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

NOV 04 2016

In re:

BOARD OF PROFESSIONAL CONDUCT

Complaint against

Gigi Hoang Fuhry, Esq.
3751 Tamarisk Drive
Akron, OH 44333

No. 16 - 060 a a

Attorney Registration No. (0071630)

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

NOV 04 2016

Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that Gigi Hoang Fuhry, an attorney at law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Gigi Hoang Fuhry, was admitted to the practice of law in the state of Ohio on November 8, 1999. Respondent is subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio. Respondent has never been admitted to practice law in any jurisdiction other than Ohio.
2. On November 13, 2012, respondent was sanctioned for failing to complete her continuing legal education requirements, CLE-2012-71630. Notice of the sanction was mailed to respondent by certified mail to 515 Cary Woods Circle, Cary, IL, the address respondent registered with the Office of Attorney Services. Despite receiving notice, she did not claim the certified mail.

3. On October 9, 2013, a Notice of Apparent Noncompliance was mailed to respondent by first-class mail to 515 Cary Woods Circle, Cary, IL, the address respondent registered with the Office of Attorney Services.
4. On November 1, 2013, the Supreme Court suspended respondent from the practice of law for failing to register for the 2013/2015 biennium, *11/01/2013 Administrative Actions*, 2013-Ohio-4827.
5. On November 1, 2013, notice that her license to practice law was suspended for failing to register was mailed by certified mail to Genworth Financial, 200 N. Martingale Rd., Schaumburg, IL, the address respondent registered with the Office of Attorney Services. Delivery was accepted on November 6, 2013.
6. Approximately one year later, on November 3, 2014, respondent was hired as Staff Counsel and Director of Institutional Compliance by ValMark Securities (“ValMark”).
7. The legal position at ValMark required respondent to be a member in good standing of at least one state bar.
8. As Staff Counsel, respondent provided legal advice on behalf of ValMark to internal clients, and, drafted and revised contracts and agreements, including vendor agreements and non-disclosure agreements.
9. On December 4, 2014, respondent completed a Uniform Application for Securities Industry Registration or Transfer, which was a requirement of her employment at ValMark. On this form, respondent falsely attested that she has never had her authorization to act as an attorney revoked or suspended.
10. In addition to the attorney registration suspension (see ¶4), on December 17, 2014, respondent was suspended from the practice of law for failing to complete her continuing

legal education requirements, CLE-2014-71630. Notice of the suspension was mailed to respondent by certified mail to Genworth Financial, 200 N. Martingale Rd., Schaumburg, IL, the address respondent registered with the Office of Attorney Services. Delivery was accepted on December 22, 2014.

11. On or about October 26, 2015, ValMark's Chief Legal Counsel, Shelly Goering, mentioned to respondent that she had not received respondent's request for reimbursement of attorney registration fees. After speaking to respondent, Goering checked respondent's registration status on the Supreme Court of Ohio's website, and learned that respondent's license had been suspended since 2013. Goering brought the information to respondent regarding her license suspension.
12. On November 3, 2015, after not receiving an update regarding the license suspension, Goering met with respondent. Respondent admitted she was aware that her license to practice law had been suspended and that she delayed filling out the Uniform Application for Securities Industry Registration or Transfer form because she knew she would be answering falsely. Respondent was terminated from ValMark the same day.
13. On November 9, 2015, respondent filed an Application for Reinstatement.
14. On November 16, 2015, respondent was reinstated to the practice of law.
15. In response to relator's investigation that began in December 2015, respondent falsely asserted that she was unaware that her license to practice law was suspended. Respondent admitted that she failed to complete her continuing legal education requirements. Respondent further admitted that she failed to open letters that she received from the Supreme Court of Ohio.

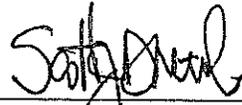
16. By the foregoing conduct, respondent violated the following provisions of the Rules of Professional Conduct and Rules for the Government of the Bar of Ohio:

- (a) By practicing law while under suspension, respondent violated Prof. Cond. R. 5.5(a) [a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction] and Gov. Bar. R. VI 10(C) [a lawyer shall not practice law while under an administrative suspension for failing to register].
- (b) By failing to disclose that her license was suspended, respondent violated Prof. Cond. R. 5.5(a)(2) [a lawyer who is not admitted to the practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction].
- (c) By providing false information on her Uniform Application for Securities Industry Registration or Transfer form, respondent violated Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].
- (d) By falsely stating to relator that she was not aware that her license to practice law had been suspended, respondent violated Prof. Cond. R. 8.1(a) [a lawyer shall not knowingly make a false statement of material fact in connection with a disciplinary matter].

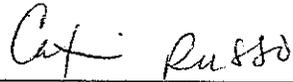
CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and the Rules of Professional 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

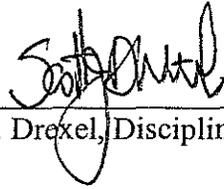


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Catherine M. Russo 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: October 28, 2016



Scott J. Drexel, Disciplinary Counsel