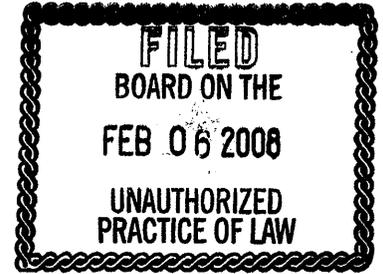


**BEFORE A PANEL OF THE BOARD ON THE  
UNAUTHORIZED PRACTICE OF LAW**



**OHIO STATE BAR ASSOCIATION,**

Relator,

v.

**JENNIFER DRAGUNAS,**

Respondent.

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Case No. UPL 07-02

**DISMISSAL  
ENTRY**

On June 11, 2007 the Ohio State Bar Association (“Relator”) filed with the Board on the Unauthorized Practice of Law (“Board”) a Complaint alleging that Jennifer Dragunas (“Repondent”) had engaged in the unauthorized practice of law. It is alleged that Respondent, who was a commissioned notary public, but not licensed to practice law in Ohio, engaged in the unauthorized practice of law by “completing and preparing” a Quitclaim Deed.

Respondent answered the Complaint on July 2, 2007 acknowledging that she had been presented with a Quitclaim Deed which she was asked to notarize. Before notarizing the document, Respondent noticed that it was a pre-printed form document that contained several blank lines that had not been completed. Respondent acknowledges she pointed out to the presenter of the deed (“Customer”) there were several blank lines on the form that were not completed. She further acknowledges that at the request of the Customer she scanned the form document into her computer and then proceeded to type information on the blank lines of the form that was provided by the Customer.

Stipulations were entered by the Relator and Respondent on September 4, 2007 along with a Waiver of Hearing whereby both parties agreed to waive their right to a hearing. An

Order was issued by the Board on November 28, 2007 requiring the parties to amend or otherwise supplement the Stipulations to directly address whether the conduct of the Respondent constituted the unauthorized practice of law, providing the parties with an opportunity to submit additional evidence and case law in support of their stipulation.

In response to the Order, the parties requested a telephone conference with the Panel Chair in the present action. A telephone conference in which both parties appeared through counsel took place on December 18, 2007 at which time the parties were informed that the intent of the November 28th Order was to provide the parties with an opportunity to present to the Panel any additional facts that would be relevant and helpful to the its decision. No additional factual assertions, stipulations, or legal authority were offered.

### **FINDINGS OF FACT**

1. Respondent is an Ohio resident, who at the time of the conduct in question was providing notary public services to a customer of her employer, a mortgage broker.
2. Respondent was not admitted to the practice of law in the state of Ohio.
3. The Customer requested that Respondent perform notary services in connection with a Quitclaim Deed that the Customer had brought with her and presented to the Respondent. The deed was a pre-printed form containing several blank spaces. The blank spaces for the names of the grantor and grantee and the description of the property in question had not been completed.
4. Before notarizing the document, Respondent pointed out to the Customer that the blanks in the preprinted form had not been completed. The Customer then requested that Respondent fill in the blanks with information the Customer provided. Respondent scanned the preprinted form Quitclaim Deed into her computer, so that she could type the information

provided by the Customer in the blanks on the form. The information typed by the Respondent included the date, names and addresses of the grantor and grantee and the legal description of the property all of which was provided to Respondent by the Customer. Respondent did not advise the Customer with respect to any matters regarding the pre-printed Quitclaim Deed presented to Respondent by the Customer other than pointing out there were blanks that had not been filled in.

5. Respondent's conduct resulted from an honest motive to assist others in completing a pre-printed form supplied to Respondent by the Customer. The conduct resulted in no personal benefit to the Respondent. Respondent did not hold herself out as being admitted to the practice of law in the state of Ohio and did not allow others to believe mistakenly that she was so admitted.

6. The parties are aware of no adverse consequences to others resulting from the conduct of Respondent at issue.

### **CONCLUSIONS OF LAW**

1. The completion by a notary public of a blank in a form provided by a customer with information provided by the customer is a clerical function involving ordinary intelligence and does not require legal skill, or legal knowledge. *Gustafson v. V.C. Taylor & Sons* (1941), 138 Ohio St. 392.

2. Preparation of legal documents constitutes the practice of law when such preparation involves the giving of advice, consultation, explanation, or recommendations on matters of law. *Franklin v. Chavis* (S.Car. 2007), 640 S.E. 2d 873. *See also Cleveland Bar Ass'n v. Nathaniel Washington*, UPL 03-10 (Oh.Un.Prac.Law Bd. 2005).

3. Scriveners may fill in blanks in deeds and other legal forms selected and provided by their customers. Such an activity carried out by the scrivener under the direction of the customer is not the practice of law. *Oregon State Bar v. Security Escrows, Inc.* (Oregon 1962), 377 P. 2d 334.

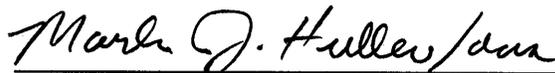
4. It is material to the Board's conclusions in the present matter that the deed form and the information to complete the form were provided by the Customer to the Respondent. *See Toledo Bar Association v. Chelsea* (2003), 100 Ohio St. 3d 356, 2003-Ohio-6453.

5. Based on the stipulated facts we conclude that Respondent's activities were clerical in nature. She made no legal decisions in completing the Quitclaim Deed on her computer; nor did she provide legal advice, guidance or direction.

**ORDER**

Pursuant to Gov.Bar R. VII (C) the Panel orders that the action be, and hereby is, dismissed.

**FOR THE BOARD ON THE UNAUTHORIZED  
PRACTICE OF LAW**



Mark J. Huller, Panel Chair

C. Lynne Day, Panel Member

Kevin L. Williams, Panel Member