

ORIGINAL

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

OHIO STATE BAR ASSOCIATION, :

Relator, :

v. :

13-0647

PAUL EUGENE MILLER, :

Respondent. :

FILED  
APR 24 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

Case No. UPL 10-08

FINAL REPORT  
Gov Bar R. VII(7)(G)

**I. OVERVIEW**

The Ohio State Bar Association (“OSBA”) filed a six-count complaint alleging respondent Paul Eugene Miller had engaged in the unauthorized practice of law. In the complaint, OSBA described how Miller, acting as agent and/or owner of his now defunct company, Diversified Benefits Group, Ltd. (“Diversified”)<sup>1</sup>, negotiated several real estate transactions in which Diversified purchased real property and purportedly assumed the existing mortgage. In those transactions, Miller advised homeowners, drafted deeds, trust agreements, and other documents. When a suit was filed in connection with the property, Miller, who is not an attorney, filed pleadings on behalf of Diversified.

Each of the six counts of the Complaint involves a homeowner who owned real property, located in Ohio, subject to a mortgage. The facts are similar in each count, with the homeowner entering into an agreement with the Respondent for the sale of the real

1 Diversified was not made a party to this proceeding as the company was no longer in business by the time the complaint in this matter was filed.

property, and the Respondent drafting the following documents: a General Warranty Deed; a Trust; a Land Trust Beneficial Assignment; and additionally, in the Stevens and the Bradley matters, an Affidavit of Successor Trustee. The record indicates that in the Weaver, Stevens, Wells, and Bradley matters, the mortgage companies filed foreclosure actions due to Respondent's failure to make the monthly mortgage payments as outlined in the agreements with the respective homeowners. The Stevens and the Wells homes were eventually lost in foreclosure sales.

Relator filed a Motion for Summary Judgment on August 26, 2011. Respondent The panel reviewed the record and granted Relator's motion by Entry dated July 12, 2012.

## II. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law on the Relator, OSBA's Complaint filed on November 15, 2010. The Respondent, Paul Eugene Miller, was served with a copy of the Complaint and Notice and subsequently filed an Answer on January 14, 2011. The matter was assigned to a panel consisting of C. Michael Walsh, Panel Chair, Kenneth A. Kraus, and Patricia Wise. Commissioners Kraus and Wise, due to the expiration of their terms on the Board, were substituted by commissioners Robert V. Morris and Scott B. Potter by entry dated February 24, 2012.

On August 26, 2011, Relator filed a Motion for Summary Judgment. Respondent then filed a Motion to Strike Relator's Motion for Summary Judgment on August 30, 2011. Relator filed a response on October 3, 2011. Upon Respondent's motion for an extension of time to file a reply to Relator's response, the panel issued an entry granting

Respondent until December 19, 2011. Respondent filed a Memorandum in Response on December 16, 2011.

Relator filed a Motion for Summary Judgment and Respondent filed a Memorandum in Opposition, wherein a request for a motion for summary judgment was included. Upon review of the record, the panel granted the Relator's Motion for Summary Judgment and recommended a civil penalty of \$1,000 per offense be imposed upon Respondent, for a total of \$7,000.

The panel presented its report to the Board on October 26, 2012. After discussion, the Board voted to remand the matter back to the panel for additional information. Specifically, the Board requested information regarding whether Respondent advised clients in the Complaint. On remand, the panel reviewed the record and revised its report accordingly. The revised panel report was presented to the Board on March 21, 2013. The Board voted to approve the panel's report and hereby adopts its findings of fact, conclusions of law, and recommendations.

### III. FINDINGS OF FACT

1. Relator, Ohio State Bar Association, is duly authorized to investigate and prosecute activities which may constitute the practice of law within the State of Ohio. [Gov. Bar R. VII, Sec. 4.]
2. Respondent Paul Eugene Miller, is not and has never been an attorney admitted to practice in the State of Ohio. [Certificate of Attorney Services Division, Supreme Court of Ohio, Susan B. Christoff, February 29, 2008.] When referring to Paul Eugene Miller and the actions undertaken by him, either as an individual or in his capacity as the owner

of Diversified, he will be identified as “Respondent”.

