVANCE COMMITTEE

CERTIFICATION

The undersigned, Samuel F. Bluedorn, Chairman of the Trumbull County Bar Association Certified Grievance Committee, hereby certifies that William M. Flevares and Randil J. Rudloff are authorized to represent the Relator in the premises and have accepted the responsibility of prosecuting the Complaint herein to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such Complaint.

Dated: 7/9/15


SAMUEL F. BLUEDORN, CHAIRMAN, TRUMBULL
COUNTY BAR ASSOCIATION CERTIFIED
GRIEVANCE COMMITTEE

CERTIFICATE OF SERVICE

A copy of the foregoing Complaint was served upon Respondent by certified mail and ordinary U.S. Mail the 15th day of October, 2015 at the address set forth above.



William M. Flevares #0059960
Trumbull County Bar Counsel

INSTRUCTIONS FOR SERVICE

Please serve a copy of the Amended Complaint upon the Clerk of the Supreme Court in Accordance with Gov. Bar R. V, Section 11.



William M. Flevares #0059960
Trumbull County Bar Counsel