

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

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In re:

BOARD OF PROFESSIONAL CONDUCT

Complaint against

Ronnie Michael Tamburrino, Esq.
6666 Dawsey Road
Rock Creek, OH 44084

15 - 078

No. _____

Attorney Registration No. (0021594)

COMPLAINT AND CERTIFICATE

Respondent,

(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

FILED

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Relator.

BOARD OF PROFESSIONAL CONDUCT

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

1. Respondent, Ronnie Michael Tamburrino, was admitted to the practice of law in the state of Ohio on November 1, 1983. 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. At all times alleged herein, respondent was a candidate for a seat on the 11th District Court of Appeals; consequently, respondent was also subject to Canon 4 of the Code of Judicial Conduct and its corresponding Rules.

COUNT ONE

3. On July 25, 2008, 11th District Court of Appeals Judge Timothy Cannon wrote a *concurring* opinion in the *State v. Andrews* case, which arose from a police officer's warrantless entry and arrest of a woman for Contributing to the Delinquency of a Minor, a first-degree misdemeanor, in violation of R.C. 2119.24(A)(2), following a party that involved teenage children drinking alcohol in the defendant's home.
4. The majority found the warrantless entry into the defendant's home violated the Fourth Amendment and reversed and remanded the case to the trial court.
5. In his concurring opinion, Judge Cannon wrote, "While I recognize the great concern for the problems associated with underage drinking, I must also recognize the rights afforded to an individual, secure in the environment of his or her home, by the Fourth Amendment."
6. Judge Cannon continued, stating:

The majority opinion also indicates that there is no need to address the fact that the instant offense is a misdemeanor versus a felony because there were "no exigent circumstances" to justify the intrusion. I, however, believe the fact that the instant offense is a misdemeanor offense is of particular importance, because it is a factor to consider in making the assessment of whether exigent circumstances exist. I would want nothing in this decision to deter an officer from exercising his duty if he clearly observes a serious misdemeanor offense or an offense of violence, or if he has other good cause to make an intrusion.
7. Six years later, in 2014, respondent filed a petition to run for the 11th District Court of Appeals against the incumbent, Judge Timothy Cannon.
8. During respondent's campaign, respondent ran a television advertisement that featured a judge on the bench serving alcohol to three minor children who were standing before the judge's bench.
9. As the scene unfolded, the narrator stated:

Everyone knows a judge would never serve alcohol to kids in a courtroom. But Appellate Judge Tim Cannon did something almost as bad. In the case, *State v. Andrews*, Cannon ruled that cops couldn't enter a house to arrest a parent who was hosting a teenage drinking party because he felt teenage drinking wasn't a serious crime. **Cannon doesn't think teenage drinking is serious.** What else does he think isn't serious? We can't afford Tim Cannon's bad judgment. Elect Ron Tamburrino to the 11th District Court of Appeals. [Emphasis Added].

10. When the narrator stated, "**Cannon doesn't think teenage drinking is serious,**" the three minor children in the ad were pictured simultaneously with a small vignette of Judge Cannon, along with the text, "Judge Tim Cannon does not think teenage drinking is a serious offense." [Emphasis Added].
11. Respondent's conduct in Count One violated the following rules:
 - By insinuating that Judge Cannon's legal analysis in the *State v. Andrews* case was akin to a judge committing a crime by serving alcohol to underage children in a courtroom, respondent violated Jud.Cond.R. 4.2(A)(1) [A judicial candidate shall be responsible for acting at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary]; and,
 - In stating that "Judge Cannon doesn't think teenage drinking is serious", respondent violated Jud.Cond.R. 4.3(A) [During the course of any campaign for election to judicial office, a judicial candidate shall not, by means of campaign materials, including advertisements on television or electronic communication, post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent, either knowing the information to be false or with reckless disregard of whether or not it was false].

COUNT TWO

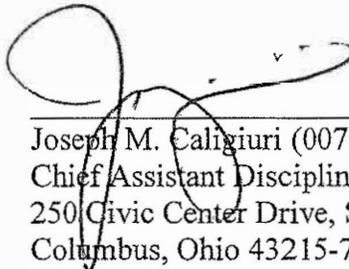
12. During respondent's election campaign, respondent ran an advertisement that read, "Cannon won't disclose his Taxpayer Funded Travel Expenses".
13. Before running the ad, respondent had never asked Cannon or his campaign to disclose his taxpayer funded travel expenses.
14. By publishing false statements about Judge Cannon, respondent's Conduct in Count Two violated Jud.Cond.R. 4.2(A)(1) [A judicial candidate shall be responsible for acting at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary]; and, Jud.Cond.R. 4.3(A) [During the course of any campaign for election to judicial office, a judicial candidate shall not, by means of campaign materials, including advertisements on the radio or television, electronic communications, or otherwise, shall not post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent, either knowing the information to be false or with a reckless disregard of whether or not it was false].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, and the Code of Judicial 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

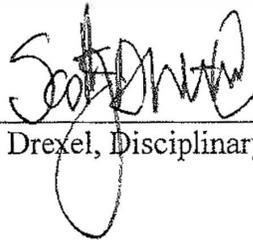


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Joseph M. Caligiuri 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: December 2, 2015

A handwritten signature in black ink, appearing to read "Scott J. Drexel", written over a horizontal line.

Scott J. Drexel, Disciplinary Counsel