A. The Boyd Matter

3. Respondent entered various agreements with Christina M. Boyd (“Boyd”) regarding the sale of property she owned on Old Mansfield Road in Fredericktown, Ohio. [Compl. ¶ 10; Rel. Response to First Request for Production of Documents Ex. A.]

Boyd executed a trust to hold the property to Michael Alan Young, in his capacity as trustee of the Old Mansfield Road Trust. [Compl. Cisan Aff. ¶ 7a-1; Rel. Response to First Request for Production of Documents Ex. D.] Respondent prepared a General Warranty Deed which Boyd executed, conveying the property to Young as trustee of the Old Mansfield Road Trust. The deed was recorded in the Knox County Recorder’s Office in Ck 923, Pgs 854-855. [Compl. Cisan Aff. ¶ 7a-1.] Respondent, through Diversified, also drafted an instrument entitled “Land Trust Beneficial Interest Assignment”, whereby Boyd “assigned all right, title and interest in the beneficial” [sic] under the Old Mansfield Road Trust to Diversified. [Rel. Response to First Request for Production of Documents Ex. E.]

4. Boyd filed suit against Respondent and Diversified in Knox County Court of Common Pleas in connection with the agreements described in ¶ 3. The case was captioned *Boyd v. Diversified Benefits Group, Ltd. et al.*, Case No. 07BR060277. [Compl. ¶ 14.]

5. Respondent, on behalf of Diversified, filed a motion for extension of time with the Knox County Court of Common Pleas in the Boyd case, signing the pleading as “Paul-Eugene Miller”. [Compl. ¶ 15.] He also filed a motion for summary judgment and

a motion to dismiss on behalf of Diversified. [Compl. ¶ 16; Mot. for Sum. Judg. Ex. Boyd 1-e and 1-f.] Respondent drafted and filed several pleadings on behalf of Diversified, including an answer and counterclaim, and Motion for Leave to File Counterclaim and Cross claim. [Compl. ¶ 17-18.] By Order dated September 12, 2007, the court denied Respondent's motion because Respondent was not admitted to the practice of law in Ohio and therefore could not file pleadings on behalf of Diversified. [Compl. ¶ 19; Mot. for Sum. Judg. Ex. Boyd 1-d.] Respondent filed a motion for reconsideration on behalf of Diversified on September 16, 2008, despite the court's order. [Compl. ¶ 20; Mot. for Sum. Judg., Ex. Boyd 1-g.] By Judgment Entry dated September 22, 2008, the court found in favor of Plaintiff Boyd and entered a judgment against Diversified in the amount of \$10,653.30 and against Respondent in the amount of \$2,434.72. [Mot. for Sum. Judg. Ex. Boyd 1-h.]

#### **B. The Weaver Matter**

6. Respondent entered into various agreements with Daniel M. Weaver and Shirley J. Weaver ("Weavers") regarding the sale of real property the Weavers own on Catherine Street, located in Mount Vernon, Ohio ("Catherine Street property") to Diversified. [Compl. ¶ 24.] Respondent drafted a trust agreement ("Catherine Street Trust") intended to hold title to the Catherine Street property, naming Donald E. Handwork ("Handwork") as trustee. [Compl. ¶ 26.] The Weavers also executed a "Land Trust Beneficial Interest Assignment" in which they "assigned all right, title and interest in the beneficial" [sic] under the Catherine Street Trust to Diversified. [Compl. ¶ 28] The Catherine Street Trust was not executed by Handwork. [Compl. ¶ 29] The Weavers executed a deed

conveying the Catherine Street property to Handwork as trustee of the Catherine Street Trust. [Compl. ¶ 27] The deed was prepared by Respondent, as indicated on the bottom of the document with the notation “Document prepared by: Diversified Benefits Group, LLC”, said deed being recorded in the Knox County Recorder’s Office, Bk 1040, Pg 648-649.” [Compl.¶ 27; Mot. Sum. Judg. Ex. 7-c-1.]

