

OPINIONS OF THE SUPREME COURT OF OHIO

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Office of Disciplinary Counsel v. Roetzel.

[Cite as Disciplinary Counsel v. Roetzel (1994), Ohio St.3d .]

Attorneys at law -- Misconduct -- Indefinite suspension -- Conviction for attempted income tax evasion -- Conduct involving moral turpitude -- Conduct involving dishonesty, fraud, deceit or misrepresentation -- Conduct adversely reflecting on fitness to practice law.

(No. 94-971 -- Submitted July 27, 1994 -- Decided September 28, 1994.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-73.

On December 6, 1993, relator, Office of Disciplinary Counsel, filed a complaint alleging misconduct against respondent Bernard R. Roetzel of Stow, Ohio, Attorney Registration No. 0032235. The complaint alleged violations of DR 1-102(A)(3) (conduct involving moral turpitude), 1-102(A)(4) (conduct involving dishonesty, fraud, deceit or misrepresentation), and 1-102(A)(6) (conduct adversely reflecting on fitness to practice law).

These charges arose from respondent's October 1, 1993 plea of guilty, in the United States District Court for the Northern District of Ohio, to attempted income tax evasion. On that same day, claimant was sentenced to two years' probation subject to certain conditions. By November 12, 1993 order of the Supreme Court of Ohio, respondent was indefinitely suspended from the practice of law. In re Roetzel (1993), 67 Ohio St.3d 1499, 622 N.E.2d 648.

Respondent's failure to respond to the December 6, 1993 complaint prompted relator's motion for default judgment on March 2, 1994. On March 9, 1994, respondent was found in contempt by this court in case No. 93-2091, for failing to comply with the court's November 1993 order.

Relator's motion for default judgment was heard by a panel of the Board of Commissioners on Grievances and Discipline ("board"). The panel sustained the motion and found respondent guilty of all Disciplinary Rule violations. It recommended that respondent be indefinitely suspended from the practice of

law in Ohio without credit for time served since November 1993. The board concurred in the panel's findings, conclusions and recommendation, and further recommended that the costs of the proceedings be taxed to respondent.

Geoffrey Stern, Disciplinary Counsel, and Alvin E. Mathews, Assistant Disciplinary Counsel, for relator.

Per Curiam. We concur in the findings and recommendations of the board. Respondent is hereby indefinitely suspended from the practice of law in Ohio with no credit given for time served since November 1993. Costs taxed to respondent.

Judgment accordingly.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.