

THE SUPREME COURT OF OHIO
BOARD OF COMMISSIONERS
ON THE
UNAUTHORIZED PRACTICE OF LAW

03-0259

COLUMBUS BAR ASSOCIATION,)
)
 Relator,)
)
 v.)
)
 LEONARD P. VERNE, JR.,)
)
 Respondent.)

Case No. UPL 02-03

REPORT

ON COMPUTER-SMW

This matter came before the Board of Commissioners on the Unauthorized Practice of Law on September 18, 2002, upon Complaint of the Relator, Columbus Bar Association, who appeared with counsel. Respondent, Leonard P. Verne, Jr., appeared with counsel. All members of the Board were present. A transcript of the proceedings was filed with the Board.

The Relator based its case on the Complaint, its briefs, the presentation of witnesses Jack Thrush, Jeffrey D. Sammons, Esq., and Respondent, Leonard P. Verne, Jr., as on cross-examination, and Exhibits 1, 2, 3, 4, 5, 9, 10, 11, 12, and 13. Respondent based his defense on his pleadings, his briefs, the presentation of witnesses Leonard P. Verne, Jr., CPA and John VanSickle, Esq., and Exhibits A, B, C, E, F, H, K, L, BB, and CC. Relator presented witness Randall B. Carr, CPA in rebuttal. The Ohio State Bar Association and the Ohio Society of Certified Public Accountants filed amicus curiae briefs.

FILED
FEB 05 2003
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

FINDINGS OF FACT

1. Relator, Columbus Bar Association, is duly authorized to investigate activities and initiate complaints that may constitute the unauthorized practice of law within the State of Ohio. (Gov. Bar R. VII, §§4 and 5)
2. Leonard P. Verne, Jr. has not been admitted to the practice of law in Ohio or any other jurisdiction. (Relator's Ex. 13)
3. Leonard P. Verne, Jr., a certified public accountant, provided legal advice to his clients in the manner of recommending the form of business to use, of creating corporations and limited liability companies, of preparing incorporation and LLC documents, and of preparing operating agreements for companies which he created.
4. Specifically, Respondent created an LLC known as JET Powerwashing, LLC for Jack Thrush and Sean Koch in 1997, by recommending that form of corporation and by preparing and filing the necessary incorporation documents to be signed by Mr. Thrush and Mr. Koch.
5. Respondent did not recommend to Messrs. Thrush and Koch that a lawyer should be involved in the formation and organization of this company.
6. Respondent charged a fee to Messrs. Thrush and Koch for the services described in paragraphs 4 and 5, above.
7. Respondent has created similar corporations for other clients at the rate of one to two per year since the date of his licensure as a CPA in 1992.
8. Respondent testified that incorporation documents and contracts are "commercial documents" which he is entitled to prepare for his accounting clients. In his

opinion, the Ohio Supreme Court did not have the authority to regulate such conduct, and that only matters that involve the courts constitute the practice of law. For this reason, Respondent stated his intent to prepare documents and create corporations for his clients without the assistance of a lawyer.

CONCLUSIONS OF LAW

1. The Supreme Court of Ohio has original jurisdiction regarding admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law in Ohio. Article IV, Section 2(B)(1)(g); Ohio Constitution. *Royal Indemnity Co. v. J.C. Penney Co.* (1986), 27 Ohio St. 3d 31, 501 N.E. 2d 617; *Judd v. City Trust & Savings Bank* (1937), 133 Ohio St. 81, 12 N.E. 2d 288.
2. The unauthorized practice of law consists of rendering legal services for another by any person not admitted to practice law in Ohio. (Gov. Bar R VII, §2(A))
3. The practice of law includes the preparation of legal instruments of all kinds and, in general, all advice to clients and actions taken for them in matters connected with the law. *Land Title & Trust Co. v. Dworken* (1934), 120 Ohio St. 23, 193 N.E. 650. This includes the preparation of articles of incorporation and the giving of legal advice incident to the formation of a corporation. *Cincinnati Bar Association v. Davis*, 62 Ohio Misc. 2d 64, 590 N.E. 2d 916 (March 4, 1992), which cites *Ohio State Bar Assn. v. Brunson* (June 29, 1978), Darke C.P. No. 43501, unreported, and *Ohio State Bar Assn. v. Keyes* (April 26, 1979), Fairfield C.P. No. 45395, unreported.

4. Respondent has engaged in the unauthorized practice of law through preparing Articles of Incorporation, Articles of Organization, and Regulations on behalf of Messrs. Thrush and Koch to create JET Powerwashing, LLC.
5. Respondent has engaged in the unauthorized practice of law in providing legal advice to Messrs. Thrush and Koch in matters incident to the formation of JET Powerwashing LLC.
6. Respondent has engaged in a pattern of engaging in the unauthorized practice of law in the manners described in paragraphs 4 and 5, above, for others, including, but not limited to, Old Log House Plantation, Inc. (Exs. 2 and 10) and Capital Automotive & Radiator, Inc. (Exs. 3 and 11).

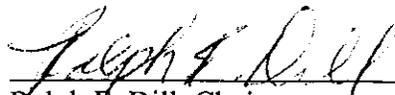
RECOMMENDATIONS

The Board recommends that the Supreme Court of Ohio issue an order finding that Respondent has engaged in the unauthorized practice of law.

The Board further recommends that the Supreme Court of Ohio issue further orders prohibiting Respondent from engaging in the unauthorized practice of law in the future.

STATEMENT OF COSTS

Attached as Exhibit A is a statement of costs and expenses incurred to date by the Board and Relator in this matter.



Ralph E. Dill, Chair
Board of Commissioners on the
Unauthorized Practice of Law

**BOARD OF COMMISSIONERS ON THE
UNAUTHORIZED PRACTICE OF LAW OF THE
SUPREME COURT OF OHIO**

STATEMENT OF COSTS

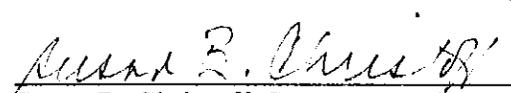
Case No. UPL 02-03
Columbus Bar Association, Relator v.
Leonard P. Verne, Jr., Respondent

Reimbursement to Columbus Bar Association (12/13/00)	\$ 56.93
Reimbursement to Columbus Bar Association (6/15/01)	70.00
Armstrong and Okey, Inc. 9/18/02 Hearing and Transcript	<u>1,193.75</u>
TOTAL	\$1,320.68

EXHIBIT A

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Report was served by certified mail upon the following this 5th day of February, 2003: Columbus Bar Association, 175 South Third Street, Suite 1100, Columbus OH 43215; D. Alan Asbury, Esq., 1600 McKinley Avenue, Columbus OH 43222; Bruce A. Campbell, Esq., Bar Counsel, Columbus Bar Association, 175 South Third Street, Suite 1100, Columbus OH 43215; Leonard P. Verne, Jr., 20 Huber Village Blvd., Westerville OH 43081; Alan L. Bolen, Esq., 1000 High Street, Suite G, Worthington OH 43085; Eugene Whetzel, Esq., Ohio State Bar Association, 1700 Lake Shore Drive, PO Box 16562, Columbus OH 43216-6562; Steve A. Martin, Esq. and Teri G. Rasmussen, Esq., Blaugrund Herbert & Martin Inc., 5455 Rings Road, Suite 500, Dublin OH 43017.



Susan B. Christoff, Secretary to the Board