7. A foreclosure complaint styled *CES Credit Union v. Weaver, et al.*, Knox County Court of Common Pleas, Case No. 08 R 03-0206, was filed in connection with the Catherine Street property, against the Weavers and Respondent as Trustee of the Catherine Street Trust. [Compl. ¶ 30.] Thereafter, Respondent executed a deed conveying the property back to the Weavers. [Mot. for Sum. Judg. Cisan Affidavit Ex. 7-c-3.]

8. Respondent, acting on behalf of Diversified, filed an answer and signed the pleading as “Paul-Eugene Miller/Manager/Member Diversified Benefits Group, Ltd.” [Mot. for Sum. Judg. Ex. Weaver 4-a.]

### C. The Kepple Matter

9. On or about June 14, 2005, Respondent, as agent of Diversified, entered into agreements with Karen Sue Kepple and Michael L. Kepple (“Kepples”) relative to certain real property owned by the Kepples on Greer Street in Mount Vernon, Ohio (“Greer Street property”). [Compl. ¶ 36.] In the agreements, the Kepples agreed to sell and Diversified agreed to purchase the Greer Street Property. [Compl. ¶ 37.]

10. On or about July 14, 2005, the Kepples executed a trust agreement (“Greer Street Trust”) intended to hold the Greer Street property, with “Paul-Eugene; Miller” named as

trustee. [Compl. ¶ 38.] Karen Kepple fka Karen Sue Mowery also executed a General Warranty Deed prepared by Diversified Benefits Group, Ltd., conveying the Greer Street property to Paul-Eugene Miler as trustee of the Greer Street Trust. [Compl. ¶ 39; Mot. Sum. Judg. Ex. 7 b-1.]. The Kepples then executed a “Land Trust Beneficial Interest Assignment” whereby they “assigned all right, title and interest in the beneficial [sic]” under the Greer Street Trust to Diversified. [Compl. ¶ 40.]

11. On November 22, 2005, the Kepples filed suit against Diversified and against Respondent individually, as statutory agent of Diversified, and as trustee of the Greer Street Trust, in a case styled *Kepple, et al. v. Miller, et al.*, Knox County Court of Common Pleas, Case No. 05OT110484. [Compl. ¶ 41.]

12. Respondent, on behalf of the Greer Street Trust and Diversified, filed an Answer on behalf of himself and Diversified and signed the pleading as “Paul-Eugene Miller Manager/Partner Diversified Benefits Group, Ltd.” [Mot. Sum. Judg. Ex. Kepple 2-a.]

#### **D. The Stevens Matter**

13. After seeing an advertisement regarding how Diversified was in the business of purchasing homes, Craig A. Stevens met with Respondent. Respondent explained that he would prepare all the necessary paperwork to sell Craig A. Stevens’s and Heidi R. Stevens’s (“Stevens”) property to Diversified. Respondent informed them that once the paperwork was signed, he would take over all the expenses related to the property, and would rent out the property to a prospective buyer. As part of the transaction, the Stevens paid Respondent \$3,000.00, as they did not have sufficient equity in the home. [Mot. for Summ. Judg. Stevens Affidavit.]

14. The Stevens executed a deed conveying real property they owned located on Grand Valley Court in Howard, Ohio, to Dennis Emmers (“Emmers”) as trustee of the Catherine Street Trust. [Compl. ¶ 46; Mot. for Sum. Judg. Ex. E.] The deed conveying the property from the Stevens to Emmers as trustee of the Catherine Street Trust was prepared by Diversified. [Compl. ¶ 46.] By affidavit of successor trustee executed on June 25, 2008, Emmers resigned as trustee and Respondent accepted the office of trustee of the Grand Valley Trust. [Compl. ¶47.]

15. Respondent advised the Stevens regarding the legal effect of holding the property in a trust and indicated it would protect their interests. [Mot. for Sum. Judg. Stevens Affidavit ¶ 13.] Respondent failed to make regular payments on the mortgage. [Mot. for Sum. Judg. Stevens Affidavit ¶ 17.]

