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BOARD OF PROFESSIONAL CONDUCT

BEFORE THE BOARD PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

In Re: *Complaint Against*	:	
KEITH J. NOWAK, ESQ. **(0084581)** 118 Olentangy Street, Columbus, OH 43202 *RESPONDENT,*	:	No. 15-056
by	:	**COMPLAINT** **And CERTIFICATE** (Rule V of the Supreme Court Rules for the Government of the Bar of Ohio)
COLUMBUS BAR ASSOCIATION 175 South Third Street, S-1100 Columbus, OH 43215-5134 *RELATOR.*	:	
	:	

FILED
OCT 02 2015
BOARD OF PROFESSIONAL CONDUCT

Now comes the Relator and alleges that Keith J. Nowak, Esq. (Registration No. 0084581), an Attorney at Law, duly admitted to the practice of law in this State of Ohio is guilty of the following misconduct:

Background

1. On March 27, 2013, Keith J. Nowak ("Respondent") was arrested in Columbus, Ohio, and charged with the following offenses:

a) Operating a Motor Vehicle While Under the Influence, in violation of Columbus City Code section 2133.01 A1A;

b) Failure to Disclose Personal Information, in violation of Ohio Revised Code ("R.C.") 2921.29;

c) Misdemeanor Drug Abuse (possession of marijuana), in violation of R.C. 2925.11;

d) Changing Course Without Safety and also Failure to Signal for a Turn, in violation of Columbus City Code section 2131.14 (A);

e) OVI Refusal with Priors, in violation of R.C. 4511.19 (A)(2).

2. On January 14, 2014, Respondent plead Guilty to a lesser misdemeanor charge of Being in Physical Control of a Vehicle While Under the Influence, in violation of Columbus City Code Section 2133.012(A).

3. On July 16, 2014, the Columbus City Attorney's Office made this disclosure to Relator pursuant to Rule 8.3 of the Ohio Rules of Professional Conduct.

4. On July 22, 2014, Relator sent a letter of inquiry to Respondent, requesting a response. Relator sent a certified follow-up letter to Respondent on August 8, 2014. Respondent failed to follow-up.

5. An investigator from the Office of Disciplinary Counsel was needed to locate Respondent because Respondent failed to keep current his contact information with the Ohio Supreme Court.

6. On December 4, 2014, the Office of Disciplinary Counsel investigator served Respondent with a letter of inquiry from Relator.

7. In December 2014, Relator made several attempts to contact Relator on his cellular telephone, but these were unsuccessful due to a full voicemail.

8. On December 23, 2014, Relator contacted Respondent through email and requested a response to the Letter of Inquiry.

9. Respondent finally contacted Relator after he received Relator's mail correspondence and emails.

10. Respondent agreed to meet Relator on January 6, 2015, but he failed to appear and made no attempt to contact Relator.

11. On January 8, 2015, Respondent attended the second scheduled meeting with Relator. Respondent discussed the March 27, 2013 incident, acknowledged his failure to update

his contact information, and blamed the process and others for his current situation. He disclosed struggles with depression and agreed to Relator's request that he contact the Ohio Lawyers Assistance Program ("OLAP") for evaluation.

12. Respondent initiated contact with OLAP, but he refused to enter into a treatment contract. Respondent stated he was financially unable to pay for OLAP services, even though OLAP provided Relator with low-cost referrals and other programs to help clients with financial difficulties.

13. On February 21, 2015, Respondent emailed Relator conveying his refusal to participate with OLAP.

14. Respondent's e-mail correspondence to Relator from February 13, 2015, February 19, 2015, February 20, 2015, and February 21, 2015, contained disrespectful language towards Relator, further demonstrating Respondent's unprofessional conduct and lack of fitness to practice law.

15. On March 16, 2015, Relator sent a letter to Respondent regarding the potential repurcussions if Respondent failed to participate with OLAP.

16. Respondent failed to participate with OLAP and has made no further attempts to communicate with Relator.

17. Relator does not feel restitution from Respondent is appropriate in this case.

18. Respondent, by his acts and failures to act, has violated the following provisions of the Rules of Professional Conduct:

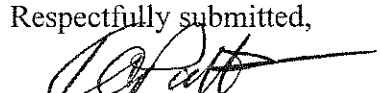
Prof.Cond.R. 8.1(b) [failing to respond to a demand for information by a disciplinary authority];

Prof.Cond.R. 8.4(h) [engaging in conduct that adversely reflects on the lawyer's fitness to practice law];

Gov.Bar R. V(4)(G) [failing to assist in an investigation].

Wherefore, Relator prays that Respondent be found to have committed professional misconduct and that he be given appropriate sanctions.

Respectfully submitted,



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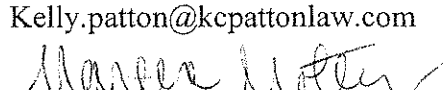

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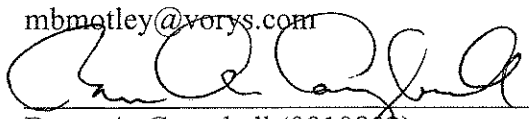

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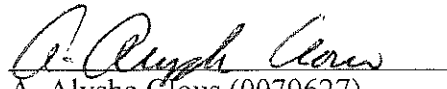

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COUNSEL FOR RELATOR

CERTIFICATE

The undersigned Chair of the Certified Grievance Committee of the Columbus Bar Association hereby certifies that Kelly C. Patton, Esq., Martha Motley, Esq., Bruce A. Campbell, Esq. and A. Alysha Clous, Esq. are duly authorized to represent Relator in the premises and have 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: 8/27/15

Signed: _____

Lisa Pierce-Reisz, Esq.
Chair of the Certified Griev. Committee

(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.)
Section (11)

(11) *The Complaint; Where Filed; By Whom Signed.* A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designated as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary of Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an offices of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance Committee serving the county of counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.