16. On August 29, 2008, Beneficial Ohio, Inc. filed a foreclosure complaint in connection with the property located on Grand Valley Court. [Compl. ¶ 48.] In the foreclosure complaint, the Stevens and Emmers as trustee of the Grand Valley Trust were named as defendants, in the case styled *Beneficial Ohio, Inc. v. Craig A. Stevens*, Knox County Court of Common Pleas, Case No. 08 FR-0536. [Compl. ¶ 48.] Beneficial later filed an amended claim naming Respondent as a defendant. [Compl. ¶ 48.] Respondent filed an answer on behalf of the Grand Valley Trust, signing the pleading as “Paul-Eugene: Miller Trustee of the Grand Valley Trust.” [Compl. ¶ 49.]

17. The property located on Grand Valley Court was sold at a foreclosure sale in April 2009. [Mot. for Sum. Judg. Stevens Affidavit ¶ 19.]

### E. The Wells Matter

18. After seeing an advertisement regarding how Diversified was in the business of purchasing homes, Randall K. Wells and Debra E. Wells (“Wells”) decided to sell their property located on Paige Road (“Paige Road property”) in Mt. Vernon to Diversified. Respondent explained to them that the property would be held in a trust and leased to prospective buyers. [Mot. for Sum. Judg. Wells Affidavit.] The rental payments collected by Diversified would be used to pay the existing mortgage. [Id.] Respondent further explained that eventually, the renters would qualify for a mortgage and would be able to purchase the property. [Id.] As part of the transaction, the Wells paid Respondent \$4,000.00. [Id. at ¶ 9.] Respondent executed a promissory note agreeing to pay the mortgage and other expenses of the property. [Id. at ¶ 10.]
19. The Wells executed a deed, prepared by Respondent, conveying the Paige Road property to Diversified. [Compl. ¶ 54.] Diversified executed a promissory note agreeing to pay the mortgage on the Paige Road property. [Mot for Sum. Judg. Ex. Wells B.]
20. Respondent also prepared a trust agreement creating the Paige Road Trust on behalf of Diversified and Wells, with Respondent acting as Trustee. [Compl. ¶¶ 55 - 56.] By assignment, the Wells transferred all of their rights under the trust to Diversified. [Mot. for Sum. Judg. Wells Affidavit ¶ 13.] A deed was later executed by the Wells conveying the property to the Paige Road Trust. [Compl. ¶ 58.]
21. On August 25, 2008, JPMorgan Chase Bank, NA filed a foreclosure complaint in connection with the Paige Road property, naming the Wells and Respondent as Trustee of the Paige Road Trust, in case styled *J.P. Morgan Chase Bank, NA v. Wells, et al.*, Knox

County Court of Common Pleas, Case No. 08 FR 08-0515. [Compl. ¶ 57.]

22. Respondent filed an answer on behalf of the Paige Road Trust and signed the pleading as “Paul-Eugene: Miller Trustee for the Paige Road Trust.” Compl. ¶ 59.

23. The Wells filed an answer and a third-party complaint, adding Diversified as a third party defendant. An amended answer and third party complaint was filed on October 31, 2008. Compl. ¶ 60. Respondent filed an answer to the amended third party complaint on November 17, 2008. Compl. ¶ 61.

24. The Paige Road property was sold at foreclosure sale. Subsequently, the Wells filed for bankruptcy. [Mot. for Sum. Judg. Wells Affidavit ¶ 17 and ¶ 19.]

#### **E. The Bradley Matter**

25. Respondent, individually or as agent of Diversified, entered into agreements with Charles N. Bradley and Sonya M. Bradley (“Bradleys”) in connection with real property owned by the Bradleys on Monroe Mills Road located in Howard, Ohio (“Monroe Mills Road property”). [Compl. ¶ 65.]

26. The Bradleys executed a trust agreement (“Monroe Mills Trust”) intended to hold title to the Monroe Mills property, naming Dennis Emmers as trustee of the Monroe Mills Trust. [Compl. ¶ 67.] The trust agreement was prepared by Respondent. [Compl. ¶ 66.]

27. The Bradleys also executed a General Warranty Deed conveying the Monroe Mills property to Emmers, Trustee of the Monroe Mills Trust. This deed was prepared by Diversified Benefits Group, Ltd., and recorded in the Knox County Recorder’s Office in Bk 1084, Pgs 652-653. [Mot. Sum. Judg. Ex. 7-e-1.]

28. On June 11, 2008, The Bank of New York filed a foreclosure complaint in

connection with the Monroe Mills property, naming the Bradleys and Emmers as Trustee of the Monroe Mills Trust as defendants. [Compl. ¶ 67.] Subsequently, Respondent and Emmers executed an affidavit of successor trustee, whereby Emmers resigned as trustee and Respondent accepted the office of trustee of the Monroe Mills Trust. [Compl. ¶ 68.]

29. Respondent then filed an answer to the foreclosure complaint, signing the pleading as “Paul-Eugene: Miller Trustee of the Monroe Mills Trust.” [Compl. ¶ 70.]

30. Later in the litigation, Respondent filed an appeal with the Fifth District Court of Appeals, and also filed a Notice of Appeal and a Memorandum in Support of Jurisdiction with the Supreme Court of Ohio on behalf of the Monroe Mills Trust.<sup>2</sup> [Compl. ¶ 71.]

#### IV. 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 to all other matters relating to the practice of law. Section 2(B)(1)(g), Article IV, Ohio Constitution; *Royal Indemnity Co. v. J.C. Penney Co.*, 27 Ohio St.3d, 501 N.E.2d 617 (1986); *Judd v. City Trust & Savings Bank*, 133 Ohio St. 81, 12 N.E.2d 288 (1937).

2. The Supreme Court’s jurisdiction extends to regulating the unauthorized practice of law, to protect the public from persons “who have not been qualified to practice law and who are not amenable to the general discipline of the court.” *Union Sav. Assn. v. Home Owners Aid, Inc.*, 23 Ohio St.2d 60, 64, 262 N.E.2d 558 (1970).

3. The unauthorized practice of law consists of rendering legal services for another by any person not admitted to practice law in the State of Ohio (Gov. Bar R. VII, §2(A)).

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<sup>2</sup> By Order dated March 10, 2010, the Supreme Court declined to hear the appeal and dismissed the matter.

4. The practice of law is not limited to the handling of cases in court, but also encompasses the preparation of pleadings and other papers in connection with legal matters and the management of such matters on behalf of others. *Disciplinary Counsel v. Coleman*, 88 Ohio St.3d 155, 2000-Ohio-288, 724 N.E.2d 402; *Land Title Abstract & Trust Co. v. Dworkin*, 129 Ohio St. 23, 193 N.E. 650 (1934).
5. Legal documents, including deeds, contracts, and trusts, may not be prepared by a nonlawyer for the benefit of another. *Toledo Bar Assn. v. Chelsea Title Agency of Dayton, Inc.*, 100 Ohio St.3d 356, 2003-Ohio-6453, 800 N.E.2d 29, ¶ 7, quoting *Lorain Cty Bar Assn. v. Kennedy*, 95 Ohio St.3d 116, 116-117, 766 N.E.2d 1272 (2002); *see also Dayton Bar Association v. Addison*, 107 Ohio St.3d 153, 837 N.E.2d 367 (2005).
6. The Board finds by a preponderance of the evidence presented that Respondent engaged in the unauthorized practice of law in each of the six counts of the complaint by performing the following services: drafting contracts, preparing deeds, drafting trust agreements, preparing affidavits, powers of attorney, promissory notes, and preparing and filing pleadings in court on behalf of Diversified.
7. Respondent prepared deeds on behalf of all six of the homeowners named in the complaint. Each of these acts constituted the unauthorized practice of law.
8. Respondent prepared other documents, including trusts for each of the homeowners named in the complaint. Each of these acts constituted the unauthorized practice of law.
9. Respondent prepared and filed pleadings on behalf of Diversified, as described in the findings of facts. Respondent's representation of Diversified constituted the

unauthorized practice of law.

10. The Board finds that with the respect to the Stevens and the Wells, Respondent advised them that the purpose of holding the property in a trust was to “make sure that everyone was protected under the agreements.” [Mot for Sum. Judg. Wells Affidavit ¶ 12; Mot. for Summ. Judg. Stevens Affidavit ¶ 13.] In advising them regarding what documents were needed and the legal effects of the documents, Respondent was providing legal advice to these individuals. *Ohio State Bar Ass'n v. Allen*, 107 Ohio St. 3d 180, 2005 Ohio 6185, 837 N.E.2d 762, 2005 Ohio LEXIS 2818 (Ohio 2005).

11. Each act found by the Board to constitute the unauthorized practice of law is based upon undisputed evidence that contains sufficient information to demonstrate the specific activities upon which the conclusions are drawn in compliance with Gov. Bar R. VII, §(7)(H) and *Cleveland Bar Assn. v. Compmanagement, Inc.*, 111 Ohio St.3d 444, 2006-Ohio-6108 at ¶ 24-6.

#### V. CIVIL PENALTY ANALYSIS

The Board has also considered the appropriateness of the imposition of civil penalties pursuant to Gov. Bar R. VII, §(8)(B) and UPL Reg. 400. The Board has determined that civil penalties are appropriate in this case based on the following factors:

##### Degree of cooperation provided by respondent.

Respondent cooperated in the investigation. He fully participated in the process even though he moved to another state and suffered the loss of his wife after a lengthy battle with cancer during the pendency of this matter. Respondent assured Relator that he would not continue the conduct at issue.

Number of occasions that unauthorized practice of law was committed.

Respondent engaged in the unauthorized practice of law in his work with ten different people or families, although only six are named in the complaint. He prepared and filed legal documents, as outlined above. In addition, by filing pleadings on behalf of Diversified, Respondent engaged in the unauthorized practice of law.

The flagrancy of the violation.

Respondent filed pleadings and documents on behalf of Diversified even after being advised that he was engaging in the unauthorized practice of law. He also prepared trusts for numerous homeowners. Although he claimed he relied on the advice of an attorney who told him he could perform these acts, he continued to engage in the unauthorized practice of law even after being notified by a court that his conduct was improper.

Harm to third parties arising from the offense.

Respondent advertised that his company would purchase homes and relieve the homeowners of the obligations they owed. Because he did not pay the mortgages, the Stevens and the Wells lost their homes in foreclosure sales. The Wells also filed for bankruptcy. The Stevens paid Respondent \$3,000 for his services. The Wells paid Respondent \$4,000. Respondent's organization is now defunct but apparently suffered no harm as a result of his actions.

Any other relevant factors.

Respondent has moved to Texas, his organization is defunct, and he has assured Relator that he will no longer engage in this conduct.

In summary, Respondent engaged in acts that constituted the unauthorized practice of law by advising homeowners to transfer their property to a trust he created for them, by preparing and filing pleadings in court for the homeowners, and by preparing and filing pleadings on behalf of his organization in court. He continued this conduct after a court informed him that his actions constituted the unauthorized practice of law.

When determining whether to recommend the imposition of civil penalties in an unauthorized practice of law case, the Board is required to base its recommendation on the general factors set forth in Gov.Bar R. VII (8)(B) and UPL Reg. 400(F). Additionally, UPL Reg. 400(F)(3) lists the aggravating factors the Board may consider in recommending a more severe penalty and UPL 400(F)(4) specifies mitigating factors the Board may use to justify a recommendation of no civil penalty or a less severe penalty. The Board's analysis of the applicable civil penalty factors is set forth below.

1. General Civil Penalty Factors

In regard to the general civil penalty factors listed in Gov.Bar R. VII (8)(B)(1)-(5) and UPL Reg. 400(F)(1) and (2), the Panel finds:

- a. Respondent cooperated with the investigation and resolution of these proceedings;
- b. Respondent did not commit a single unauthorized practice of law violation, rather, his conduct involved six clients and his own organization over a period of several years;
- c. The long time period during which Respondent's conduct occurred, the number of clients, and the admonishments from the court demonstrate both flagrancy and an ongoing pattern of conduct with specific intent to avoid the regulation of the practice of law;

- d. The record shows that two clients lost their homes in foreclosure sales and one of those clients had to file for bankruptcy;
- e. Respondent received a total of \$7,000 from his conduct as he collected money from two clients, but it is not clear whether that was profit or if it was used to pay expenses related to the property;
- f. Relator has sought the imposition of a civil penalty not to exceed \$10,000 for each individual offense.

2. Mitigating Civil Penalty Factors

Applying the mitigating factors of UPL Reg. 400(F)(4)(a)-(g), which the Board may use to support a recommendation of no civil penalty or a less severe penalty, the Panel finds:

- a. Respondent has ceased engaging in the conduct under review;
- b. Respondent has admitted the conduct under review and that the conduct constitutes the unauthorized practice of law;
- c. Respondent has not had other penalties imposed for the conduct at issue.

3. Aggravating Civil Penalty Factors

The aggravating factors listed in UPL Reg. 400(F)(3) can justify the recommendation of a more severe civil penalty. Applying the aggravating factors of UPL Reg. 400(F)(3)(a)-(g), the Panel made the following determinations:

- a. Respondent apparently benefited from the unauthorized practice of law as he collected fees from two clients;
- b. Although Respondent did not make appearances before any tribunals, he prepared

and filed legal documents in court on behalf of clients and his own organization.

4. Conclusion Regarding Civil Penalties

Relying on the above analysis, the Board finds that a civil penalty is warranted in this case. Respondent's conduct involved six clients and court representation of his own organization over several years. He collected fees from two clients, prepared legal documents for filing in court, and was admonished by a court for his unauthorized practice of law. Because Respondent cooperated fully in Relator's investigation, there is limited evidence of harm to Respondent's clients, and Respondent has moved from the state of Ohio and ceased his business practices, the maximum civil penalty should not apply. The Board concludes that the civil penalty of \$1,000 for each of the seven offenses, for a total of \$7,000, is an appropriate balancing of the aggravating and mitigating factors.

VI. CONCLUSION/RECOMMENDATIONS

1. The Board recommends that the Supreme Court of Ohio issue an order finding that Respondent engaged in the unauthorized practice of law.
2. The Board recommends that the Court impose a civil penalty against Respondents in the amount of \$1,000 for each of the seven counts, for a total penalty of \$7,000 against the Respondent.
3. The Board recommends that the Court issue a further Order prohibiting Respondent from engaging in the unauthorized practice of law in the future.
4. The Board recommends that the Court issue an order requiring Respondents to pay the costs and expenses incurred by the Board and Relator in this matter.

**VI. STATEMENT OF COSTS**

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

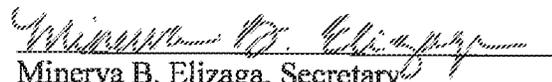


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Curtis J. Sybert, Chair

## CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 14<sup>th</sup> day of April, 2013: Heidi Cisan, Esq., Thrasher Dinsmore & Dolan LPA, 100 7<sup>th</sup> Ave., Suite 150, Chardon, Ohio 44024-1079; Paul Eugene Miller, 14900 Avery Ranch Road, Suite C200-313, Austin, TX 78717; Office of Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7411; Eugene Whetzel, Ohio State Bar Association, 1700 Lake Shore Drive, Columbus, Ohio 43216; Korey M. Kidwell, Esq., Knox County Bar Association, 305 E. High Street, Mt. Vernon, Ohio 43050.

  
Minerva B. Elizaga, Secretary  
Board on the Unauthorized Practice of Law

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

Exhibit "A"

**STATEMENT OF COSTS**

Knox County Clerk of Courts – copies	\$ .75
Knox County Clerk of Courts – copies	\$38.30
Donna D. Chafins – court reporter – transcript	\$49.00
<b>TOTAL</b>	<b>\$88.05</b>